

City and County of San Francisco

Ordinance No. 128-98
(Approved April 13, 1998)

**THE UNITED NATIONS CONVENTION ON THE ELIMINATION
OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN**

C E D A W

Section 1. The San Francisco Administrative Code is hereby amended by adding Chapter 12K, to read as follows:

CHAPTER 12K

Local Implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Section 12K.I. FINDINGS. The Board of Supervisors of the City and County of San Francisco hereby finds and declares as follows:

- (a) The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), an international human rights treaty, provides a universal definition of discrimination against women and brings attention to a whole range of issues concerning women's human rights. Countries that ratify CEDAW are mandated to condemn all forms of discrimination against women and girls and to ensure equality for women and girls in the civil, political, economic, social, and cultural arenas. The United Nations General Assembly adopted CEDAW in 1979 and President Carter signed the treaty on behalf of the United States in 1980, but the United States Senate has not yet ratified CEDAW.
- (b) On October 30, 1997, a consortium of community organizations, the Commission on the Status of Women, the Human Rights Commission and Board of Supervisors President Barbara Kaufman held a hearing on the local implications of CEDAW. The testimony at the hearing demonstrated that women and girls continue to face discrimination in the areas of economic development and employment, violence against women and girls, and health care. On November 10, 1997, the Board of Supervisors adopted resolution number 1021-97, supporting the local implementation of the underlying principles of CEDAW and urging the United States Senate to ratify CEDAW. On November 17, 1997, Mayor Willie Brown approved resolution number 1021-97.
- (c) There is a continued need for the City and County of San Francisco to protect the human rights of women and girls by addressing discrimination, including violence, against them and to implement, locally, the principles of CEDAW. Adherence to the principles of CEDAW on the local level will especially promote equal access to and equity in health care, employment, economic development and educational opportunities for women and girls and will also address the continuing and critical problems of violence against women and girls. There is a need to analyze the operations of departments to identify discrimination in, but not limited to, employment practices, budget allocation and the provision of direct and indirect services and, if identified, to remedy that discrimination. In addition, there is a need to work toward implementing the principles of CEDAW in the private sector.
- (d) There is a need to strengthen effective national and local mechanisms, institutions and procedures and to provide adequate resources, commitment and authority to:
 - (1) advise on the impact of all government policies on women and girls;

- (2) monitor the situation of women comprehensively; and
- (3) help formulate new policies and effectively carry out strategies and measures to eliminate discrimination. The Commission on the Status of women shall be designated as the implementing and monitoring agency of CEDAW in the City and County of San Francisco.

Section 12K.2 LOCAL PRINCIPLES OF CEDAW. It shall be the goal of the City and County of San Francisco to implement the principles underlying the Convention on the Elimination of All Forms of Discrimination Against Women in section 12K.5 by addressing discrimination against women and girls in areas including economic development, violence against women and girls, and health care. The City and County of San Francisco shall ensure that the City does not discriminate against women in areas including employment practices, allocation of funding and delivery of direct and indirect services. The City and County of San Francisco shall conduct gender analyses, as described in section 12K.3, to determine what, if any, city practices and policies should change to implement the principles of CEDAW.

“Discrimination against Women” shall include, but not be limited to, any distinction, exclusion or restriction made on the basis of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, and coercion and other deprivations of liberty by family, community or government.

(a) Economic Development.

- (1) The City and County of San Francisco shall take all appropriate measures to eliminate discrimination against women and girls in the city of San Francisco in employment and other economic opportunities, including, but not limited to, ensuring:
 - (A) the right to the same employment opportunities, including the application of the same criteria for selection in matters of employment and the right to receive access to and vocational training for nontraditional jobs;
 - (B) the right to promotion, job security and all benefits and conditions of service, regardless of parental status, particularly encouraging the appointment of women to decision making posts, city revenue generating and managing commissions and departments, and judicial positions;
 - (C) the right to equal remuneration, including benefits and to equal pay with respect to work of equal value;
 - (D) the right to the protection of health and safety in working conditions, including supporting efforts not to purchase sweatshop goods, regular inspection of work premises, and protection from violent acts at the workplace.
- (2) The City and County of San Francisco shall encourage and, where possible, fund the provisions of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through

promoting the establishment and development of a network of child care facilities, paid family leave, and family-friendly policies.

- (3) The City and County of San Francisco shall encourage the use of public education and all other available means to urge financial institutions to facilitate women's access to bank accounts, loans, mortgages, and other forms of financial services.

(b) Violence Against Women and Girls.

- (1) The City and County of San Francisco to take and diligently pursue all appropriate measures to prevent and redress sexual and domestic violence against women and girls, including, but not limited to:
 - (A) police enforcement of criminal penalties and civil remedies, when appropriate;
 - (B) providing appropriate protective and support services for survivors, including counseling and rehabilitation programs;
 - (C) providing gender sensitive training of city employees regarding violence against women and girls, where appropriate; and
 - (D) providing rehabilitation programs for perpetrators of violence against women or girls, where appropriate.

The City and County of San Francisco shall not discriminate on the basis of race, ethnicity, culture, language or sexual orientation, when providing the above supportive services.

- (2) It shall be the goal of the City and County of San Francisco shall take all necessary measures to protect women and girls from sexual harassment in their places of employment, school, public transportation, and any other places where they may be subject to harassment. Such protection shall include streamlined and rapid investigation of complaints.
- (3) Prostitutes are especially vulnerable to violence because their legal status tends to marginalize them. It shall be the policy of San Francisco that the Police Department diligently investigate violent attacks against prostitutes and take efforts to establish the level of coercion involved in the prostitution, in particular where there is evidence of trafficking in women and girls. It shall be the goal of the City and County of San Francisco to develop and fund projects to help prostitutes who have been subject to violence and to prevent such acts.
- (4) The City and County of San Francisco shall ensure that all public works projects include measures, such as adequate lighting, to protect the safety of women and girls.
- (5) It shall be the goal of the City and County of San Francisco to fund public information and education programs to change traditional attitudes concerning the roles and status of women and men.

(c) Health Care.

- (1) It shall be the goal of the City and County of San Francisco to take all appropriate measures to eliminate discrimination against women and girls in the field of health care in order to ensure, on a basis of equity, information about and access to adequate health care facilities and services, according to the needs of all communities, regardless of race, ethnicity, culture, language, and sexual orientation, including information, counseling, and services in family planning.

- (2) It shall be the goal of the City and County of San Francisco to ensure that women and girls receive appropriate services in connection with prenatal care, delivery, and the post-natal period, granting free services where possible, as well as adequate nutrition during pregnancy and lactation.
- (d) In undertaking the enforcement of this Ordinance, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

Section 12K.3. IMPLEMENTATION OF THE PRINCIPLES OF CEDAW IN SAN FRANCISCO. The City and County of San Francisco shall ensure the protection of human rights, including the elimination of discrimination against women and girls, and shall work toward implementing the principles of CEDAW.

- (a) **Gender Analysis.** In order to determine whether a department is implementing the provisions of CEDAW and/or discriminating against women and girls in its budget allocation, provision of direct and indirect services, or employment practices, each department designated by the CEDAW Task Force shall undergo a gender analysis. The gender analysis must include an evaluation of gender equity in the department's budget, allocation of funding, employment practices, delivery of direct and indirect services, and operations. The analysis shall also address the department's compliance with the CEDAW principles as set forth in Section 12K.2 and its coordination of services for women and girls.
 - (1) The CEDAW Task Force, in cooperation with the Commission on the Status of Women, shall develop the gender analysis guidelines.
 - (2) The Commission on the Status of Women shall conduct the gender analyses.
 - (3) Each department head of a department undergoing a gender analysis shall designate a management-level employee to serve as a liaison to the CEDAW Task Force and the Commission on the Status of women to assist in completing the gender analysis.
- (b) **Redressing Discrimination Against Women And Girls.**
 - (1) The Commission on the Status of Women shall train each department in human rights with a gender perspective.
 - (2) The Commission on the Status of Women and the CEDAW Task Force shall submit the gender analyses to the Mayor and the Board of Supervisors by May 1, 1999.
 - (3) The Commission on the Status of Women shall submit to the mayor and the Board of Supervisors a detailed Action Plan by September 1, 1999. The Action Plan shall address any and all deficiencies found in the gender analyses, what measures the CEDAW Task Force recommends to correct those deficiencies, how the departments should implement the local principles of CEDAW as described in Section 12K.2, and any further action it recommends that the City take to implement the local principles of CEDAW.
 - (4) The Board of Supervisors committee responsible for considering the City's Budget shall hold a hearing to receive the gender analyses, Action Plan and any other

recommendations and reports of the Commission on the Status of Women and/or CEDAW Task Force.

Section 12K.4. CEDAW TASK FORCE.

- (a) **Establishment.** A CEDAW Task Force is hereby established. The Task Force shall report to the mayor, the Board of Supervisors and the Commission on the Status of Women. The Commission on the Status of Women shall provide administrative support for the Task Force. The Task Force consists of eleven members.
- (b) **Purpose.** The Task Force is established to advise the Mayor, the Board of Supervisors and the Commission on the Status of Women about the local implementation of CEDAW.
- (c) **Powers and Duties.** The Task Force shall have the following powers and duties:
- (1) To report to the Mayor, the Board of Supervisors, or its designated committee, and the Commission on the Status of Women on the local implementation of CEDAW every six months, beginning on or about November 16, 1998;
 - (2) To identify the City departments to undergo a gender analysis to be conducted by the Commission on the Status of Women and to determine a schedule of compliance for those departments;
 - (3) To work with the consultants hired by the Commission on the Status of Women to develop gender analysis guidelines;
 - (4) To evaluate the gender analyses and other reports from departments and the Commission on the Status of Women;
 - (5) To solicit and review comments from the public, including City unions;
 - (6) To recommend to the Mayor, the Board of Supervisors, and the Commission on the Status of Women measures to correct the deficiencies identified in the gender analyses, to implement the principles of CEDAW, and to address discrimination against women and girls;
 - (7) To recommend to the Mayor, the Board of Supervisors, and the Commission on the Status of Women a schedule for a detailed review of progress made on the implementation of the recommendations contained in the Action Plan.
 - (8) To investigate, evaluate and recommend the implementation of the principles of CEDAW in the private sector; and
 - (9) To investigate, evaluate and recommend the implementation of an integrated services plan for women and girls.
- (d) **Membership and Organization.**
- (1) The members of the Task Force shall be as follows:
 - (A) the President of the Human Rights Commission or her or his designee;
 - (B) a staff member from the Mayor's office knowledgeable about the City's budget, to be designated by the Mayor;
 - (C) the head of the Department of Human Resources or her or his designee;

- (D) the President of the Board of Supervisors or her or his designee;
 - (E) a representative of a City-recognized union experienced in women's issues appointed by the San Francisco Labor Council;
 - (F) the President of the Commission on the Status of Women or her or his designee;
 - (G) five members from the community to be designated by the Commission on the Status of Women, as follows:
 - (i) two representatives shall work in the field of international human rights and be knowledgeable about CEDAW;
 - (ii) one representative shall be knowledgeable about economic development, including employment issues;
 - (iii) one representative shall be knowledgeable about health care issues; and
 - (iv) one representative shall be knowledgeable about violence against women.
- (2) The Task Force shall convene by June 1, 1998.
- (3) The Task Force shall expire on December 31, 2002, unless its powers are renewed by the Board of Supervisors. When the Task Force expires, the Commission on the Status of Women shall take on the leadership and responsibilities previously designated to the Task Force.
- (4) All appointed members of the Task Force shall serve at the pleasure of their appointing authorities. The term of each community member of the CEDAW Task Force shall be for two years; provided however, that the initial members shall, by lot, classify their term, so that three members shall serve a two year term and two members shall serve a three year term. Subject to the expiration of the Task Force, their successors shall be appointed for a two-year term; provided, however, that any member may be reappointed for consecutive terms.

Section 12K.S. SUMMARY OF CEDAW.

Article 1. Defines discrimination against women as any "distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of marital status, on the basis of equality between men and women, of human rights or fundamental freedom in the political, economic, social, cultural, civil, or any other field."

Article 2. Mandates concrete steps, implementing laws, policies and practices to eliminate discrimination against women and embody the principle of equality.

Article 3. Requires action in all fields - civil, political, economic, social, and cultural - to advance the human rights of, women.

Article 4. Permits affirmative action measures to accelerate equality and eliminate discrimination.

Article 5. Recognizes the role of culture and tradition, and calls for the elimination of sex role stereotyping.

- Article 6. Requires suppression of traffic in women and exploitation of prostitutes.
- Article 7. Mandates ending discrimination against women in political and public life.
- Article 8. Requires action to allow women to represent their governments internationally on an equal basis with men.
- Article 9. Mandates that women will have equal rights with men to acquire, change or retain their nationality and that of their children.
- Article 10. Obligates equal access to all fields of education and the elimination of stereotyped concepts of the roles of men and women.
- Article 11. Mandates the end of discrimination in the field of employment and recognizes the right to work as a human right.
- Article 12. Requires steps to eliminate discrimination from the field of health care, including access to family planning. If necessary, these services must be free of charge.
- Article 13. Requires that women be ensured equal access to family benefits, bank loans, credit, sports and cultural life.
- Article 14. Focuses on the particular problems faced by rural women.
- Article 15. Guarantees equality before the law and equal access to administer property.
- Article 16. Requires steps to ensure equality in marriage and family relations.
- Article 17. Calls for the establishment of a committee to evaluate the progress of the implementation of CEDAW.
- Article 18-30. Set forth elements of the operation of the treaty.