

## **THE NEW YORK CITY HUMAN RIGHTS INITIATIVE**

The New York City Human Rights Initiative is a model ordinance that will enable New York City to implement locally the principles of two human rights treaties – the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

While New York City has strong anti-discrimination laws – indeed, among the best in the country – it does not have a mandate to proactively address racial and gender inequalities in the City’s programs, policies, and operations. Traditional anti-discrimination laws are most effective at identifying and remedying, through litigation or the threat of litigation, egregious forms of discrimination. Those include intentional discrimination motivated by racial or gender animus or specific policies that have widespread discriminatory impacts. But anti-discrimination laws are less effective at promoting racial and gender equality on a more systematic basis. The New York City Human Rights Initiative seeks to fill that gap by positively promoting equality and human rights. The ordinance recognizes that human rights and equality are advanced not only by prohibitions on discrimination but also by taking the needs and concerns of women, people of color, and other people vulnerable to discrimination into account at all levels of decision-making.

The ordinance is designed to enlist the cooperation of the City and the public in eliminating inequality and advancing human rights for all New Yorkers. To do so, it sets forth local human rights principles, drawn from CEDAW and CERD, as goals the City aspires to achieve. It then establishes a series of procedures the City must undertake to study, evaluate, and create plans to improve its progress toward those human rights goals. At various steps of the process, the public is invited to participate and to comment. The ordinance also establishes an Advisory Committee to help the City follow these procedures, and a Task Force to oversee and enforce the implementation process.

### **Description of the Ordinance**

The model ordinance has five sections: (I) Legislative Findings and Intent, (II) Definitions, (III) Local Human Rights Principles Based on CEDAW and CERD, (IV) Implementation of Local Human Rights Principles in New York City, and (V) Implementation Bodies and Task Force.

#### ***Local Human Rights Principles***

This section of the ordinance lays out human rights principles derived from both CEDAW and CERD, two treaties that set forth what are widely accepted as the basic tenets of gender and race equality. The principles serve as goals toward which the City aspires and guides for the City’s human rights implementation efforts.

The Local Principles are innovative in that they combine the provisions of both CEDAW and CERD and, where appropriate, adapt them to the local context of New York City. The principles cover a number of cross-cutting issues addressed in CEDAW and

CERD, including economic justice, housing, violence, trafficking, health care, education, family care, political participation, and criminal and juvenile justice.

The combination of both CEDAW and CERD draw on New York City's core strength of diversity. It will also enable New York City to be the first jurisdiction in the country to effectively address the intersection of race and gender. Social scientists and other researchers have long recognized that the combined variables of race and gender lead to results that are not apparent when studying each separately. Because it addresses the intersection of race and gender, the New York City ordinance is more comprehensive than similar initiatives to locally implement CEDAW or CERD alone.

### ***Implementation of Local Human Rights Principles in New York City***

This Implementation section contains the main operative provisions of the ordinance, setting forth the procedures the City must follow to integrate the Local Human Rights Principles into all of its programs, policies, and decision-making processes. Instead of creating litigable rights, the ordinance requires the City to train its personnel in human rights, to undertake a Local Human Rights Analysis of the operations of each department, program and entity on a rolling basis, and to create Human Rights Action Plans for further integrating the Local Principles into those operations.

The ordinance derives its force from public participation, oversight by a Human Rights Task Force, and enforcement procedures. Each City department, program, and entity is required to make public a written report of its Local Human Rights Analysis and Action Plan, to accept public comments to that report, and to respond to those comments. It is also required to present its revised Analysis and Action Plan to the Task Force in a public hearing. If the department, program or entity does not comply with the procedures in the ordinance, the Task Force may direct it to comply or may bring an action for injunctive relief to compel compliance. The Task Force is further charged with monitoring the implementation of the Action Plan, and may compel the department, program or entity to provide information about its implementation efforts or may hold public hearings on those efforts.

### ***Implementing Bodies***

The ordinance creates two new bodies to assist the City to locally implement human rights principles: a Human Rights Advisory Committee and a Human Rights Task Force. The Advisory Committee consists of experts who will advise each department, agency or program on how effectively to conduct the Local Human Rights Analysis and create the Local Human Rights Action Plan. The Task Force, on the other hand, is made up of a variety of responsible City officials as well as members of the community. The Task Force's function is to oversee and enforce the City's compliance with the provisions of the Implementation section of the ordinance.

*The New York City Human Rights Initiative is being developed by a broad coalition of local and national groups based in New York City. The coordinating committee includes NOW Legal Defense and Education Fund, the ACLU Women's Rights Project, the Urban Justice Center, Amnesty International, and the Women of Color Policy Network.*