

Resolution on Dignified Menstruation in the National Assembly

Honorable Chairperson,

By nature, humans are born with or without uterus. We know that blood is discharged from the uterus-bearing bodies in a cycle that normally spans 28 days. This condition is referred to by different names (euphemisms), depending on the area, ethnicity, religion and community. In the context of Nepal, it is described as ‘Bahira Sareki (excluded), Chhui bhayeki (turned untouchable), Chhau bhayeki (menstruating), Maharani Bhayeki (becoming a queen), Chhaupadi (menstruating person) and Mahinawari. Menstrual discriminations are practiced in society in the name of religion, tradition, and customs. The difference is that somewhere it is intense and in remaining areas, it is less so.

In some parts of Mid-Western and Far-Western Nepal, there are visible discriminations and they are reflected in the Chhaugoths (the huts where menstruating individuals are forced to reside), while in other parts of Nepal, the discriminations remain less visible as they are practiced within four walls of the house. Only geography determines names, forms, intensity and gravity regarding menstruation and menstrual discriminations. Menstrual discriminations are practiced in approximately 95 percent of households in the country.

Honorable Chairperson,

Those without uterus do not menstruate. It does not mean that only women face the menstrual discrimination. Sons/Boys and men follow the menstrual restrictions along with their mothers, sisters, spouses and daughters. Due to this social taboo, males have been also victimized and affected. Thus, this is not just a concern of women. This is a concern of all: males and females, or, menstruators and non-menstruators. We often hear our brothers saying, “I neither believe in imposing restrictions on menstruating members nor prefer to do so, but the women within the family themselves do not entertain or support this idea. They voluntarily follow these restrictions during menstruation and expect others to follow them as well. Therefore, women should take the lead in ending such practices.”

It is indeed good to expect women to be aware of the issue, but simultaneously this statement reflects our traditional and rigid mentality that prevents us from advancing transformation. In a society characterized by systematic social and political inequalities such as ours, only awareness and proactive approach on the part of women is never sufficient to break the silence and ignorance around the menstrual discriminations.

Women, men, house, society and the State must be aware of and sensitive regarding the issue. The State is additionally responsible and accountable for ending menstrual discriminations.

How do we understand menstrual discriminations? Menstrual discriminations mean silence, taboos, shame, stigma, restrictions, abuses, violence, and deprivation from services and resources associated with menstruation throughout the lifecycle of menstruators.

On a simpler note, the state of freedom from any form of menstrual discriminations makes the menstruation dignified.

The question on why it ought to be called Dignified Menstruation may arise. Dignity, equality, freedom and non-discriminations are the core values and principles of human rights. Dignity means honor, prestige, and respect. It guarantees a suitable environment and a situation where one can exercise their rights without intervening in the rights of others. Therefore, assessing and addressing the menstruation from a perspective of human rights constitutes Dignified Menstruation.

Dignified menstruation is an urgent need for guaranteeing respectful practices, a life with dignity, legal protection, social justice, gender equality, protection against violence, discriminations, and humiliation, and for providing an atmosphere and rights for safe, clean and easy management of menstruation.

Honorable Chairperson,

The government has been observing, though unofficially, December 8 every year as the Dignified Menstruation Day since 2019. The culture of celebrating various international days has been an imported one, but in contrary, the practice of observing the International Dignified Menstruation Day was commenced from Nepal itself. The celebration of the Day has now been extended to 11 countries in the world which observe it officially while over 65 countries do so unofficially. I want to impart gratitude to Radha Paudel, the pioneer of the Dignified Menstruation Campaign and all those who have joined hands in this movement.

The contents of this Resolution Motion are as follows:

Our Constitution in its preamble vows to end all forms of discrimination and oppression, including gender-based discrimination, remaining committed to social justice, fundamental rights, and human rights.

Part 3 of the Constitution, which is about fundamental rights and duties, ensures the following rights.

Article 16(1): Right to live with dignity

Article 18(2): Right to equality

Article 24(1): Right against untouchability and discrimination

Article 29(2): Right against exploitation

Article 30(1): Right to clean environment

Article 35(4): Right relating to health

Article 36: Right relating to food

Article 37: Right to housing

Article 38: Rights of women

Article 39: Rights of children

However, despite the constitutional guarantee of these fundamental rights, on one hand, there is a significant legal gap in fully implementing them, while on the other hand, the existing laws are incomplete and inadequate to address the issue.

Although the Constitution has enshrined the numerous rights, menstruating girls, women, and individuals across all regions, castes, religions, and communities of Nepal face discriminations during the menstruation.

During menstruation, they are subjected to discriminatory practices such as restrictions from touching certain things, eating certain foods, or entering kitchens and prayer rooms. These restrictions are discriminatory, constitute gender-based violence, and are violations of human rights and the fundamental rights.

Social exclusion, violence, discrimination, and the physical and psychological suffering and insecurity that menstruators experience due to such practices hinder every aspects of their overall personality development. Ultimately, this leads to a loss not only for the individual themselves but also for their families, society, and the nation as a whole.

According to the 2078 BS (2021) census, approximately 51% of Nepal's population are with a uterus. Among them, a significant number comprises girls and women who menstruate. Besides them, a section of population from the sexual and gender minorities who are trans- men and lesbians also belong to the group of menstruators. Menstruation is a natural biological process essential for reproduction and the continuation of life. Stigmatizing it as impure, viewing it as a state of physical weakness, and treating menstruating individuals as untouchable—by isolating them and depriving them of resources—instead of recognizing its significance, is a denial of their existence as complete human beings.

The violation of human rights and the fundamental rights of menstruators on the basis of same misbelief reinforces unequal power relations and patriarchy.

It is the failure of the State to guarantee the implementation of the fundamental rights.

But again, to define unequal and discriminatory practices against menstruation as harmful practices in a very confusing way is to enable an atmosphere for further promoting menstrual discriminations. It is unfortunate to see the institutionalization of any sorts of discriminations and the State becoming a mute spectator of such discriminations.

Discriminations against a majority of the population is a significant barrier and challenge towards the building of a civilized, well-cultured and a just society and the State. Hence, it is warranted for the legislation to introduce and implement necessary policies (policies, regulations, directives and programmes) and to revise existing laws as per the need of time to ensure that menstruators are recognized as a total human being, their human rights are protected and there has been an atmosphere for their holistic personality development.

Reasons behind introducing the Resolution Motion to the parliament

1. Menstrual discriminations have not been yet officially recognized as discrimination.
2. The deprivation of the human rights and fundamental rights during menstruation
3. Categorizing the menstrual discriminations including 'Chhaupadi' under the traditional harmful practices has led to the reinforcement of the systematic exclusion, overlooking of menstrual discrimination and the patriarchal structures.
4. The lack of open and comprehensive discourse on menstruation, the absence of menstrual education in early school curricula and considering menstruation as something to be hidden or ashamed of have contributed to a culture of silence.
This silence, in turn, has provided a room for covering offenses.
5. Menstrual discriminations have caused menstruators to suffer sexual, physical and psychological exploitations
6. Menstruators are deprived of resources, facilities and services because of menstrual discriminations
7. Menstrual discrimination has been a reason for stress, conflict, and non-peace.
8. Menstrual discrimination has posed a significant challenge for menstrual management.
9. The low morale and confidence of menstruators due to menstrual discrimination. Menstrual discriminations have been the cause for mental health issues.
10. It violates the rights of the children
11. The cases of rape, murder, deaths due to cold, suffocations and excessive bleeding especially while residing in an isolated hut unsafely.
12. While menstrual discrimination exists across all regions, communities, castes and communities, policies are lacking to address the issues in a comprehensive way
13. Nepal being a failure to advance towards the elimination of gender-based violence, though it is a signatory to the UN Conventions against all forms of gender-based violence

Therefore, the State must come up with the following resolutions:

1. Change the narrative: Nepal is a linguistically diverse country with 125 languages spoken across its regions. Many local terms used to describe menstruation are specific to particular languages or communities, and as such, they should not be used in official policies and documents. For instance, the term "Chhaupadi", commonly spoken in Achhami dialect of the Sudurpaschim (Far West) region, is used to say the timing or duration of the menstruation. However, using this term in an official discourse inaccurately (in a way that it suggests menstrual discrimination) implies that menstrual discriminations exist only in that region, which is far from the truth. Therefore, a standard and inclusive term may be "menstruation" and it must be incorporated across all policies and programmes.
2. Menstrual blood, like all human blood, is not impure. Promoting the idea that it is pure and natural is essential to changing the existing narrative. Over time, terms like "Chhaupadi" which in local Achhami language is a menstruating woman and an isolated "hut" where such woman is put have been largely used as "synonyms". Both the literal and figurative 'shed' (goth) regarding the menstruation must be dismantled by establishing a revised and scientific narrative regarding menstruation.
Ensure that menstruation is dignified or to accept the state of menstruation with ease and respect, making all thirty days in the month equal or same. Necessary resources and facilities

should be provided, rather than considering menstruation as a matter of shame or to be hidden, it must be accepted and internalized as a vital phenomenon for the life cycle of human existence.

3. To incorporate the approach of dignified menstruation in all relevant policies considering that women or all menstruators are present in all spheres of the society

4. Develop a strategy for dignified menstruation addressing all the stakeholders including girls, women, sexual minorities and the persons with disabilities.

5. Revise existing laws that do not address menstrual discrimination and develop new ones. An integrated legal framework for dignified menstruation should be established.

6. Revise gender equality and social inclusion policies to ensure they address menstruation issues.

7. Conclude the draft of the National Policy on Dignified Menstruation 2074 (2017) currently remains at the relevant ministry, and complete the menstruation-related law from 2074 (2017).

8. Replace the "Chhaupadi Elimination Guideline 2064 (2007) with the Dignified Menstruation Management Directives 2076 (2019) that which has remained stuck at the relevant ministry.

9. Ensure that the annual budget principles, policies, and programmes of the State

Incorporate "Dignified Menstruation" under a separate heading.

At the end, in this 21st century founded on democracy, the menstruation should not be a tool of oppression of and control over women. Therefore, I earnestly request the House through the Honorable Chairperson to second and endorse this Resolution Motion.

Thank you.