

## MEMORANDUM

**TO:** City Attorney Mara W. Elliott  
**FROM:** Parisa Ijadi-Maghsoodi, Commissioner and CEDAW Chair, San Diego County Commission on the Status of Women and Girls  
**SUBJECT:** City of San Diego CEDAW Ordinance  
**DATE:** July 11, 2019

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The San Diego County Commission on the Status of Women and Girls (hereinafter the “Commission”) is mandated to study and advise the San Diego County Board of Supervisors on areas of concern to women’s lives and needs in San Diego County.<sup>1</sup> The Commission has committees that focus on specific issues, including CEDAW, and each committee is chaired by a Commissioner.

The Chair of the Commission’s CEDAW Committee, Commissioner Parisa Ijadi-Maghsoodi, researched and analyzed the ways in which CEDAW ordinances have impacted women’s lives and needs in cities throughout the United States. The focus of this memorandum is on cities because as the world becomes increasingly urban, with the majority of women working, residing, or attending educational institutions in cities, evidence demonstrates that city governments have a heightened ability to achieve progress on issues of gender equity more rapidly than national or regional governments.

This memorandum sets forth an overview of CEDAW, lays out steps the City of San Diego has taken regarding CEDAW, identifies cities that have adopted CEDAW ordinances, summarizes the impacts CEDAW ordinances have made in the lives of women in similarly situated California cities, and identifies existing inequities impacting women and girls in San Diego. The studies, reports, data, and ordinances relied on in the preparation of this memorandum will be provided upon request.

### CEDAW

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is an international bill of rights for women.<sup>2</sup> The UN General Assembly adopted CEDAW in 1979.<sup>3</sup> CEDAW, which consists of a preamble and 30 articles, defines what constitutes discrimination against women and sets forth an agenda for action to end such discrimination:

For the purposes of the present Convention, the term “discrimination against women” shall mean 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 their marital status, on a basis of equality of men and women, of human

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<sup>1</sup> Mission Statement, San Diego County Commission on the Status of Women and Girls <https://www.statusofwomensd.org/about-us> (accessed July 7, 2019)

<sup>2</sup> Convention on the Elimination of All Forms of Discrimination against Women, United Nations <https://www.un.org/womenwatch/daw/cedaw/> (accessed July 5, 2019); Convention on the Elimination of All Forms of Discrimination against Women New York, United Nations Human Rights Office of the High Commissioner (Dec. 18, 1979) <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx> (accessed July 5, 2019)

<sup>3</sup> *Id.*

rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.<sup>4</sup>

CEDAW is a roadmap to end gender-based discrimination and requires governments take proactive action to prevent the violation of women's human rights.<sup>5</sup> By accepting CEDAW, nations commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

1. To incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
2. To establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
3. To ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.<sup>6</sup>

### CEDAW in the United States

President Carter signed CEDAW on July 17, 1980, but the treaty has yet to be brought before the full Senate for a vote.<sup>7</sup> While the Obama administration expressed support for ratification, it did not take action to secure ratification. The United States is one of only a handful of other nations, including Iran and Somalia, that has yet to ratify the treaty.<sup>8</sup>

While the United States has not ratified CEDAW, U.S. cities have taken action to adopt local ordinances that reflect the principles of CEDAW. Adopting CEDAW as local law has been effectively addressed barriers that reduce the quality of life and equity of opportunity for women and girls, and fostered more transparent and accountable governance.<sup>9</sup>

In 1998, San Francisco became the first city to adopt a local CEDAW ordinance.<sup>10</sup> This was the first time in UN history that a human rights treaty was adopted as law at a local level.<sup>11</sup> Since 1998, other cities and counties have enacted CEDAW ordinances: Berkeley, CA; Cincinnati, OH; Honolulu City and County,

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<sup>4</sup> Convention on the Elimination of All Forms of Discrimination against Women New York, United Nations Human Rights Office of the High Commissioner (Dec. 18, 1979)

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx> (accessed July 5, 2019)

<sup>5</sup> NGO Guidance for National Parallel Reports: Twenty-Fifth Anniversary of the Fourth World Conference on Women and the Beijing Declaration and Platform for Action, NGO Committee on the Status of Women/New York (May 2019) <https://www.ngocsw.org/wp-content/uploads/2019/05/NGO-Main-Guide-2019-Supplement-5.pdf> (accessed July 5, 2019)

<sup>6</sup> Overview of the Convention, United Nations Entity for Gender Equality and the Empowerment of Women <https://www.un.org/womenwatch/daw/cedaw/> (accessed July 7, 2019)

<sup>7</sup> Convention on the Elimination of All Forms of Discrimination Against Women – States Parties, United Nations <https://www.un.org/womenwatch/daw/cedaw/states.htm> (accessed July 5, 2019)

<sup>8</sup> *Id.*

<sup>9</sup> Cities for CEDAW: Background, Cities for CEDAW <http://citiesforcedaw.org/background/> (accessed July 5, 2019)

<sup>10</sup> City and County of San Francisco Municipal Administrative Code Chapter 12K: Local Implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (April 13, 1998) <https://sfgov.org/dosw/cedaw-ordinance> (accessed July 5, 2019)

<sup>11</sup> Report to the CEDAW Committee, NGO Committee on the Status of Women/New York (Nov. 13, 2015) NGO Committee on the Status of Women/New York <http://citiesforcedaw.org/wp-content/uploads/2017/01/Report-by-the-United-Nations-NGO-Committee-on-the-Status-of-Women-New-York.pdf> (accessed July 5, 2019)

HI; Los Angeles, CA; Miami-Dade County, FL; Pittsburgh, PA; San Jose, CA; and Santa Clara County, CA.<sup>12</sup>

In 2014, the U.S. Conference of Mayors endorsed the principles of CEDAW and many national civic organizations followed suit including American Association of University Women, American Bar Association, The Hunger Project, League of Women Voters of the United States, NAACP, National Organization for Women, Physicians for Human Rights, Planned Parenthood Federation of America, Refugees International, and the US United Nations Association.<sup>13</sup>

### San Diego City's CEDAW Resolution

On March 17, 1998, at the recommendation of Councilmember Kehoe, the San Diego City Council adopted Resolution 28940, "Resolution in support of The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)," which declared support for the U.S. ratification of CEDAW.<sup>14</sup>

The resolution states "municipal governments have an appropriate and legitimate role in affirming the importance of international law in our communities as universal norms and to serve as guides for public policy."<sup>15</sup> The resolution directed the city to send a copy of the resolution to the U.S. President, the Secretary of State, and to each member of the U.S. Senate Foreign Relations Committee.<sup>16</sup>

Two decades have passed since San Diego adopted Resolution 28940, and while extensive progress has made in the realm of gender-based discrimination and equity for women, the city has not yet adopted a CEDAW ordinance.

### CEDAW Ordinances in California Cities

Cities that have adopted CEDAW ordinances have effectively evaluated their programs and budgets and worked to ensure that both affect men and women equitably. Successful implementation results in procedures that constitute a more just way of existing and operating, rather than a separate program. Evidence shows that adopting a CEDAW ordinance is feasible and an effective way to achieve gender parity, decrease gender-based discrimination, and work towards the elimination of all acts of discrimination against women.

#### **San Francisco:**

San Francisco adopted the first CEDAW ordinance in 1998.<sup>17</sup> San Francisco's CEDAW ordinance requires that San Francisco take affirmative steps to ensure that city resources, procedures, and policies do not discriminate, whether intentionally or unintentionally, against women and girls.<sup>18</sup>

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<sup>12</sup> Status of Local Activities, Cities for CEDAW <http://citiesforcedaw.org/wp-content/uploads/2019/06/Landscape-Cities-for-CEDAW-Branded-for-Website-June-27-2019.pdf> (accessed July 5, 2019)

<sup>13</sup> Cities for CEDAW, UN Women National Committee United States <https://www.unwomen-usnc.org/advocacy-6> (accessed July 7, 2019)

<sup>14</sup> Item-109, Meeting Minutes, San Diego City Council Regular Meeting (March 17, 1998)

<sup>15</sup> Resolution 289840, City of San Diego (Mar. 17, 1998)

<sup>16</sup> *Id.*

<sup>17</sup> City and County of San Francisco Municipal Administrative Code Chapter 12K: Local Implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (April 13, 1998) <https://sfgov.org/dosw/cedaw-ordinance> (accessed July 5, 2019)

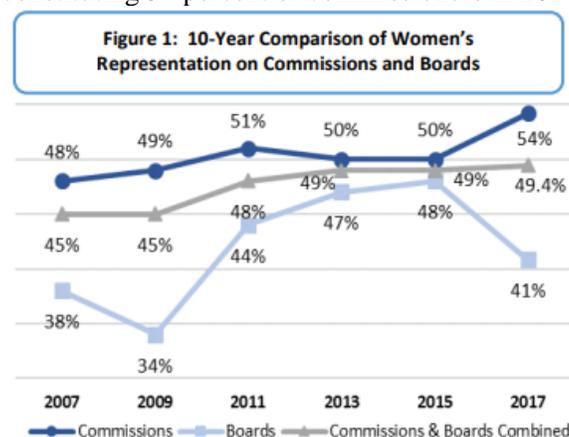
<sup>18</sup> *Id.*

Since its enactment, San Francisco has effectively implemented innovative government programs focused on improving the lives of women including gender-specific programming for women on probation, the allocation of street artist licenses in a way that does not disadvantage women with childcare responsibilities, and biannual audits of appointments to policy bodies by gender, race, and disability.<sup>19</sup>

San Francisco has effectively conducted gender analyses for city departments in a way that measures how policies, including those addressing employment, services, and budget, impact gender equity.<sup>20</sup> To conduct these analyses, the San Francisco Department on the Status of Women worked with liaisons designated by each department. While the San Francisco Department on the Status of Women initially drove the gender analysis for each department, over time, greater emphasis was placed on empowering department staff to conduct the gender analysis and monitor progress, which successfully led departments to rely less on the Department on the Status of Women to conduct the analyses.<sup>21</sup>

San Francisco credits its CEDAW ordinance for improving the city’s response to domestic violence homicides and human trafficking, and for enabling the city to study, in conjunction with one of the city’s largest unions, work- life policies and practices, which ultimately led to the city’s paid parental leave charter amendment, telecommuting policies, and flex time policies.<sup>22</sup>

Since the ordinance required the San Francisco Department on the Status of Women to conduct a gender analysis of Commissions and Boards to be published every two years, San Francisco has been able to track its gender equity progress.<sup>23</sup> Since 2007, there has been an overall increase of women on commissions, with women constituting 54 percent of commissioners in 2017.<sup>24</sup>



<sup>19</sup> Human Rights in Action: San Francisco’s Local Implementation of the United Nations’ Women’s Treaty (CEDAW), City and County of San Francisco Department on the Status of Women (2010) [http://citiesforcedaw.org/wp-content/uploads/2017/01/CEDAW\\_report\\_SAN-FRANCISCO-101810-1.pdf](http://citiesforcedaw.org/wp-content/uploads/2017/01/CEDAW_report_SAN-FRANCISCO-101810-1.pdf) (accessed July 1, 2019)

<sup>20</sup> *Id.*

<sup>21</sup> Gender Equity Through Human Rights: Local Efforts to Advance the Status of Women and Girls in the United States, Columbia Law School Human Rights Institute (Jan. 2017) <https://www.law.columbia.edu/sites/default/files/microsites/human-rights-institute/gender-equity-through-human-rights-for-publication.pdf> (accessed July 1, 2019)

<sup>22</sup> *Id.*

<sup>23</sup> Human Rights in Action: San Francisco’s Local Implementation of the United Nations’ Women’s Treaty (CEDAW), City and County of San Francisco Department on the Status of Women (2010) [http://citiesforcedaw.org/wp-content/uploads/2017/01/CEDAW\\_report\\_SAN-FRANCISCO-101810-1.pdf](http://citiesforcedaw.org/wp-content/uploads/2017/01/CEDAW_report_SAN-FRANCISCO-101810-1.pdf) (accessed July 1, 2019)

<sup>24</sup> Gender Analysis of San Francisco Commissions and Boards, City and County of San Francisco Department on the Status of Women (Dec. 2017) <http://citiesforcedaw.org/wp-content/uploads/2018/01/SFDOSW-Gender-Analysis-of-Commissions-and-Boards-2017-FINAL-1.pdf> (accessed July 4, 2019)

San Francisco's work conducting biannual gender analyses and its ongoing monitoring allows San Francisco to continue to identify inequities and monitor the success of efforts aimed at addressing inequities. For example, in its 2017 gender analysis report, San Francisco recognized that women of color constitute 31 percent of the population but only 19 percent of board members, and while white men consist of 22 percent of the population, they constitute 28 percent of policy bodies.<sup>25</sup> The biannual reports are intended to inform appointing authorities, including the Mayor and Board of Supervisors, as they select and appoint designees to policy policies.<sup>26</sup>

### **Los Angeles:**

The City of Los Angeles adopted a CEDAW ordinance in 2003.<sup>27</sup> In 2015, the Mayor of Los Angeles issued an Executive Directive on Gender Equity in City Operations which established an approach to implementing CEDAW in the city's departments, offices, and commissions.<sup>28</sup> The Executive Directive stated:

Moreover, our efforts to ensure gender equity must include efforts to increase gender diversity on a perceptible level. Gender equity must permeate every level of City operations—as leaders, employers, and service providers.<sup>29</sup>

Los Angeles' adoption of a CEDAW ordinance led to a comprehensive study detailing data on the specific manifestations of gender inequality in the city, and for the first time in the city's history, all of the city's databases were opened to independent researchers.<sup>30</sup> This work allowed the city to achieve, for the first time in its history, gender parity on its 41 boards and commissions, with women holding more than 50% of these positions, and there no longer being any all-male commissions.<sup>31</sup>

All of the city's general managers and department heads were requested to submit a Gender Equity Action Plan by February 1, 2016, and the city conducted salary analyses to ensure that there was no gender wage gap for city employees.<sup>32</sup> It resulted in a stronger female presence throughout city hall.<sup>33</sup> The city's Information Technology Agency experienced a 300% increase in female hiring with nearly 50% of its managers being women, and the Bureau of Engineering is now 43% female.<sup>34</sup>

The CEDAW work underway in Los Angeles is aimed at integrating gender equity beyond city hall and city departments to meet the needs of all residents, particularly women who have been underrepresented.<sup>35</sup> In the realm of education and youth, the public library's Full STEAM Ahead program

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<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> Council of the City of Los Angeles Ordinance No. 17573 (Dec. 24, 2003) [https://clkrep.lacity.org/onlinedocs/2000/00-0398-S2\\_ORD\\_175735\\_02-08-2004.pdf](https://clkrep.lacity.org/onlinedocs/2000/00-0398-S2_ORD_175735_02-08-2004.pdf) (accessed July 5, 2019)

<sup>28</sup> Executive Directive No. 11: Gender Equity in City Operations, City of Los Angeles (Aug. 26, 2015) [http://www.lamayor.org/sites/g/files/wph446/f/page/file/ED\\_11.pdf?1440645063](http://www.lamayor.org/sites/g/files/wph446/f/page/file/ED_11.pdf?1440645063) (accessed July 7, 2019)

<sup>29</sup> *Id.*

<sup>30</sup> Report to the CEDAW Committee, NGO Committee on the Status of Women/New York (Nov. 13, 2015) NGO Committee on the Status of Women/New York <http://citiesforcedaw.org/wp-content/uploads/2017/01/Report-by-the-United-Nations-NGO-Committee-on-the-Status-of-Women-New-York.pdf> (accessed July 5, 2019)

<sup>31</sup> Gender Equity, Los Angeles Mayor Eric Garcetti <https://www.lamayor.org/GenderEquity> (accessed July 5, 2019)

<sup>32</sup> Report to the CEDAW Committee, NGO Committee on the Status of Women/New York (Nov. 13, 2015) NGO Committee on the Status of Women/New York <http://citiesforcedaw.org/wp-content/uploads/2017/01/Report-by-the-United-Nations-NGO-Committee-on-the-Status-of-Women-New-York.pdf> (accessed July 5, 2019)

<sup>33</sup> Gender Equity, Los Angeles Mayor Eric Garcetti <https://www.lamayor.org/GenderEquity> (accessed July 5, 2019)

<sup>34</sup> *Id.*

<sup>35</sup> Gender Equity Through Human Rights: Local Efforts to Advance the Status of Women and Girls in the United States, Columbia Law School Human Rights Institute (Jan. 2017)

features a 54% girls' participation rate, exposing young women to traditionally male-dominated fields in science and mathematics.<sup>36</sup>

In public safety, rape kits are now tested within 90 days, each city department head developed an action plan against domestic violence, the fire department developed and mandated training and procedures tailored for first responders who provide emergency medical services to raise awareness and help victims of domestic violence and human trafficking, and the fire department doubled its pace of hiring women.<sup>37</sup>

In economic development, the number of certified women-owned business enterprises registered in the Los Angeles Business Assistance Virtual Network by 36%, pilot grants were granted to LA-based women entrepreneurs to help expand their businesses, and the city increased 12-fold (\$3.6 million then to \$43.3 million) the value of contracts awarded annually to certified women-owned business enterprises.<sup>38</sup>

### Existing Inequities Experienced by Women and Girls

#### **California:**

In California, girls graduate from high school at a higher rate than boys, and more women than men hold postsecondary degrees, yet occupations are still gendered in California and more men than women hold supervisor positions.<sup>39</sup> California women earn less than men in all occupational categories, and in the highest paying jobs, women have fewer occupational opportunities than men.<sup>40</sup> Overall, there are fewer women holding higher-paying jobs, and women are less likely than men to occupy leadership positions where critical decisions are made.<sup>41</sup>

California women are more likely than men to live in poverty, and to live in extreme poverty with income less than 50 percent of the federal poverty level.<sup>42</sup> Single-mother families are more likely than married couple families to live in poverty.<sup>43</sup> Nearly 40% of Latinas who are single mothers live in poverty.<sup>44</sup> Nearly half of single mothers living in poverty have less than a high school education.<sup>45</sup>

Latinas and African-American women experienced disproportionately higher rates of preterm birth, with African-American, Latina, and Native American women having the lowest rates of early access to prenatal care.<sup>46</sup> Sixty-five percent of California women 18 years and older were screened for breast cancer within the last two years, with the highest rates among white, African American and Native

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[https://www.law.columbia.edu/sites/default/files/microsites/human-rights-institute/gender\\_equity\\_through\\_human\\_rights\\_for\\_publication.pdf](https://www.law.columbia.edu/sites/default/files/microsites/human-rights-institute/gender_equity_through_human_rights_for_publication.pdf) (accessed July 1, 2019)

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> The Report on the Status of Women and Girls in California, Mount Saint Mary's University (2015)

[http://citiesforcedaw.org/wp-content/uploads/2017/01/MSM-University\\_status-of-women-and-girls-in-ca-report-2015.pdf](http://citiesforcedaw.org/wp-content/uploads/2017/01/MSM-University_status-of-women-and-girls-in-ca-report-2015.pdf) (accessed July 5, 2019)

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

Hawaiian/Pacific Islanders.<sup>47</sup> In contrast, nearly one-third of Latinas (32 percent) and Asians (28 percent) report never having had a screening mammogram for breast cancer.<sup>48</sup>

### **San Diego County:**

In San Diego County, females are 14 percent more likely to live in poverty than men.<sup>49</sup> The poverty rate is 13.3 percent for all individuals, but it rises to 32.6 percent for single-mother families.<sup>50</sup>

Of the employed population, over 49,000 of employed women live below the poverty level, and employed women are 18 percent more likely to live below the poverty level than employed men.<sup>51</sup>

The median earnings for full-time, year round workers is \$52,072 for men and \$45,609 for women.<sup>52</sup> As a means to transportation to work, women are 10 percent more likely to take public transportation than men, and women constitute a higher population than men of households that have no vehicles available.<sup>53</sup>

### **City of San Diego:**

In the city of San Diego, females are 10 percent more likely to live in poverty than men.<sup>54</sup> The poverty rate is 14.5 percent for all individuals, but it rises to 27.1 percent for single-mother families.<sup>55</sup>

The median earnings for full-time, year round workers is \$55,782 for men and \$47,833 for women.<sup>56</sup> As a means to transportation to work, women are 13 percent more likely to take public transportation than men, and women constitute a higher population than men in households that have no vehicles available.<sup>57</sup>

The mean earnings for full-time, year round workers is \$78,699 for men and \$60,781 for women.<sup>58</sup> The median earnings for individuals with less than high school education is \$23,416 for men, but only \$16,384 for women.<sup>59</sup> The median earnings for individuals with a bachelor degree is \$66,152 for men, but only \$48,523 for women.<sup>60</sup> The median earnings for individuals with graduate or professional degrees is \$97,566 for men, but only \$65,393 for women.<sup>61</sup>

### Conclusion

The CEDAW Committee of the San Diego County Commission on the Status of Women and Girls strongly recommends an ordinance over a resolution due to its legally binding character.

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<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> San Diego County, Census Bureau, American Community Survey 5-Year Estimates 2017 (accessed July 7, 2019)

<sup>50</sup> San Diego County, Census Bureau, American Community Survey 5-Year Estimates 2017 (accessed May 12, 2019)

<sup>51</sup> San Diego County, Census Bureau, American Community Survey 5-Year Estimates 2017 (accessed July 7, 2019)

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> City of San Diego, Census Bureau, American Community Survey 5-Year Estimates 2017 (accessed July 7, 2019)

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

If the City of San Diego wishes to move forward with a CEDAW ordinance, the CEDAW Committee is willing and available to supply draft ordinance language for an ordinance that incorporates effective municipal codes from similarly situated California cities that have adopted and implemented CEDAW ordinances.

An interim oversight body for a CEDAW ordinance exists in the San Diego County Commission on the Status of Women and Girls. The Commission has a track record of pursuing gender equality for residents of the City of San Diego and is ideally situated in coordinating gender analysis reports with local universities and nonprofit organizations, as well as issuing recommendation and monitoring progress towards these recommendations.