

ATTACHMENT

For Item

#34

Tuesday,
April 26, 2022

**PUBLIC COMMUNICATION RECEIVED BY THE
CLERK OF THE BOARD**

DISTRIBUTED 04/26/2022

From: Karen <karend2010@earthlink.net>
Sent: Tuesday, April 26, 2022 7:32 AM
To: FGG, Public Comment
Subject: [External] Public input for April 26 vote: Proposed ordinance re CEDAW

Follow Up Flag: Follow up
Flag Status: Flagged

To the Board:

I urge you to vote NO on the ordinance which would impose the UN-initiated CEDAW in San Diego County.

The implementation of CEDAW would have negative consequences for the very individuals it purports to protect.

The Board needs to focus on County business. This is not it.

Respectfully submitted,

Karen Dale

92120

From: Potter, Andrew
Sent: Tuesday, April 26, 2022 5:40 AM
To: FGG, Public Comment
Subject: Fwd: [External] Public Comment in Support of CEDAW ordinance
Attachments: FTT Cedaw comment FINAL.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From: Malissa Thomas <malissa@freetothrive.org>
Sent: Monday, April 25, 2022 8:20 PM
To: Potter, Andrew <Andrew.Potter@sdcounty.ca.gov>; BOS, District1Community <District1Community@sdcounty.ca.gov>; Vargas, Nora <Nora.Vargas@sdcounty.ca.gov>; Anderson, Joel <Joel.Anderson@sdcounty.ca.gov>; Lawson-Remer, Terra <Terra.Lawson-Remer@sdcounty.ca.gov>; Fletcher, Nathan (BOS) <Nathan.Fletcher@sdcounty.ca.gov>; Desmond, Jim <Jim.Desmond@sdcounty.ca.gov>; Elledge, Meghan <Meghan.Elledge@sdcounty.ca.gov>; Berry, Amanda <Amanda.Berry@sdcounty.ca.gov>; Martin, Ruth <Ruth.Martin@sdcounty.ca.gov>
Subject: [External] Public Comment in Support of CEDAW ordinance

Good evening,

Please see attached Free to Thrive's public comment in support of San Diego's CEDAW ordinance.

Thank you,

--
Malissa Thomas
Staff Attorney
Phone: (619) 693-6361 Ext 105
Direct line: (619) 831-8322
malissa@freetothrive.org

Pronouns: She, Her, Hers



visit: www.freetothrive.org
give: <http://freetothrive.org/donate/>
volunteer: <http://freetothrive.org/volunteer/>

"Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly affects all indirectly." - Martin Luther King, Jr.

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1050 University Avenue, #E107-84 • San Diego, CA 92103 • (619) 684-0025 • www.FreetoThrive.org

Re: San Diego CEDAW Ordinance

To Whom It May Concern:

Thank you for the opportunity to comment on the development of a local policy to provide for the implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the inclusive definition of women in that policy. Free to Thrive is a non-profit legal clinic that serves survivors of human trafficking in the San Diego area. Working with survivors of gender-based violence and exploitation, we see every day how gender inequity leaves women and girls vulnerable to exploitation and abuse.

Intersectional barriers to economic development leave our clients relying on abusers and exploiters to keep a roof over their heads or put food on the table for their children. Inequities in the criminal legal system result in trans women and women of color in particular being criminalized as a result of their exploitation, subsequently blocked out of traditional economies because of their criminal records and forced to continue to rely on exploiters to get their basic needs met. Gender-based violence and harassment leave women traumatized and silenced. All these inequities and more compile to disempower women and girls, silence their voices, and perpetuate cycles of trauma and abuse. Local efforts to investigate, analyze and resolve these inequities are crucial to preventing exploitation of women left vulnerable by these barriers.

Transgender and gender nonconforming women are uniquely vulnerable to these harmful effects. LGBTQ youth face higher rates of discrimination and experience more harassment, family rejection, violence, and financial instability than other youth.¹ Abusers and exploiters prey on the economic needs of LGBTQ+ youth as well as on their needs for community and belonging. LGBTQ+ youth are overrepresented among runaway and homeless youth populations because of the frequency of harassment, family rejection and economic instability they experience.² Transgender and gender-nonconforming individuals experience homelessness at higher rates than the broader population; they also experience elevated rates of discrimination, verbal harassment, physical assault and sexual violence in homeless shelters.³ Traffickers frequently target characteristics that are disproportionately present in the LGBTQ+ population, like a lack of strong support

¹ *Breaking Barriers: Improving Services ... - Polaris Project*. Polaris Project, <https://polarisproject.org/wp-content/uploads/2019/09/breaking-barriers-lgbtq-services.pdf>.

² *Id.*

³ Kattari, Shanna K., and Stephanie Begun. "On the Margins of Marginalized: Transgender Homelessness and Survival Sex." *Affilia*, vol. 32, no. 1, Feb. 2017, pp. 92–103, doi:10.1177/0886109916651904.



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networks, financial strain, a history of violence, and general social marginalization.⁴ Transgender women are uniquely marginalized and deserve protection.

Furthermore, California law prohibits discrimination on the basis of sex, gender, gender identity and gender expression in public accommodations, and Gov't Code § 12926(r)(2) states that "'Sex' also includes, but is not limited to, a person's gender. 'Gender' means sex, and includes a person's gender identity and gender expression. 'Gender expression' means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth."

California law expressly prohibits disparate treatment of trans and gender nonconforming women. Trans and gender nonconforming women experience higher rates of exploitation and abuse than their cisgender peers, and they must be included in our collective efforts to advance and assert the rights of women.

Trans and gender nonconforming women are women. Period.

In summary, all women—including trans and gender nonconforming women—are vulnerable to harm due to a disturbing lack of gender equity in myriad arenas of life. Local efforts to investigate, analyze and resolve those inequities are vital to keeping women and girls safe from exploitation and abuse.

Sincerely,

A handwritten signature in blue ink that reads "Jamie Beck". The signature is written in a cursive, flowing style.

Jamie Beck

President and Managing Attorney

Free to Thrive

⁴ "Outlaws: Exposing the Global Human Trafficking of LGBTQ Youth." *Thomson Reuters Institute*, 11 Aug. 2021, <https://www.thomsonreuters.com/en-us/posts/legal/outlaws-exposing-lgbtq-human-trafficking/>.

From: Ashley Fasano <ashleynfasano@gmail.com>
Sent: Monday, April 25, 2022 10:08 PM
To: Potter, Andrew; BOS, District1Community; Vargas, Nora; Anderson, Joel; Lawson-Remer, Terra; Fletcher, Nathan (BOS); Desmond, Jim; Elledge, Meghan; Berry, Amanda; Martin, Ruth; FGG, Public Comment
Subject: [External] Comment on San Diego County CEDAW Ordinance - Board of Supervisors Meeting: April 26, 2022
Attachments: THLA Comment on Proposed CEDAW Ordinance (1).pdf
Follow Up Flag: Follow up
Flag Status: Flagged

To the Honorable Members of the San Diego County Board of Supervisors:

Attached here, please find the Tom Homann LGBTQ+ Law Association ("THLA")'s comment regarding the development of a policy to implement the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in San Diego County. THLA writes in **strong** support of the proposed ordinance, as detailed in the attached comment.

Thank you for your time and consideration.

Best regards,

Ashley Fasano
Co-President
On Behalf of the Tom Homann LGBTQ+ Law Association



Douglas L. Clark
Ashley N. Fasano
Tom Homann LGBTQ+ Law Assn.
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PMB#137
San Diego, CA 92104
doug.clark@jonesday.com
ashleynfasano@gmail.com

March 25, 2022

Via E-mail (OERJ@sdcounty.ca.gov)

The Board of Supervisors
County of San Diego
OERJ@sdcounty.ca.gov

Re: Tom Homann LGBTQ+ Law Association Comment on San Diego County CEDAW Ordinance

To the Honorable Members of the San Diego County Board of Supervisors:

Thank you for the opportunity to comment on the development of a policy to implement the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in San Diego County. The Tom Homann LGBTQ+ Law Association (“THLA”) writes in favor of the proposed CEDAW ordinance that seeks to eliminate inequities affecting *all* women and girls, including transgender women, gender nonconforming women, and those assigned female at birth, such as transgender men and intersex people.

THLA is dedicated to advocating for and advancing lesbian, gay, bisexual, transgender and queer issues throughout California, as well as supporting measures that protect LGBTQ+ communities. As the proposed CEDAW ordinance emphasizes, inequities in economic development, the criminal legal system, health care, gender-based violence and harassment, and housing and homelessness leave women and girls vulnerable to harm and create barriers to success in all areas of life. Women and girls in the LGBTQ+ community, in particular, face intersectional barriers that leave them uniquely vulnerable in these areas. As such, THLA strongly advocates for the passage of a county-wide CEDAW ordinance which provides a framework for identifying *all* gender-based inequities and determining workable strategies to eliminate inequities on a broad scale.

The inclusive definition of “women and girls” in the proposed CEDAW ordinance is integral to the county’s stated goal of achieving greater gender and cultural equity, access and inclusivity for



all San Diegans. Transgender and gender nonconforming communities are distinctly vulnerable to the harmful effects of discrimination and harassment due to their gender identity and/or gender

expression. For example, LGBTQ+ youth experience higher rates of discrimination, harassment, family rejection, violence, and financial instability than any other youth group.¹ Abusers and exploiters often prey on the economic needs of LGBTQ+ youth, as well as their need for community and belonging. These conditions make LGBTQ+ youth susceptible to higher rates of intimate partner violence, sexual violence and human trafficking. LGBTQ+ youth are also overrepresented among runaway and homeless youth populations.²

Likewise, transgender and gender nonconforming adults experience homelessness at higher rates than the broader population. Even when seeking assistance, these communities are met with hostility and inequity. For instance, transgender and gender nonconforming individuals experience elevated rates of discrimination, verbal harassment, physical assault and sexual violence in homeless shelters.³ There is no question that transgender and gender nonconforming people are uniquely marginalized due to their gender identity and/or gender expression. These communities deserve protection and targeted action to reduce gender-based discrimination that may inhibit their access to public services and stifle their ability to live without fear of harassment and violence.

Notwithstanding community need, California law expressly prohibits disparate treatment of trans and gender nonconforming individuals in the application of county ordinances. Government Code § 12926(r)(2) states: “‘Sex’ also includes, but is not limited to, a person’s gender. ‘Gender’ means sex, and includes a person’s gender identity and gender expression. ‘Gender expression’ means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.” Thus, discrimination on the basis of **sex, gender, gender identity and gender expression** in public accommodations is prohibited. The inclusive definition of “women and girls” will work to ensure the equitable treatment of transgender and gender nonconforming people in comparison to their cisgender peers.

All women and girls—including those who identify as transgender, gender nonconforming, or intersex—are vulnerable to harm due to a disturbing lack of gender equity in myriad areas of life. Local efforts to investigate, analyze and resolve those inequities are vital to empowering women and girls of all types to succeed. For these reasons, THLA proudly stands with our community in asking the San Diego County Board of Supervisors to adopt a CEDAW ordinance that provides for the elimination of inequities affecting **all** women and girls, including transgender women, gender nonconforming women, and those assigned female at birth, such as transgender men and intersex people.

¹ *Breaking Barriers: Improving Services ... - Polaris Project*. Polaris Project, <https://polarisproject.org/wp-content/uploads/2019/09/breaking-barriers-lgbtq-services.pdf>.

² *Id.*

³ Kattari, Shanna K., and Stephanie Begun. “On the Margins of Marginalized: Transgender Homelessness and Survival Sex.” *Affilia*, vol. 32, no. 1, Feb. 2017, pp. 92–103, doi:10.1177/0886109916651904.



Sincerely,

Douglas Clark & Ashley N. Fasano
Co-Presidents
Tom Homann LGBTQ+ Law Association