



# COUNTY OF SAN DIEGO

## BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

### AGENDA ITEM

COUNTY OF SAN DIEGO  
2021 NOV - 8 PM 12: 05  
CLERK OF THE BOARD  
OF SUPERVISORS

**DATE:** November 16, 2021

19

**TO:** Board of Supervisors

#### SUBJECT

**DEVELOP A UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (UN CEDAW) ORDINANCE AND A GENDER EQUITY STRATEGY FOR SAN DIEGO COUNTY (DISTRICTS: ALL)**

#### OVERVIEW

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an international bill of rights for women. The UN General Assembly adopted CEDAW in 1979. 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. Across multiple sectors, discrimination against women is known to cause negative impacts in economic, political, and social participation of women. This in turn results in loss of economic opportunities, poverty, among other things.

On July 17, 1980, President Carter signed CEDAW, but the treaty has yet to be brought before the full Senate for a vote. To date, the United States is one of only a handful of other nations, including Iran and Somalia, that has yet to ratify the treaty. That said, several U.S. cities and counties have taken action to adopt local ordinances that reflect the principles of CEDAW to work towards the elimination of all discrimination against women. Adopting a CEDAW ordinance locally will help the County of San Diego achieve gender parity, decrease gender-based discrimination, and work towards the elimination of all acts of discrimination against women and girls in our county.

Today's recommended action directs County staff to draft a County of San Diego CEDAW Ordinance. Such a local ordinance will help address existing barriers that reduce the quality of life and equity of opportunity for women and girls and will foster more transparent and accountable governance in our region. Additionally, this proposal directs County staff to take initial steps to begin the process to develop a gender equity strategy to help implement the CEDAW Ordinance, upon its adoption.

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**RECOMMENDATION(S)**

**VICE CHAIR NORA VARGAS AND CHAIR NATHAN FLETCHER**

1. Direct the Chief Administrative Office to identify appropriate County staff from the Office of Equity and Racial Justice and other relevant departments to work with the San Diego County Commission on the Status of Women and Girls to draft a San Diego County CEDAW Ordinance for adoption and approval at the March 2, 2022 Board of Supervisors meeting.
2. Direct the Chief Administrative Office to identify appropriate County staff from the Office of Equity and Racial Justice and other relevant departments to work with the San Diego County Commission on the Status of Women and Girls to begin the progress to conduct a gender equity strategy to help guide the implementation of this ordinance upon its adoption.

**EQUITY IMPACT STATEMENT**

Discrimination against women violates basic human rights because all human beings are inherently entitled to equal rights and respect for dignity. Furthermore, discrimination against women has been known to cause negative impacts in economic, political, and social participation of women. This in turn has resulted in loss of economic opportunities, poverty, among other things. Adopting a CEDAW ordinance will help the County of San Diego achieve gender parity, decrease gender-based discrimination, and work towards the elimination of all acts of discrimination against women and girls in our county.

The San Diego County Commission on the Status of Women and Girls was created by the San Diego County Board of Supervisors to identify the needs and problems of women and girls in the County and to eliminate the practice of discrimination and prejudice against women and girls. The Commission has identified that a CEDAW ordinance is required to further address these issues and will continue their dialogue with members of the public and community organizations to hear feedback and determine what issues are most important in moving forward. Critical to the policy will be consideration for an intersectional and inclusive view of gender equity. Additionally, it is integral that the Commission and staff explore the disparate impacts facing women and girls of color.

**FISCAL IMPACT**

There is no fiscal impact associated with this action. There may be future fiscal impacts associated with future recommendations. Any such recommendations would return to the Board for approval.

**BUSINESS IMPACT STATEMENT**

In San Diego County, the extent to which women and girls experience inequities at all levels of business is undisputed, including in the provision of public contracting to women-owned businesses; gender equity in operations, programs, and budgets; and the number of certified women-owned businesses registered. Increasing gender equity in San Diego County may bring significant economic growth to the region and remove barriers faced by women and girls.

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**ADVISORY BOARD STATEMENT**

The San Diego County Commission on the Status of Women and Girls requested to bring this item forward.

**BACKGROUND**

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an international bill of rights for women. The UN General Assembly adopted CEDAW in 1979. 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 rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.<sup>1</sup>

On July 17, 1980, President Carter signed CEDAW, but the treaty has yet to be brought before the full Senate for a vote. During the Obama Administration, there was expressed support for CEDAW’s ratification, but action was not taken to secure ratification. To date, the United States is one of only a handful of other nations, including Iran and Somalia, that has yet to ratify the treaty. While the United States has not ratified CEDAW, several U.S. cities and counties have taken action to adopt local ordinances that reflect the principles of CEDAW. Adopting CEDAW as local law has 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>2</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>3</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

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<sup>1</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>2</sup> Cities for CEDAW: Background, Cities for CEDAW <http://citiesforcedaw.org/background/> (accessed July 5, 2019)

<sup>3</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)

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3. To ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.<sup>4</sup>

Local cities and counties 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. The evidence from these local outcomes shows that adopting a CEDAW ordinance is a feasible and effective way to achieve gender parity, decrease gender-based discrimination, and work towards the elimination of all acts of discrimination against women.

Existing Inequities Experienced by Women and Girls

Across multiple sectors, data shows that both at the State level and locally in San Diego County cisgender women experience greater barriers compared to cisgender men. Unfortunately, much of the data available today excludes our Transgender population, so the data included below is specifically referring to cisgender men and women. Cisgender means a person whose gender identity corresponds with the sex the person had or was identified as having at birth.

**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>5</sup> California women earn less than men in all occupational categories, and in the highest paying jobs, women have fewer occupational opportunities than men. 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. Moreover, the Transgender community experiences significantly greater disparities and economic hardships.

California women are more likely than men to live in poverty, and to live in extreme poverty with an income less than 50 percent of the federal poverty level. Single-mother families are more likely than married couple families to live in poverty. Nearly 40 percent of Latinas who are single mothers live in poverty. Nearly half of single mothers living in poverty have less than a high school education. Moreover, the Transgender community experiences a significantly greater level of poverty, including extreme poverty.

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. 65 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 Hawaiian/Pacific Islanders. In contrast, nearly one-third of Latinas (32 percent) and Asians

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<sup>4</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>5</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)

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(28 percent) report never having had a screening mammogram for breast cancer. Not only do Transgender women experience higher levels of health disparities, including from acts of violence due to transphobia, they also experience higher levels of barriers to healthcare.

**San Diego County:**

In San Diego County, women are 14 percent more likely to live in poverty than men.<sup>6</sup> The poverty rate is 13 percent for all individuals, but it rises to 33 percent for single-mother families.<sup>7</sup> The Transgender community experiences significantly greater levels of poverty, including extreme poverty.

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 cisgender men.<sup>8</sup> The median earnings for full-time, year-round workers is \$52,072 for men and \$45,609 for women. For transportation to work, women are 10 percent more likely to take public transportation than men, and cisgender women constitute a higher population than men of households that have no vehicles available.

San Diego County Needs A CEDAW Ordinance

Like other municipalities, it is time for San Diego County to adopt its own CEDAW ordinance. A CEDAW ordinance is necessary to catalyze the County of San Diego's ability to achieve gender equity. Through the implementation of a CEDAW ordinance, San Diego will effectively analyze operations, policies, and programs to identify and eradicate discrimination.

Additionally, because the UN CEDAW definition of discrimination does not reflect inclusivity, the term women in the local CEDAW ordinance should include Transgender Women, gender nonconforming women, youth, and girls, and those assigned female at birth which includes Transgender Men and Intersex communities; and the term "discrimination against women" shall include any distinction, exclusion, or restriction on the basis of gender and sex assigned at birth. Any distinction, exclusion, or restriction made on the basis of being born with or without a uterus constitutes discrimination. The creation of a gender equity strategy will be key to ensure the success of the CEDAW Ordinance in San Diego County, which should include a gender analysis.

Through the gender analysis, San Diego County will identify barriers to gender equity and factors perpetuating gender inequity. To successfully implement a CEDAW ordinance, consideration should be given, to the extent legally possible, to consider a gender-equity strategy for county operations throughout the region to:

- Eradicate gender-based wage gaps at all levels of operations.
- Eradicate gender-based gaps in advancement opportunities, including recruitment and promotion.

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<sup>6</sup> San Diego County, Census Bureau, American Community Survey 5-Year Estimates 2017 (accessed July 7, 2019)

<sup>7</sup> San Diego County, Census Bureau, American Community Survey 5-Year Estimates 2017 (accessed May 12, 2019)

<sup>8</sup> San Diego County, Census Bureau, American Community Survey 5-Year Estimates 2017 (accessed July 7, 2019)

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- Eradicate gender-based gaps in access to resources, including from contractors and service providers.
- Eradicate customs and norms which give rise to constraints on the advancement of women.
- Ensure the equal participation of women in leadership positions where critical decisions are made.
- Ensure the equal opportunity for women in all fields.
- Ensure maternity protection and necessary supporting social services, including through the promotion and development of a network of child-care facilities.
- Ensure the equal provision of public contracting to women-owned businesses.
- Track recruitment and promotion of women in all fields, particularly in fields where women remain underrepresented.
- Regularly evaluate gender equity in operations, programs, and budgets.
- Regularly evaluate contracting to women-owned businesses and the number of certified women-owned businesses registered.
- Regularly provide raw data regarding gender and intersectional forms of discrimination, including race, ethnicity, and familial status.
- Implementation of CEDAW procedures for administering the ordinance.

Additionally, while current data reflects the cisgender population and excludes our Transgender population, as part of the gender analysis, San Diego County should move towards a more accurate data collection methodology, in order to reflect a more lively, diverse, and inclusive community. This data collection methodology should include Transgender, and gender nonconforming women, youth, and girls. Additionally, since the pandemic has disproportionately impacted women and girls, data should also incorporate the impacts of the COVID-19 pandemic.

To ensure a CEDAW ordinance mitigates, rather than perpetuates, all forms of discrimination, the gender analysis and implementation plan should be applied through an intersectional framework. Multiple forms of discrimination compound to disadvantage and oppress women, including race, ethnicity, immigration status, disability, familial status, and age. In implementing a CEDAW ordinance, intersectionality of discrimination must be at the forefront of all efforts, and San Diego must afford special attention to women in poverty, who have the least access to opportunities. Additionally, given the role of the County of San Diego's Commission on the Status of Women and Girls to identify areas of concern and their work on providing solutions to address and remove barriers for women and girls in our County, it is critical for this Commission be actively engaged as part of the implementation of a San Diego County CEDAW Ordinance.

A CEDAW ordinance should encompass far more than employment practices and result in far more than pay equity in our county. It will address gender equity in all areas, from budget allocation and contracting to maternity protection and the provision of direct and indirect services. In similarly situated cities, CEDAW ordinances resulted in far more than increases to the number of women (including women of color) on boards and commissions. Additionally, in similarly situated cities, CEDAW resulted in a 54 percent participation rate of females in male-dominated

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fields of science and mathematics, effective gender-specific programming for women on probation, and the allocation of street artist licenses in a manner that does not disadvantage women with childcare responsibilities.

The actions today direct the Chief Administrative Office to identify appropriate County staff from the Office of Equity and Racial Justice and other relevant departments to work with the San Diego County Commission on the Status of Women and Girls to draft a San Diego Ordinance for adoption and approval at the March 2, 2022 meeting of the Board of Supervisors. Additionally, it directs County staff to take initial steps to begin the process to develop a gender equity strategy to help implement the CEDAW Ordinance, upon its adoption. We urge your support.

**LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

Today's proposed action to adopt a CEDAW ordinance for San Diego County supports the Healthy Families and Safe Communities Strategic Initiatives in the County of San Diego's 2021-2026 Strategic Plan by prioritizing greater cultural equity, access, and inclusion for all San Diegans.

Respectfully submitted,



VICE-CHAIR NORA VARGAS  
Supervisor, First District



CHAIR NATHAN FLETCHER  
Supervisor, Fourth District

**ATTACHMENT(S)**

N/A