

AMENDED IN SENATE AUGUST 17, 2004

AMENDED IN SENATE JUNE 23, 2004

AMENDED IN SENATE JUNE 17, 2004

AMENDED IN SENATE JUNE 7, 2004

AMENDED IN SENATE AUGUST 21, 2003

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY MARCH 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 358

Introduced by Assembly Member Jackson
(Coauthors: Assembly Members Berg, Chavez, Dymally,
Goldberg, Hancock, Koretz, Levine, Oropeza, Pavley, and
Wiggins)

February 11, 2003

An act to add Section 8251 to the Government Code, relating to discrimination.

LEGISLATIVE COUNSEL'S DIGEST

AB 358, as amended, Jackson. Gender discrimination.

Existing law prohibits discrimination and harassment based on sex and gender in housing and employment.

Existing federal law provides that no person on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected

to discrimination under any educational program or activity receiving federal financial assistance.

This bill would require the state to implement the principles underlying the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by addressing discrimination against women and girls, as specified, and would require, beginning January 1, 2006, the Department of Corrections, the State Department of Education, and the State Department of Health Services to conduct, in consultation with the State Commission on the Status of Women, an evaluation of their own departments to ensure that the state does not discriminate against women through the allocation of funding and the delivery of services.

The bill would require these departments to report their findings and recommendations to the Legislature no later than January 1, 2007.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:

3 (a) The Convention on the Elimination of All Forms of
4 Discrimination Against Women (CEDAW) is an international
5 “Bill of Rights” for women. It is the first and only international
6 instrument that comprehensively addresses women’s rights within
7 political, cultural, economic, social, and family life.

8 (b) On December 18, 1979, the United Nations adopted the
9 CEDAW.

10 (c) The United States was active in drafting CEDAW and
11 former President Jimmy Carter signed the treaty on July 17, 1980.
12 As of October 2003, 174 countries have ratified CEDAW.

13 (d) In 1998, the City of San Francisco unanimously passed an
14 ordinance to implement the principles underlying the CEDAW.

15 (e) CEDAW does not supersede federal, state, or local laws.
16 Instead, it provides a framework for governments to examine the
17 existing rights of women and girls in areas that include
18 employment opportunities, education, health care, and equal
19 protection under the law.

20 SEC. 2. Section 8251 is added to the Government Code, to
21 read:



1 8251. (a) The state shall implement the principles underlying
2 the Convention on the Elimination of all Forms of Discrimination
3 Against Women (CEDAW) by addressing discrimination against
4 women and girls in areas including, but not limited to, economic
5 development, education, employment practices, violence against
6 women and girls, and health care.

7 (b) Beginning January 1, 2006, the Department of Corrections,
8 the State Department of Education, and the State Department of
9 Health Services shall, in consultation with the State Commission
10 on the Status of Women, conduct an evaluation of their own
11 departments to ensure that the state does not discriminate against
12 women through the implementation of state policies and
13 programs, including the allocation of funding and delivery of
14 services. These departments shall report their findings to the
15 Legislature no later than January 1, 2007, with recommendations
16 for what practices and policies, if any, should change to implement
17 the policies of CEDAW.

18 (c) *Neither actions taken pursuant to subdivision (a), nor the*
19 *evaluation conducted pursuant to subdivision (b), shall be*
20 *admissible to prove discrimination by the state.*

