

CITY COUNCIL RESOLUTION NO. 21-12

A RESOLUTION OF THE CITY OF IRVINE, CALIFORNIA,
PROVIDING FOR THE LOCAL IMPLEMENTATION OF THE
UNITED NATIONS CONVENTION ON THE ELIMINATION
OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

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 brings attention to a whole range of issues concerning women's human rights; and

WHEREAS, countries that ratify CEDAW are mandated to condemn all forms of discrimination against women and girls and to ensure equity for women and girls in the civil, political, economic, social and cultural arenas; and

WHEREAS, 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; and

WHEREAS, since 1995, state and local jurisdictions have stepped up and passed resolutions in support of CEDAW. In 2014, municipalities across the nation began signing onto the Cities for CEDAW Initiative, pledging to step up where the federal government has failed and implement the principles of CEDAW at the local level; and

WHEREAS, there is a continued need for the City of Irvine to protect the human rights of women and girls by addressing discrimination, including violence, against them and to implement, locally, the principles of CEDAW; and

WHEREAS, 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; and

WHEREAS, there is a need to analyze the operations of City departments, policies and programs 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; and

WHEREAS, there is a need to strengthen effective national and local mechanisms, institutions and procedures and to provide adequate resources, commitments and authority to: (1) advise on the impact of all government policies on women and girls; (2) monitor the situation of women comprehensively in recognition of the interconnectedness of discrimination based on gender, race and other social criteria; and (3) help formulate

new policies and effectively carry out strategies and measures to eliminate discrimination; and

WHEREAS, the Diversity, Equity and Inclusion Committee shall be designated as the implementing and monitoring agency of CEDAW in the City of Irvine.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Irvine, California as follows:

SECTION 1. The foregoing Recitals are true and constitute findings and declarations of the City Council of the City of Irvine.

SECTION 2. **Definitions.** As used in this Resolution, the following words and phrases shall have the following meanings:

(a) "City" shall mean the City of Irvine.

(b) "Diversity, Equity and Inclusion Committee" shall mean the committee formed through the City Council Resolution 21-__ entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, REAFFIRMING IRVINE'S COMMITMENT TO DIVERSITY, EQUITY AND INCLUSION," adopted on January 26, 2021, which calls for the elimination of disparities within the City of Irvine; the Diversity, Equity and Inclusion Committee shall oversee the implementation of CEDAW.

(c) "**Disaggregated data**" shall mean information collected and analyzed by enumerated categories in order to identify the disparities existing between women and men. These categories shall include, to the extent permitted by law, sex, race, immigration status, parental status, language, sexual orientation, disability, age, and other attributes.

(d) "**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 equity 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.

(e) "**Gender analysis**" shall mean an examination of the cultural, economic, social, civil, legal and political relations between women and men within a certain entity, recognizing that women and men have different social roles, responsibilities, opportunities and needs and that these differences, which permeate our society, affect how decisions and policy are made.

(f) "**Gender equity**" shall mean the redress of discriminatory practices and establishment of conditions enabling women to achieve full equity with men, recognizing that needs of women and men may differ, resulting in fair and equitable outcomes for both.

(g) "**Human rights**" shall mean the rights every individual possesses that are intended to improve the conditions in society that protect each person's dignity and well-being and the humanity of all people.

(h) "**Racial discrimination**" shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

SECTION 3. Local Principles of CEDAW. It shall be the goal of the City to implement the principles underlying CEDAW by addressing discrimination against women and girls in areas including economic development and violence against women and girls. In implementing CEDAW, the City 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. The City 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 shall conduct gender analyses, to determine what, if any, City practices and policies should change to implement the principles of CEDAW. Without limiting the foregoing, local principles with regard to economic development and violence against women and girls, include the following:

(a) Economic Development.

(1) The City shall take all appropriate measures to eliminate discrimination against women and girls in the City of Irvine 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 in 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 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, family-friendly policies and work-life balance.

(3) The City 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 shall 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.

(2) The City shall not discriminate on the basis of race, ethnicity, culture, language, or sexual orientation, when providing the supportive services described in subparagraphs (b)(1)(A)-(D).

(3) It shall be the goal of the City to 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.

(4) Prostitutes are especially vulnerable to violence because their legal status tends to marginalize them. It shall be the policy of Irvine 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.

(5) The City shall ensure that all public works projects include measures, such as adequate lighting, to protect the safety of women and girls.

(6) It shall be the goal of the City to fund public information and education programs to change traditional attitudes concerning the roles and status of women and men.

(d) In undertaking the implementation of this Resolution, the City is assuming an undertaking only to promote the general welfare. It is not creating on behalf of any person a right to seek damages or other monetary relief against the City or its officers or employees.

SECTION 4. Implementation of the Principles of CEDAW in Irvine. The principles of CEDAW in Irvine shall be implemented as follows:

(a) **Citywide integration of human rights principles.** The City shall work towards integrating gender equity and human rights principles into all of its operations, including policy, program, and budgetary decision-making. The Diversity, Equity and Inclusion Committee shall work with selected departments with integration of human rights with a gender perspective.

(b) **Gender Analysis and Action Plan.** As a tool for determining whether the City is implementing the local principles of CEDAW and/or discriminating against women and girls, selected City departments, programs, policies, and private entities to the extent permitted by law, shall undergo a gender analysis and develop an Action Plan. The gender analysis shall be conducted according to guidelines developed by the Diversity, Equity and Inclusion Committee. The gender analysis shall include: (i) the collection of disaggregated data; (ii) an evaluation of gender equity in the entity's operations, including its budget allocations, delivery of direct and indirect services and employment practices and (iii) the entity's integration of human rights principles and the local principles of CEDAW. Upon completion of the gender analysis, the entity shall develop an Action Plan that contains specific recommendations on how it will correct any identified deficiencies and integrate human rights principles and the local principles of CEDAW into its operations.

(1) The Diversity, Equity and Inclusion Committee shall identify the City departments, programs, policies, and entities, to undergo the gender analysis and shall develop timelines for completion of the analyses and Action Plans.

(2) The Diversity, Equity and Inclusion Committee shall work with the selected department, entity, policy, or program staff to conduct its gender analysis and shall provide technical assistance to the entity throughout the gender analysis process and development of the Action Plan.

SECTION 5. **Summary of CEDAW.** A summary of each of the Articles of CEDAW follows:

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 equity 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 equity.

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

Article 4: Permits measures to accelerate equity 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 equity before the law and equal access to administer property.

Article 16: Requires steps to ensure equity 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: Sets forth elements of the operation of the treaty.

SECTION 6. A copy of this resolution of the City Council shall be posted on the City of Irvine website in a prominent and easily accessible location.

SECTION 7. The City Clerk shall enter the Resolution into the book of original Resolutions.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 9th day of March, 2021.



MAYOR OF THE CITY OF IRVINE

ATTEST:



INTERIM CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, CARL PETERSEN, Interim City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing resolution was duly adopted at a regular meeting of the City Council of the City of Irvine, held on the 9th day of March, 2021.

AYES: 5 COUNCILMEMBERS: Argan, Carroll, Kim, Kuo, and Khan
NOES: 0 COUNCILMEMBERS: None
ABSENT: 0 COUNCILMEMBERS: None
ABSTAIN: 0 COUNCILMEMBERS: None



INTERIM CITY CLERK OF THE CITY OF IRVINE