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SCR-78 The Convention on the Elimination of All Forms of Discrimination Against Women. (2017-2018)

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Senate Concurrent Resolution No. 78

CHAPTER 16

Relative to The Convention on the Elimination of All Forms of Discrimination Against Women.

[Filed with Secretary of State February 27, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SCR 78, Jackson. The Convention on the Elimination of All Forms of Discrimination Against Women.

This measure would acknowledge that there is a continued need for the State of California to protect the human rights of women and girls and to analyze the operations of state departments, policies, and programs to identify discrimination and, if identified, to remedy that discrimination. The measure would support the implementation of the principles underlying the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Fiscal Committee: no

WHEREAS, The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an international human rights treaty. The CEDAW, known as an international "Bill of Rights" for women, is the first and only international instrument that comprehensively addresses women's rights within political, cultural, economic, social, and family life; and

WHEREAS, Discrimination is defined within the CEDAW 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 their marital status, 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"; and

WHEREAS, Countries that ratify the CEDAW are mandated to condemn all forms of discrimination against women and girls and to ensure equality for women and girls in the areas of civil, political, economic, social, and cultural rights; and

WHEREAS, On December 18, 1979, the United Nations General Assembly adopted the CEDAW, a culmination of decades of work by the United Nations Commission on the Status of Women. The creation of the CEDAW represented the first critical step in developing appropriate human rights language for women; and

WHEREAS, The adoption and ratification of the CEDAW has resulted in millions of girls who were previously denied access receiving basic education; measures have been taken against sex slavery, domestic violence, and trafficking of women and girls; improved health care services, including lifesaving care during pregnancy and childbirth; and millions of women have secured loans and obtained the right to own or inherit property; and

WHEREAS, The United States was active in drafting the CEDAW and former President Jimmy Carter signed the treaty on July 17, 1980. As of 2017, 187 countries have ratified the CEDAW. The United States is among seven states that have not ratified this

international instrument which has proved vital to addressing discrimination against women and girls in areas including, but not limited to, economic development, education, employment practices, violence against women and girls, and health care; and WHEREAS, In 1998, the City of San Francisco unanimously passed an ordinance to implement the principles underlying the CEDAW. In 2003, the City of Los Angeles unanimously adopted a policy to implement the principles underlying the CEDAW; and

WHEREAS, The CEDAW does not supersede federal, state, or local laws. Instead, it provides a framework for governments to examine the existing rights of women and girls in areas that include employment opportunities, education, health care, and equal protection under the law; and

WHEREAS, The 2017 Report on the Status of Women and Girls in California by Mount Saint Mary's University details many elements of women's rights within political, cultural, economic, social, and family life. According to the report, California females are highly diverse, with 62 percent identifying as women and girls of color. Twenty-eight percent of California's women and girls are foreign born, compared to 14 percent across the United States; and

WHEREAS, While 20 percent of California women have only attained a high school diploma, and another 20 percent have also completed a bachelor's degree, only 12 percent of women have also earned a graduate or professional degree; and

WHEREAS, Women continue to be paid less than men across virtually all occupational categories reported in California. California females are more likely than males to live below the federal poverty level; females are also more likely to live in extreme poverty with incomes less than 50 percent of the federal poverty level. While more women than men live in poverty, there continues to be a greater inequality in poverty rates among women across ethnic and racial groups; and

WHEREAS, Seven percent of all veterans have an income below the federal poverty level compared to 14 percent of nonveterans. However, since just over 92 percent of California's veterans are men, this poverty rate masks the percentage of women veterans who are living in poverty. Across the United States, female veterans experience a higher rate of poverty than their male counterparts: 10 percent of women who are veterans live in poverty; and

WHEREAS, Women comprise 19 percent of the 2017 Congress of the United States and 32 percent of the 2017 California House of Representatives delegation. In the history of California, only eight women have been elected to serve in the executive branch of California's government. California has never had a female governor. In 2016, one-half of the California State Senate and all members of the California State Assembly were up for reelection. Following the election of 2014, California reached the lowest level of female representation in the state since 1998. This trend worsened following the 2016 election; and

WHEREAS, Despite women's success in owning businesses, they continue to be underrepresented in the executive suite of publicly held companies. Among California's 400 largest publicly held companies, women hold only 13 percent of director seats and account for only 10.5 percent of the highest-paid executives. Among the top 400 California companies, 4 percent have a woman serving as the chief executive officer (CEO); among the top 25 companies, 44 percent have a woman as CEO; and

WHEREAS, For California women and girls there are many aspects of health and well-being that need addressing, including maternal health. Although cesarean delivery brings increased risks of complications for mothers, approximately one in three of all births in California and in the nation are by cesarean section. Significant racial disparities exist within the state in regards to maternal health, with African American mothers continuing to have more than three times the rate of maternal mortality of white women. Additionally, approximately 10 times as many women die from breast cancer as from cervical cancer. The death rate for breast cancer has shown a decrease over time, while the death rate of cervical cancer has remained constant. Behind both these death rates, however, are racial and ethnic disparities, with deaths among African American women the highest for both of these cancers. When the death rate of cervical cancer is corrected for the prevalence of hysterectomy, the rates for all women increase and the racial disparity widens; and

WHEREAS, Across the United States, an estimated 19 percent of women report having been raped during their lifetimes. Nearly one in two women report having experienced other forms of sexual violence, compared with 23 percent of men. In 2015, there were 12,793 rape crimes reported in California: 11,827 rapes and 966 attempts to commit rape. There were 2,467 felony arrests for rape; 98 percent of those arrested were men. As of September 30, 2016, there were 5,748 cases of human trafficking in the United States and 18 percent of reported cases were in California. Eighty-nine percent of victims in California's human trafficking cases are women and girls; and

WHEREAS, Sexual violence has been a pervasive problem in many academic and career environments, including the United States military. In the 2015 fiscal year, the military services received over 6,000 reports of sexual assault involving a service member as either a victim or perpetrator, representing a 1 percent decrease in reports made in 2014. While women report at a much higher rate, of the 566 formally substantiated sexual violence cases resolved in 2015, 80 percent of the victims were women; and

WHEREAS, In 2015, there were 162,302 domestic violence-related calls for assistance made in California. Over 42 percent of these calls involved a weapon, and a personal weapon (hands, fists, and feet) was used in 80 percent of incidents. Between 2011

and 2015, in just five years, the number of domestic violence-related calls where a weapon was involved has increased by 11 percent; and

WHEREAS, Women continue to hold less than one in five of the key behind-the-scenes occupations in the United States film industry. Only one in three of major on-screen characters in films is a woman, and nearly three-fourths of these women are white. Overall, women are employed in the greatest proportion as producers. Box office figures for the top 100 highest grossing, nonanimated films of 2015 showed that films featuring women earned 19 percent more than films led by men; and

WHEREAS, Disparities in health, education, financial security, career opportunities, and access to justice have lifelong impacts. According to the Aging, Women and Poverty policy brief issued by the California Commission on Aging, California's older adult population will nearly double—by four million—over the next two decades. Traditionally, older women live longer than men and make up the majority of older adults. Women who live longer are more likely to develop Alzheimer's disease and those who live longest also risk outliving their savings. One in five single older women live below the federal poverty level, while another 32 percent have incomes that are higher, yet are still unable to meet their basic living expenses. Older women of color are at greatest risk of poverty, with over 60 percent of all single elders of color facing economic insecurity; and

WHEREAS, There exists a need to strengthen effective national and local mechanisms, institutions, and procedures and to provide adequate resources, commitment, and authority to advise on the impact of all government policies on women and girls, to monitor the situation of women comprehensively, and to help formulate new policies and effectively carry out strategies and measures to eliminate discrimination; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature acknowledges that there is a continued need for the State of California to protect the human rights of women and girls by addressing discrimination, including violence, against them and to implement the principles of the CEDAW. Adherence to the principles of the CEDAW on the state 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 state 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 the CEDAW in the private sector; and be it further

Resolved, That the Legislature supports the implementation of the principles underlying the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by addressing discrimination against women and girls in areas including, but not limited to, economic development, education, employment practices, violence against women and girls, and health care; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.