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## A BILL FOR AN ORDINANCE

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RELATING TO DISCRIMINATION.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to adopt and implement on a local level the principles of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

SECTION 2. Chapter 1, Article 11, Revised Ordinances of Honolulu 1990 ("Nondiscrimination Policy"), is amended by adding a new Section 1-11.3 to read as follows:

**"Sec. 1-11.3 Local Implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)."**

(a) Findings and Purpose.

The City and County of Honolulu hereby finds and declares as follows:

- (1) 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. Countries that ratify CEDAW are mandated to condemn 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.
- (2) Since 1995, state and local jurisdictions have stepped up and passed resolutions in support of CEDAW. Some have implemented ordinances establishing CEDAW principles as law. 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.
- (3) There is a continued need for the City of and County of Honolulu to protect the human rights of women and girls by addressing discrimination, including violence, against them and to implement, locally, the principles



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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 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.

- (4) 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) 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. The Honolulu County Committee on the Status of Women shall be designated as the implementing and monitoring agency of CEDAW in the City and County of Honolulu.

(b) Definitions.

As used in this section, the following words and phrases shall have the meanings indicated herein:

"City" means the City and County of Honolulu.

"Committee" means the Honolulu County Committee on the Status of Women.

"Council" means the Council of the City and County of Honolulu.

"Disaggregated data" means 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.

"Discrimination against women" includes, but is not be limited to, any distinction, exclusion or restriction made on the basis of sex that has the effect or purpose of



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impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status and 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. 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.

"Gender" means the way society constructs the difference between women and men, focusing on their different roles, responsibilities, opportunities and needs, rather than their biological differences.

"Gender analysis" means 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.

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

"Human rights" means 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.

"Nontraditional jobs" means jobs that have not traditionally been filled by women.

"Racial discrimination" means 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.

(c) 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, violence against women and girls, and health care. In implementing



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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.

(1) Economic Development.

- (A) The city shall take all appropriate measures to eliminate discrimination against women and girls in the City and County of Honolulu in employment and other economic opportunities, including, but not limited to, ensuring:
- (i) 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;
  - (ii) 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 and to city revenue generating and managing commissions and departments;
  - (iii) The right to equal remuneration, including benefits and to equal pay in respect to work of equal value; and
  - (iv) 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.
- (B) 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.



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(C) 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.

(2) Violence Against Women and Girls.

(A) 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:

(i) Police enforcement of criminal penalties and civil remedies, when appropriate;

(ii) Providing appropriate protective and support services for survivors, including counseling and rehabilitation programs;

(iii) Providing gender-sensitive training of city employees regarding violence against women and girls, where appropriate; and

(iv) Providing rehabilitation programs for perpetrators of violence against women or girls, where appropriate.

The city shall not discriminate on the basis of race, ethnicity, culture, language or sexual orientation, when providing the above supportive services.

(B) 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.

(C) Prostitutes are especially vulnerable to violence because their legal status tends to marginalize them. It shall be the policy of the city that the Honolulu 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



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city to develop and fund projects to help prostitutes who have been subject to violence and to prevent such acts.

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

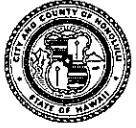
(3) Health Care.

- (A) It shall be the goal of the city to take all appropriate measures to eliminate discrimination against women and girls in the field of health care in order to ensure, on a basis of equity, information about and access to adequate health care facilities and services, according to the needs of all communities, regardless of race, ethnicity, culture, language, and sexual orientation, including information, counseling and services in family planning.
- (B) It shall be the goal of the city to ensure that women and girls receive appropriate services in connection with prenatal care, delivery, and the post-natal period, granting free services where possible, as well as adequate nutrition during pregnancy and lactation.

In undertaking the enforcement of this ordinance, the city 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 for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(d) CEDAW Task Force.

- (1) Establishment. A CEDAW task force is hereby established. The task force shall report to the mayor and the committee. The committee shall provide administrative support for the task force. The CEDAW task force shall consist of ten members.
- (2) Purpose. The task force's purpose is to advise the mayor, the council, and the committee about the local implementation of CEDAW.



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(3) Powers and duties. The task force shall have all powers and duties necessary to carry out the local implementation of CEDAW.

(4) Membership and Organization.

The members of the task force shall be as follows:

(A) A staff member from the mayor's office knowledgeable about the city's budget, to be designated by the mayor;

(B) The director of the department of human resources or her or his designee;

(C) The chair of the council or her or his designee;

(D) The chair of the committee or her or his designee; and

(E) Six members from the community to be appointed by the committee, as follows:

(i) Two representatives shall work in the field of international human rights and be knowledgeable about CEDAW;

(ii) One representative shall be knowledgeable about economic development, including employment issues;

(iii) One representative shall be knowledgeable about health care issues;

(iv) One representative shall be knowledgeable about violence against women; and

(v) One representative shall be knowledgeable about government employee labor issues and experienced in women's issues.

The task force shall convene no later than 90 days after the enactment of this ordinance.



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All appointed members of the task force shall serve at the pleasure of their appointing authorities. The term of each community member of the task force shall be for two years.

Alternate members. An alternate may be designated for each member. The term of office of the alternate shall be the same as that of the regular member. When the regular member is not present at the meeting of the task force, the alternate may act as the regular member and shall have all the rights, privileges, and responsibilities of the regular member.

Attendance requirement. In the event that any community member and her or his alternate miss three regularly scheduled meetings of the task force without giving prior notice to the task force, the chair of the task force or her or his designee shall certify in writing to the mayor and the council that the member and alternate have missed three meetings. On the date of such certification, the member and alternate shall be deemed to have resigned from the task force. The chair of the task force or her or his designee shall then request the appointment of a new member and alternate.

(e) Implementation of the Principles of CEDAW.

(1) 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 committee shall train selected departments in human rights with a gender perspective.

(2) Gender analysis and action plan. As a tool for determining whether the city is implementing the local principles of CEDAW 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 CEDAW task force and the 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





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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.

- (A) The CEDAW task force 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.
  - (B) The committee shall train 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.
  - (C) Each department or entity undergoing a gender analysis shall designate a management or executive level employee to serve as a liaison to the committee and to coordinate the completion of the gender analysis.
  - (D) Each department or entity undergoing a gender analysis shall provide a report on its gender analysis and its action plan to the CEDAW task force and the committee, which shall review, analyze and comment on the report and forward it to the council and the mayor.
  - (E) The committee shall monitor the implementation of each department's or entity's action plan.
- (3) Five-year citywide action plan. Provided sufficient funds are available, the committee and the CEDAW task force shall develop a five-year citywide action plan. The citywide action plan shall address how to integrate human rights principles into the city's operations, how to further implement the local principles of CEDAW, any and all deficiencies found as a result of the gender analyses and the measures recommended to correct those deficiencies. The committee and the CEDAW task force shall present the action plan to the mayor. The committee shall monitor the implementation of the citywide action plan."



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SECTION 3. This ordinance takes effect upon its approval.

INTRODUCED BY:

*Tom N. Kobayashi*  
*and Juliana*  
*Kimberly Poni*

DATE OF INTRODUCTION:

**AUG 27 2015**

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

KIRK CALDWELL, Mayor  
City and County of Honolulu