

ORDINANCE NO. _____(N.S.)
AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SAN DIEGO TO PROVIDE FOR THE LOCAL
IMPLEMENTATION OF THE UNITED NATIONS CONVENTION ON
THE ELIMINATION OF ALL FORMS OF DISCRIMINATION
AGAINST WOMEN (CEDAW)

WHEREAS, by California Senate Concurrent Resolution No. 78 (2018), the Legislature decreed support for the implementation of the principles underlying The Convention on the Elimination of All Forms of Discrimination against Women (“CEDAW”), and therein recognized “a need to strengthen effective national and local mechanisms, institutions, and procedures and to provide adequate resources, commitment, and authority to advise on the impact of all government policies on women and girls, to monitor the situation of women comprehensively, and to help formulate new policies and effectively carry out strategies and measures to eliminate discrimination.”

WHEREAS, in 1980, President Carter signed the CEDAW, however, the United States remains one of only a few member states that has not yet ratified the treaty. The international adoption and ratification of the CEDAW significantly advances gender equity for women and girls around the world as the CEDAW provides a blueprint for actions to address discriminatory barriers and intends for implementation at the local level.

WHEREAS, despite the lack of ratification, many cities and counties across our nation adopted ordinances that reflect the principles of the CEDAW. Adopting the CEDAW as local law effectively addresses barriers that reduce the quality of life and equity of opportunity for women and girls and fosters more transparent and accountable governance.

WHEREAS, multiple forms of discrimination compound to disadvantage and oppress women, including race, ethnicity, immigration status, disability, familial status, and age. The extent to which women and girls experience inequities impact their overall wellbeing and economic stability; and

WHEREAS, adoption of a CEDAW ordinance at the county level will help achieve gender equity and remove barriers faced by women and girls within the county, including in the areas of economic development, the criminal legal system, voting rights, civic engagement, health care, gender-based violence and harassment, housing and homelessness;

The County of San Diego Board of Supervisors do ordain as follows:

SEC. 1. DEFINITIONS.

- A. “CEDAW” shall mean The Convention on the Elimination of All Forms of Discrimination against Women.
- B. “County” shall mean the County of San Diego as a governmental entity, including its officers and employees, performing its functions throughout the region of its geographical boundaries pursuant to jurisdictional powers established by law.
- C. “Commission on the Status of Women and Girls” shall mean the San Diego County Commission on the Status of Women and Girls established by the Board of Supervisors pursuant to Article VI of the San Diego County Code of Administrative Ordinances.
- D. “Disaggregated data” shall mean information collected and analyzed by enumerated categories in order to identify disparities. These categories shall include, to the extent permitted by law, race, immigration status, national origin or ancestry, gender, gender identity, disability, marital status, sex, sexual orientation, age, parental status, language, socioeconomic status, and other attributes.
- E. “Discrimination against women and girls” shall mean any adverse, unequal, and/or unfavorable treatment of women and girls based on sex, gender, gender identity, and/or gender expression with regard to economic, social, cultural, civil, political, and legal areas. This includes any distinction, exclusion, or restriction on the basis of gender and sex assigned at birth 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, coercion and other deprivations of liberty by family, community, or government.
- F. “Women and girls” shall mean those who identify as women and girls, including transgender women and gender non-conforming, and those assigned female at birth who include non-binary, transgender men and intersex communities.
- G. “Gender” shall mean the characteristics of women, men, girls, and boys that are socially constructed. As a social construct, gender can vary among cultures and can change over time.
- H. “Gender equity” shall mean the redress of discriminatory practices and ensuring equitable conditions that enable women and girls to achieve full, substantive equality with men, recognizing that needs of women and men may differ, resulting in fair and equitable outcomes for all. This includes the redress of discriminatory practices and ensuring equitable conditions for persons identifying as transgender, nonbinary, and/or

gender non-conforming to achieve full equality and equity.

- I. “Intersectional” shall mean the interconnected nature of social categorizations and individual characteristics that overlap as interdependent and compounded systems of discrimination. These categorizations and characteristics include, but are not limited to, gender, gender identity, race, ethnicity, nationality, immigration status, sexual orientation, age, socio-economic status, education, language, and disability.

SEC. 2. LOCAL PRINCIPLES OF CEDAW.

It is the goal of the County to implement the principles underlying the CEDAW to achieve gender equity and eradicate discrimination against women and girls. The CEDAW principles must be integrated in the County's role as a service provider, employer, and community and business partner. The County recognizes the connection between racial discrimination, as articulated in the International Convention on the Elimination of All Forms of Racial Discrimination, and discrimination against women. In implementing the principles underlying the CEDAW, the County shall ensure that a consideration of the intersectionality of discrimination is at the forefront of all efforts, and shall afford special attention to individuals in poverty, who have the least access to opportunities. The county shall conduct intersectional gender analyses to identify, analyze, and eradicate barriers to gender equity and factors perpetuating gender inequity.

A. Economic development

1. The county shall take all appropriate measures to prevent and eliminate discrimination against women and girls in the County of San Diego in all areas of economic development, including employment; licenses, permits and registrations; and public contracting.
2. The labor standards and enforcement programs of the County of San Diego’s Office of Labor Standards and Enforcement shall incorporate a commitment to advancing the right of women and girls to equal treatment in employment, including the right to equal pay.
3. The county recognizes that women and girls are disproportionately adversely impacted by poverty, which impedes their access to nutritional food, affordable housing, and stable employment. The county shall take all appropriate measures to eliminate discrimination against women and girls in the administration of public benefits.
4. The county recognizes women and girls disproportionately bear family caregiving responsibilities.
5. The county shall encourage and, where possible, support the necessary social services to enable individuals to balance work responsibilities with family obligations and participation in public and home life, in particular, through

promoting the establishment and development of an accessible, affordable, and quality network of child and family care services and facilities, flexible work schedules, paid family leave, and family-friendly workplace policies. The county must also encourage support for policies and programs that expand access to child/family care, elder care, and home health care services.

B. Criminal legal system

1. The county shall take appropriate measures to eliminate discrimination against women and girls impacted by the criminal legal system;
2. The county shall implement measures designed to provide women and girls impacted by the criminal legal system with equitable education opportunities;
3. The county shall look for ways to deliver services that is gender- responsive and trauma-informed designed to address those issues faced by women and girls affected by the criminal legal system;
4. The county must look for ways to provide equitable employment opportunities for formerly incarcerated women and remove barriers to gainful employment;
5. The county must look for ways to provide equitable access to permanent, affordable housing options for formerly incarcerated women and remove barriers to securing and maintaining such housing.

C. Political and civic engagement

1. It must be a goal of the county to equitably educate all individuals, including women and girls, about their voting rights and to encourage civic engagement;
2. The county must look for opportunities that encourages voter registration among all voters, including women;
3. The county must look for ways to encourage civic and political engagement among women, including holding public office, membership in local commissions, boards, or task forces, and participating in community service.

D. Healthcare

1. The county shall take appropriate measures to eliminate discrimination and implicit bias against women and girls that impacts the provision of, and access to, health care services provided by the county.
2. It is the goal of the county to equitably facilitate information about access to

quality health care facilities, services, and resources, including comprehensive sexual health, according to the needs of all communities, regardless of age, race, ethnicity, culture, language, socio-economic status, and/or sexual orientation.

3. In the county's partnerships and contracts with care providers, the county must find ways to promote access to quality, culturally-sensitive health services for all women and girls, including immigrant, transgender, and Black, Indigenous, and People of Color (BIPOC), in connection with family planning, reproductive services, prenatal care, delivery and birth, and post-natal care, including adequate nutrition during pregnancy and lactation. The county must aim to find ways to improve birthing parent and infant mortality, recognizing the greater adversity faced by BIPOC women, including addressing bias, anti-Blackness, and racism in obstetric care.

E. Gender-based violence and harassment

1. The county shall take and diligently pursue all appropriate measures to prevent and redress domestic violence, gender-based violence, gender-based hate crimes, and harassment.
2. The county shall seek and encourage ways for survivors of violence and harassment to receive appropriate protective and support services, including, but not limited to, legal, medical, counseling, shelter, rehabilitation programs, and hotline services.
3. The county shall endeavor to develop, fund, and promote projects to prevent retaliation and intimidation, and to assist survivors of human trafficking and individuals currently being trafficked.
4. Individuals who are engaged in sex work, including individuals who are transgender, are especially vulnerable to violence and hate crimes for many reasons. The county will endeavor to prevent the perpetuation of violence and hate crimes towards individuals engaged in sex work by, among other things, providing a way for victims to report these violent acts and seek help without fear of retaliation or stigmatization. It is the policy of the county that such acts of violence should be diligently investigated. The county shall endeavor to develop, fund, and promote projects to prevent violence against individuals who are engaged in sex work, including victims of sex trafficking.
5. The county shall also seek opportunities to develop, fund, and promote projects that enable individuals engaged in sex work to achieve economic independence and stability outside of the patriarchal-established sex industry, including access to financial assistance and additional resources.

F. Housing and homelessness

1. The county shall take appropriate and timely measures to ensure equitable access to affordable, permanent housing options for women and girls, recognizing the even greater adversity faced by those released from long-term hospitalization, and identify, analyze and remove barriers to such housing options.
2. The county shall take appropriate and timely measures to ensure domestic violence shelters and transitional housing options are accessible regardless of parental and familial status.

G. Transportation, library services, parks and recreation, and environmental health services

1. The County shall take appropriate and timely measures to ensure women and girls have equitable access to transportation, library services, parks and recreation, and environmental health services.
2. The County shall identify, analyze, and remove barriers, including through education (such as technology-based), to equitable access to transportation, library services, parks and recreation, and environmental health services.

SEC. 3. LOCAL IMPLEMENTATION OF THE CEDAW.

A. There is a continued need for the County of San Diego to advance and assert the rights of women and girls by identifying, analyzing, and removing barriers to gender equity. There is the need to analyze the operations of county departments and programs to identify factors perpetuating gender inequity in, but not limited to, budget allocation, contracting, and the provision of direct and indirect services, and, once identified, to timely address those barriers and remedy their discriminatory effects.

B. Intersectional Gender Analysis and Action Plans. In order to implement the principles of this CEDAW ordinance, the County of San Diego recognizes it must first identify and analyze gender inequities in order to implement effective measures to remove barriers and promote gender-equitable practices.

1. The Chief Administrative Officer shall be responsible for coordinating and directing the completion of an intersectional gender analysis of the entire county, including county departments, offices, programs, boards, commissions, and other operational units. This analysis will establish the baseline for subsequent analyses that may be conducted by the county. All analyses will be conducted externally by qualified individuals.
2. The baseline intersectional gender analysis shall include, at a minimum:
 - a) The collection of disaggregated data, including disaggregated data regarding all county residents; and

- b) An evaluation of intersectional gender equity in the operations of each county department, office, program, board, commission, or other operational unit, including in, but not limited to, budget allocations, contracting, and the provision of direct and indirect services.
3. The Chief Administrative Officer shall engage with the Commission on the Status of Women and Girls, and retain the assistance of qualified expert(s) in conducting the baseline analysis.
4. Within 180 days following the effective date of this ordinance, the Chief Administrative Officer will develop and present the Board of Supervisors with a proposed plan for completing the baseline analysis, including funding, procurement of consultant(s), and timeline for completion. The Commission on the Status of Women and Girls shall provide input in the development of the proposed plan.
5. The baseline analysis shall be conducted in an efficient manner that leverages available County resources, including existing or concurrently-developed information, data and analyses. A baseline intersectional gender analysis for purposes of this ordinance is not required where qualified expert(s) determine the same or similar analysis was recently conducted, or will be conducted by the completion of the baseline analysis, pursuant to a county, state or federal policy, law or regulation.
6. The results of the baseline intersectional gender analysis will be presented in a public meeting of the Board of Supervisors.
7. Upon completion of the baseline intersectional gender analysis, the county departments, offices, programs, boards, commissions, and other operational units will develop individual Intersectional Gender Equity Action Plans, with the approval of the Chief Administrative Officer. The Commission on the Status of Women and Girls will provide input in the development of these plans. These individual Intersectional Gender Equity Action Plans will be updated on a biannual basis.
8. The Chief Administrative Officer shall recommend budget allocations for the adequate funding for completion and implementation of county departments, offices, programs, boards, commissions, and other operational units' Intersectional Gender Equity Action Plans, including the need for further or ongoing intersectional gender analyses that may be conducted internally or externally.

C. Oversight Body

1. The Office of Equity and Racial Justice shall provide technical assistance to the county throughout the intersectional gender analysis process, and shall develop timelines for completion of each county department, office, program, board, and

commission's Intersectional Gender Equity Action Plan.

2. The Office of Equity and Racial Justice will oversee the Intersectional Gender Equity Action Plan implementation and reporting by each county department, office, program, board, and commission.
3. The Office of Equity and Racial Justice and the Commission on the Status of Women and Girls shall, based upon the equity disparities identified in the intersectional gender analyses, offer guidance to the Chief Administrative Officer and county departments, programs, boards, and commissions as they develop and implement an Intersectional Gender Equity Action Plan (including, seeking out best practices, bringing in community or subject experts, and referencing the UN guidance on the CEDAW).
4. The Office of Equity and Racial Justice, with the support of the Commission on the Status of Women and Girls, shall ensure that each Intersectional Gender Equity Action Plan is consistent with the intent, purpose, and requirements of the CEDAW.
5. The Office of Equity and Racial Justice in collaboration with the Commission on the Status of Women and Girls shall produce an annual report to the Board of Supervisors regarding the implementation and monitoring of the Intersectional Gender Equity Action Plans. The results of each annual report will be presented in a public meeting of the Board. The public hearing will address the need for a subsequent data collection and analysis, and the updating of each Intersectional Gender Equity Action Plan.

D. Five-year Countywide Intersectional Gender Equity Action Plan

1. The Chief Administrative Office, with the assistance of the Office of Equity and Racial Justice, shall develop a five-year countywide Intersectional Gender Equity Action Plan that analyzes policies and procedures on a countywide level. The Commission on the Status of Women and Girls shall assist in the development of the Action Plan.
2. The Five-Year Countywide Intersectional Gender Equity Action Plan shall address how to integrate human rights principles into the county's operations, how to further implement the local principles of the CEDAW, and the measures recommended to correct deficiencies identified at the countywide level.
3. The Chief Administrative Officer shall present the Five-Year Countywide Intersectional Gender Equity Action Plan in a public meeting of the Board of Supervisors.

4. The Chief Administrative Officer, with the assistance of the Office of Equity and Racial Justice, shall monitor the implementation of the Five-year Countywide Intersectional Gender Equity Action Plan.

SEC. 4. PROMOTION OF GENERAL WELFARE.

In undertaking the enforcement of this ordinance, the county is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers, elected officials and employees, an obligation for breach of which creates any cause of action or claim at law nor liability in money damages to any person or entity who claims that such breach proximately caused or will cause injury of any kind. This ordinance does not create any private cause of action. Nothing in this ordinance shall be construed to conflict with federal, state, or local law, including the Constitution of the United States of America and Constitution of the state of California.

SEC. 5. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SEC. 6. EFFECTIVE DATE

This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board of Supervisors voting for and against it in a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

By: Frances Rogers, Senior Deputy County Counsel