

ORDINANCE NO. 175735

An ordinance to provide for the local implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

WHEREAS, 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 girls and brings attention to a whole range of issues concerning women and girl's human rights. Countries that ratify CEDAW are mandated to eliminate 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;

WHEREAS, on June 23, 2000, and August 25, 2000, a consortium of community organizations, and the Commission on the Status of Women held hearings on the local implications of CEDAW. The testimony at the hearings demonstrated that women and girls continue to face discrimination in the areas of economic development, employment, violence against women and girls and health care. On March 15, 2000, the City Council adopted a resolution supporting the local implementation of the underlying principles of CEDAW and urging the United States Senate to ratify CEDAW;

WHEREAS, there is a continuing need for the City of Los Angeles 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 to residents of the City 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; and

WHEREAS, 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. Comprehensively monitor the situation of women and girls;

3. Help formulate new policies and effectively carry out strategies and measures to eliminate discrimination; and

4. Look for ways to adequately provide funding and resources.

NOW THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. This ordinance is adopted to implement the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

A. The Commission on the Status of Women. The Commission on the Status of Women is designated as the implementing and monitoring agency of CEDAW in the City of Los Angeles.

B. Local Principles of CEDAW.

It is the goal of the City of Los Angeles to implement the principles underlying the Convention on the Elimination of All Forms of Discrimination Against Women in Part I, by addressing discrimination against women and girls in areas including economic development, violence against women and girls, health, education and housing. The City of Los Angeles will not discriminate against women and girls in employment practices and will make funding decisions mindful of the need to treat people equally regardless of gender. The City of Los Angeles will conduct gender analyses, to determine what, if any, City practices and policies can be improved to better implement the principles of CEDAW.

For purposes of this ordinance, Discrimination against Women shall include, but not be limited to, any disparate treatment, 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 and girls, irrespective of their marital status, on the 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 those acts, and coercion and other deprivations of liberty by family, community or government.

The City of Los Angeles shall look for ways to improve its commitment to the elimination of discrimination against women and girls in other areas of economic and social life, regardless of immigration status, in order to ensure, on the basis of equality between men and women, the same rights, in particular:

1. The right to full exercise of civil and voting rights;
2. The right to family benefits;
3. The right to participate in recreational activities, sports and all aspects of cultural life; and
4. The right to equal access to education, health care and housing.

C. Economic Development.

1. The City of Los Angeles shall look for ways to improve its commitment to the elimination of discrimination against women and girls in the City of Los Angeles in employment and other economic opportunities, including, but not limited to:

- (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;
- (c) the right to equal remuneration, including benefits and to equal pay with respect to work of equal value; and
- (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 of Los Angeles shall encourage and, where possible, support 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 of Los Angeles 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.

D. Violence Against Women and Girls.

For purposes of this ordinance, violence against women and girls means any act of gender-based violence that results in, or is likely to result in, physical, sexual or

psychological harm or suffering to women, including threats of those acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

1. The City of Los Angeles shall improve its commitment to preventing and redressing sexual and domestic violence and trafficking of women and girls, including, but not limited to:

(a) Police enforcement of criminal penalties and civil remedies, when appropriate; provisions of appropriate protective and support services for survivors, including, but not limited to, counseling, shelter, rehabilitation programs, and hotline services, provision of gender sensitive training of City employees regarding violence and trafficking of women and girls, where appropriate; provision of safeguards against trafficking of women and girls.

(b) The City of Los Angeles will not discriminate on the basis of race, ethnicity, age, culture, language, sexual orientation, or immigration status when providing the above supportive services.

2. It shall be the goal of the City of Los Angeles to take all appropriate 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. This 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 the City of Los Angeles 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 of Los Angeles to develop and fund projects to support prostitutes who have been subjected to violence and to prevent these acts.

4. The City of Los Angeles shall improve its efforts to ensure that all public works projects include measures, such as adequate lighting, to protect the public's safety, especially the safety of women and girls.

5. It shall be the goal of the City of Los Angeles to support public information and education programs to change those traditional attitudes concerning the limited roles and under-represented status of women or men in particular jobs or roles.

E. Health Care.

1. It shall be the goal of the City of Los Angeles to take all appropriate measures to address the health care needs of women and girls and facilitate access to a basic level of community-based health care, regardless of race, ethnicity, age, culture, language, income, sexual orientation or immigration status.

2. It shall be the goal of the City of Los Angeles to ensure that women and girls receive appropriate information and services to promote good health and prevention of disease as well as the treatment of disease, that is sensitive to and respectful of the unique needs and beliefs of each woman, and promotes a comprehensive, integrated continuum of care that in turn promotes optimal physical, psychological, social and economic well-being.

3. The City of Los Angeles shall improve its efforts to educate and empower women and girls to be their own advocates within the health care system, and, where possible, encourage affordable and accessible health care services for all women and girls, especially those who are low-income.

4. It shall be the goal of the City of Los Angeles to take appropriate measures to support preserving the guarantee of health care for indigent women and girls set forth in the Welfare and Institutions Code Section 17000 through the Los Angeles County Health Department, and encourage cultural and linguistic competency of health care providers to meet the health care needs of women and girls.

5. The City of Los Angeles shall encourage providers to adopt a basic health care package for reproductive aged women that includes: a pre-conceptual health care visit, prenatal care including genetic screening and prenatal care for the partner, legal/licensed contraceptive care, pregnancy care, ultrasound, comprehensive risk assessment and risk-appropriate care, abortion, delivery, post-partum care (48-72 hours; 2-day visit) including treatment of post-partum depression, cancer screening (pap smear, mammogram), and sexually transmitted disease (STD/HIV) screening.

6. The City of Los Angeles shall encourage and, where possible, support comprehensive school-based health education curricula for young girls in order to develop and improve healthy behaviors and outcomes.

F. Education.

Education is a human right and an essential tool for achieving the goals of equality. The City's goals are to improve women's access to all forms of education, in particular, vocational, science and technology training and education and continuing education and to develop and implement education, training and retraining policies for women and girls, especially young women and women re-entering the labor market, to provide skills to meet the needs of a changing socio-economic context for improving their employment opportunities.

G. Implementation of the Principles of CEDAW in Los Angeles.

The City of Los Angeles shall work toward implementing the principles of CEDAW to ensure the protection of human rights, including the elimination of discrimination against women and girls.

1. Gender Analysis.

(a) The Commission on the Status of Women shall develop guidelines regarding gender analysis. Each department shall report annually to the Commission on the Status of Women, in accordance with the established guidelines, on how it is implementing the provisions of CEDAW and how it proposes to improve its efforts to reach the goals of CEDAW.

(b) The Commission on the Status of Women shall file an annual report with recommendations to the Mayor and City Council.

(c) Each department head shall designate a management-level employee to serve as a liaison to the Commission on the Status of Women regarding CEDAW principles.

(d) The Mayor shall include with the Proposed Budget a statement as to how it impacts the City's efforts to implement the goals of CEDAW.

(e) The Commission on the Status of Women shall ensure that the employees of each department are trained in human rights with a gender perspective.

2. Legislative Program. The City shall adopt and include the principles of CEDAW as a part of the City's ongoing federal and state legislative program, and the City's Legislative Analyst's Office shall conduct a gender analysis of the effect of any proposed state or federal legislation or ordinance and include this in its reports to Council.

H. Enforcement of the Ordinance. In undertaking the enforcement of this Ordinance, the City of Los Angeles 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, the breach of which creates any liability in money damages to any person who claims that the breach proximately caused injury. This ordinance does not create any private cause of action.

(93297)

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of DEC 19 2003.

J. MICHAEL CAREY, City Clerk

By Marie Kohanski
Deputy

Approved DEC 24 2003

Janice Hill
Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By Claudia Culling
CLAUDIA CULLING
Assistant City Attorney

Date: 9/3/03

File No. C.F. 00-0398-52

DECLARATION OF POSTING ORDINANCE

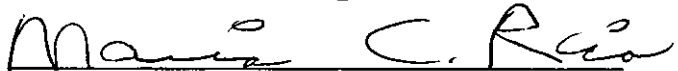
I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 175735 - To provide for the local implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on Dec. 19, 2003, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on Dec. 30, 2003, I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: 1) One copy on the bulletin board at the Main Street entrance to Los Angeles City Hall; 2) one copy on the bulletin board at the ground level Los Angeles Street entrance to the Los Angeles Police Department; and 3) one copy on the bulletin board at the Temple Street entrance to the Hall of Records of the County of Los Angeles.

Copies of said ordinance were posted conspicuously beginning on Dec. 30, 2003 and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 30th day of December 2003 at Los Angeles, California.


Maria C. Rico, Deputy City Clerk

Ordinance Effective Date: Feb. 8, 2004 Council File No. 00-0398-S2