



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: OCT. 24, 2017

AGENDA TITLE: Consideration of a Motion to adopt Resolution 1219 in Support of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women

PRESENTER/S

Jane S. Brautigam, City Manager
Karen Rahn, Director of Human Services
Carmen Atilano, Manager, Community Relations

EXECUTIVE SUMMARY

In the fall of 2016 by City Council direction, the Human Relations Commission (HRC) considered a request from a group of local supporters of the United Nations Association-USA National Council Member for the Rocky Mountain Region regarding The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The request is part of a national campaign to encourage local decision makers to commit to the terms of the 1979 United Nation's treaty. To some extent, it is a localized response to stalled attempts to have CEDAW ratified by the U.S. Senate.

Specifically, the group's request was to consider their recommendation to select Cities for CEDAW as one of the action campaigns of the Boulder City Council for the year 2017: budgeting in a comprehensive gender analysis with goal of establishing an Ordinance, or a Resolution (**Attachment A**) in pursuit of an Ordinance.

HRC decided at that time to follow staff recommendation for next steps, which were the following:

1. The city will be conducting an internal gender wage equity study in 2017;
 2. Develop recommendations to address any equity issues identified in the study;
- and

3. When steps 1 and 2 are completed, explore further the Cities for CEDAW request.

Steps 1 and 2 have been completed, and this group is now requesting that the city explore further the Cities for CEDAW request.

This item was placed on the Sept. 18, 2017 HRC meeting agenda for further consideration regarding this request. The HRC voted unanimously to recommend that City Council pass Resolution 1219 (**Attachment B**).

STAFF RECOMMENDATION

Suggested Motion:

Staff recommends City Council consideration of this matter and action in the form of the following motion:

Motion to adopt Resolution 1219 in Support of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women

BACKGROUND

The United Nations Convention on the Elimination of All Forms of Discrimination Against Women is the only international human rights treaty to focus exclusively on the rights of women. CEDAW provides a universal definition of discrimination against women. It also calls for action to eliminate discrimination in areas including politics, law, employment, education and health care.

It was adopted by numerous countries in 1979 and has been ratified by 187 of 193 UN member states worldwide. The U.S. has not ratified CEDAW. Ratification would require passage by the senate and signing by the president. The U.S. is one of six U.N. member states and the only industrialized nation that has not ratified CEDAW.

Convention Summary

- CEDAW consists of a preamble and 30 articles. It is a statement of principles, with a basic structure and process to enable their implementation.
- The first article 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 equality between men and women, of human rights or fundamental freedoms in the political, economic, social, cultural, civil or any other field.*”
- Other articles specify a range of mandates, actions and principles addressing, for example, education, health care, family planning, economic life, employment, political rights, nationality, marriage and property rights.
- Remaining articles call for the establishment of a committee to evaluate progress made in implementation of convention measures, a schedule for reporting on progress, procedural rules for CEDAW officers, an annual meeting, procedures

for enforcement of the treaty, and policies for dispute settlement.

ANALYSIS

The City of Boulder has well - developed ordinances and policies mandating and encouraging equity within the city organization and community, including the following:

- The Human Rights Ordinance, (Boulder Revised Code Title 12) has been consistently updated since its initial passage in 1972 to address emerging issues such as gender variance. Cases of discrimination filed with the Office of Human Rights (OHR) are aggressively investigated.
- Many cases brought forward under the Failure to Pay Wages Ordinance, (Boulder Revised Code Title 5) also enforced by the OHR, are brought by women.
- The current Living Wage Resolution 926 requires all COB employees to be paid at least the amount determined by the Self-Sufficiency Standard for Boulder County, \$15.67 in 2017, to meet a family's basic needs in the city. According to the Women's Foundation of Colorado, living- or minimum-wage legislation very disproportionately affects women and more specifically female heads of households. The COB is prohibited by Colorado state law from extending its living-wage resolution beyond city government.

Together these ordinances and policies amount to infrastructure that has driven the results reported in the City of Boulder gender equity study. Staff has considered the CEDAW requests in the context of these laws, policies and study findings and makes the following recommendations:

1) Regarding a resolution affirming the principles of CEDAW, staff recommends passing the attached proposed resolution language (**Attachment B**). The resolutions passed by the cities of Lafayette and Louisville serve as effective models (**Attachments C and D**).

2) Regarding a City of Boulder gender-equity analysis, staff encourages consideration and distribution of the study completed in May of this year. It provides both a snapshot of where we are now and a plan for further progress tailored specifically to the needs of the City of Boulder.

3) Regarding passing a CEDAW-inspired ordinance or consideration of ratification of CEDAW by city council, staff encourages consultation with the City Attorney. A United Nations convention is a legally binding instrument concluded under international law. City Attorney input should address at least the following points:

- How would a CEDAW ordinance interface with existing city law and policy?
- Would provisions of a CEDAW ordinance add to current instruments that protect rights or contribute to the equality of women?
- If not, is there still legal value in redundancy?
- In the event that circumstances arise in which existing city ordinance and a CEDAW ordinance might not be in agreement, how would precedence be determined?
- How would a convention developed for nations translate to local government?
- How would a 38-year-old convention translate to the legal framework of

contemporary Boulder society?

ATTACHMENTS

- A. Resolution Proposed by Cities for CEDAW
- B. Resolution 1219
- C. Resolution Passed by Lafayette, CO
- D. Resolution Passed by Louisville, CO

A RESOLUTION SUPPORTING CITIES FOR CEDAW INITIATIVE
BY CITY COUNCIL AND IN SUPPORT OF INDIVIDUAL CITIES PASSING
RESOLUTIONS AND ORDINANCES TO IMPLEMENT THE PRINCIPLES OF
THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF
ALL FORMS OF DISCRIMINATION AGAINST WOMEN AT THE LOCAL LEVEL

SPONSORS: (Boulder City Council Members)

WHEREAS, The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted by the United Nations General Assembly on December 18, 1979, became an international treaty as of September 3, 1981, and 187 UN member nations out of 193 have agreed to be bound by CEDAW's provisions; and

WHEREAS, Women have made gains in the struggle for equality in many fields, the City of Boulder recognizes the need to accomplish more, to fully eradicate gender-based discrimination and to provide one of the most basic human rights, equality; and

WHEREAS, The City of Boulder, Colorado, is well known as a leader of one of the most progressive cities in the nation and one of the happiest, healthiest, most creative cities in one of the most beautiful locations on earth; it is also a city that believes public safety services are important for the success and sustainability of any healthy community* and knowing that 48.4% (50,914) of the total population of 105,112 are women**, it will strive to ensure these women and girls residing in Boulder enjoy all rights, privileges and remedies that are bestowed on all people in the USA, regardless of race, national origin, gender or religious beliefs; and with the purpose to claim worldwide that Boulder, Colorado is a city in which women can thrive; and a city that will not tolerate discrimination against women and girls, nor violence perpetrated against them in any form.

WHEREAS, CEDAW provides a comprehensive framework for governments to examine their policies and practices regarding women and girls and to rectify discrimination based on gender; and

WHEREAS, This city government has the appropriate and legitimate role of affirming the importance of eliminating all forms of discrimination against women in communities, as universal norms and to serve as guides for public policy;

BE IT RESOLVED by the City Council of Boulder as follows:

SECTION I. The City of Boulder is committed to eliminating all forms of violence against women and girls***, to promoting the health and safety of women and girls, and to affording them equal academic, economic, and business opportunities in Boulder, Colorado.

SECTION II. The City of Boulder acknowledges that this resolution is the first step toward adopting a future ordinance that calls for a gender analysis in the 2017 budget, of all its departments and commissions; the designation of an oversight body; and resources to support these actions. A second or concomitant effort focused on the whole population of Boulder would address priorities of current issues in the area of security, sexual assault and pay equity.

SECTION III: This Resolution shall take effect upon passage and approval.

* Data from www.yourboulder.com

** Based on 2014 data from www.city-data.com, rape in Boulder is trending up from 32.0 to 39.3 incidents per 100,000. The known given is that the majority of rapes are against women.

*** Based on the 2014 data from www.city-data.com

RESOLUTION 1219

**A RESOLUTION IN SUPPORT OF THE UNITED NATIONS CONVENTION
ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN**

**THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, HEREBY FINDS
AND RECITES:**

A. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted by the United Nations General Assembly on Dec. 18, 1979, became an international treaty as of Sept. 3, 1981, and 187 UN member nations out of 193 have agreed to be bound by CEDAW's provisions;

B. Females have made gains in the struggle for equality, the City of Boulder, Colorado, recognizes the need to fully eradicate gender-based discrimination and to provide one of the most basic human rights - equality;

C. The City of Boulder, widely known for its progressive leadership, educational opportunity and entrepreneurship, and with 47.5 percent of the city population being female, will strive to ensure females of all ages residing in Boulder enjoy all of the rights, privileges and remedies that are bestowed on all people in the United States, regardless of race, national origin, gender, or religious beliefs; and with the purpose to claim worldwide that Boulder is a city in which females can thrive and will not tolerate discrimination against females, nor violence perpetrated against them in any form;

D. CEDAW provides a comprehensive framework for governments to examine their policies and practices regarding females of all ages and to rectify discrimination based on gender; and

E. Boulder city government has the appropriate and legitimate role of affirming the importance of eliminating all forms of discrimination against females in communities, as universal norms and to serve as guides for public policy.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT THE CITY OF BOULDER, COLORADO:

Does hereby commit to eliminating all forms of violence against females, promoting the health and safety of females and affording them equal educational, economic, social and business opportunities in Boulder, Colorado.

Adopted this 17 day of October 2017.

CITY OF BOULDER, COLORADO

Suzanne Jones, Mayor

ATTEST:

Lynnette Beck, City Clerk

RESOLUTION NO. 2016-82

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE,
COLORADO, SUPPORTING THE UNITED NATIONS CONVENTION OF THE
ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN
(CEDAW)**

WHEREAS, The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted by the United Nations General Assembly on December 18, 1979, became an international treaty as of September 3, 1981, and 187 UN member nations out of 193 have agreed to be bound by CEDAW's provisions; and

WHEREAS, Women have made gains in the struggle for equality in many fields, the City of Lafayette recognizes the need to accomplish more, to fully eradicate gender-based discrimination and to provide one of the most basic human rights, equality; and

WHEREAS, The City of Lafayette, Colorado, is well known for its' small historic community with a vision of a diverse and sustainable, vibrant economy; it is also a city that values strong voices in environmental stewardship and social issues through cooperative relationships and inclusivity and knowing that 51.4% (13, 920) of the total population of 27,081 are women, it will strive to ensure these women and girls residing in Lafayette enjoy all rights, privileges and remedies that are bestowed on all people in the USA regardless of race, national origin, gender, or religious beliefs; and with the purpose to claim worldwide that Lafayette, Colorado is a city in which women can thrive; in a city that will not tolerate discrimination against women and girls nor violence perpetrated against them in any form; and

WHEREAS, CEDAW provides a comprehensive framework for governments to examine their policies and practices regarding women and girls and to rectify discrimination based on gender; and

WHEREAS, This city government has the appropriate and legitimate role of affirming the importance of eliminating all forms of discrimination against women in communities, as universal norms and to serve as guides for public policy;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lafayette, Colorado as follows:

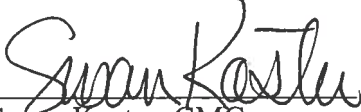
The City of Lafayette is committed to eliminating all forms of violence against women and girls, to promoting the health and safety of women and girls, and to affording them equal academic, economic, and business opportunities in Lafayette, Colorado.

RESOLVED AND PASSED THIS 18TH DAY OF OCTOBER, 2016.

CITY OF LAFAYETTE, COLORADO

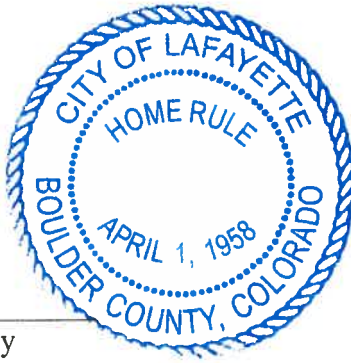

Christine Berg, Mayor

ATTEST:


Susan Koster, CMC
City Clerk

APPROVED AS TO FORM:


David S. Williamson, City Attorney



**RESOLUTION NO. 26
SERIES 2017**

**A RESOLUTION SUPPORTING THE UNITED NATIONS CONVENTION OF THE
ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN**

WHEREAS, The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted by the United Nations General Assembly on December 18, 1979, became an international treaty as of September 3, 1981, and 187 UN member nations out of 193 have agreed to be bound by CEDAW's provisions; and

WHEREAS, Women have made gains in the struggle for equality in many fields, the City of Louisville recognizes the need to accomplish more, to fully eradicate gender-based discrimination and to provide one of the most basic human rights, equality; and

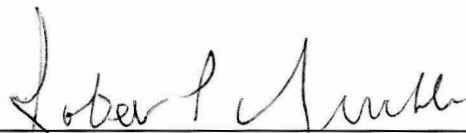
WHEREAS, The City of Louisville, Colorado, well known for its blend of small town warmth, historic community, and named the best place to live in 2011; and knowing that 53.0% (10,658) of the total population of 20,112 are women, it will strive to ensure women and girls residing in Louisville enjoy all rights, privileges and remedies that are bestowed on all people in the USA regardless of race, national origin, gender, or religious beliefs; and with the purpose to claim worldwide that Louisville, Colorado is a city in which women can thrive; in a city that will not tolerate discrimination against women and girls, nor violence perpetrated against them in any form; and

WHEREAS, CEDAW provides a comprehensive framework for governments to examine their policies and practices regarding women and girls and to rectify discrimination based on gender; and

WHEREAS, This city government has the appropriate and legitimate role of affirming the importance of eliminating all forms of discrimination against women in communities, as universal norms and to serve as guides for public policy;

NOW THEREFORE, BE IT RESOLVED by the City Council that the City of Louisville does hereby commit to eliminating all forms of violence against women and girls, to promoting the health and safety of women and girls, and to affording them equal academic, economic, and business opportunities in Louisville, Colorado.

PASSED AND ADOPTED this 6th day of June, 2017.

By: 
Robert P. Muckle, Mayor

Attest: 
Meredyth Muth, City Clerk

The seal is circular with a double-lined border. The outer ring contains the text "CITY OF LOUISVILLE" at the top and "COLORADO" at the bottom, separated by two stars. The inner circle contains the word "SEAL" in a bold, serif font.