



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Richard Doyle
City Attorney

SUBJECT: Women's Bill of Rights

DATE: December 7, 2017

RECOMMENDATION

Adopt a resolution in support of adopting the principles of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women referred to as the Women's Bill of Rights.

Approve an ordinance amending Chapter 2.08 of Title 2 of the San José Municipal Code to add a new Part 49 for the local implementation of the Women's Bill of Rights.

BACKGROUND

Vice Mayor Carrasco submitted a memo dated September 28, 2017 to the Rules and Open Government Committee requesting that the City Council explore a Women's Bill of Rights at the Council Priority Setting session scheduled for October 17, 2017. The Committee agreed to forward the request to the City Council. On October 17, 2017, the City Council considered various items at the Council Priority Setting session and decided to remove the actions related to the Women's Bill of Rights and instead direct the City Attorney to return to the City Council before the end of the calendar year with a resolution restating its commitment to the principles of the Convention on the Elimination of all Forms of Discrimination Against Women and an ordinance that would implement the principles of the resolution. The proposed resolution and ordinance is provided in response to that direction.

ANALYSIS

In 1999 the City Council adopted a resolution entitled Convention on the Elimination of all Forms of Discrimination Against Women referred to as the Women's Bill of Rights. The primary purpose of the resolution was to ensure the fundamental human rights in the dignity and worth of all human persons, and in the equal rights of women and men and provide a framework for challenging various forces that have created and sustained discrimination based on sex. One hundred sixty-three countries have now ratified or acceded to the Women's Bill of Rights; however, the United States Congress has not yet ratified it. There is a continuing need for the City to protect the human rights of women by addressing discrimination and violence against women and to locally support the principles of the Women's Bill of Rights. The County of Santa Clara, and other cities, have been working on an ordinance to promote gender equity, in all social,

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political and cultural spheres. Vice Mayor Carrasco encouraged the City, as the largest City in the County to take lead and enact our own similar ordinance. The City administration has reviewed the County ordinance and has accepted Vice Mayor Carrasco's recommendation that the City's Human Rights Commission be the oversight body to implement the provisions of the proposed ordinance. The proposed ordinance is similar to the County ordinance except that the health-related provisions were not included since the County is better suited to handle those matters. Additionally, investigations into allegations of discrimination and/or prejudice involving City employees will continue to be handled in accordance with the City's Discrimination and Harassment Policy. Allegations of discrimination and/or prejudice involving any other party in the City of San Jose will be referred to the appropriate agency.

A key provision of the proposed ordinance requires the preparation of a Gender Analysis and Action Plan as a tool for determining whether the City is implementing the local principles of the Women's Bill of Rights and/or discriminating against women and girls. Overseen by the Human Services Commission, selected City departments, programs, and policies shall undergo a gender analysis that includes: 1) the collection of disaggregated data; 2) an evaluation of gender equity in the City's operations, budget allocation, service delivery, and employment practices; and 3) the City's integration of human rights principles and the local principles of Women's Bill of Rights included in the ordinance. Upon completion of the gender analysis, the City will develop an action plan to correct any identified deficiencies.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the December 19, 2017 Council Meeting.

COORDINATION

The memo has been coordinated with the Office of the City Manager and Office of Employee Relations.

COST SUMMARY/IMPLICATIONS

There are no immediate cost implications with approving the recommended action, as the Gender Analysis and Action Plan is anticipated to be completed within existing resources. However, any additional resources that might be required to implement the action plan to correct potential deficiencies would be referred to a future budget development process.

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CEQA Not a Project; PP10-068(b), General Procedure & Policy Making, Municipal Code or Policy.

RICHARD DOYLE
City Attorney



By _____

Ed Moran

Assistant City Attorney

For questions please contact Ed Moran, Assistant City Attorney at 408 5351920 and Elsa Cordova, Senior Executive Analyst at 408-535-8159.

cc: David Sykes