

# **Ordinance to Promote Gender Equality and Intercultural Cohesion for a Diverse Setagaya**

Contents

Preamble

Chapter 1: General Provisions (Articles 1-7)

Chapter 2: Basic Measures, etc. (Article 8, Article 9)

Chapter 3: Advisory Board for the Promotion of Gender Equality and Intercultural cohesion in Setagaya City

(Article 10)

Chapter 4: Resolution of Complaints (Article 11, Article 12)

Chapter 5: Miscellaneous Provision (Article 13)

Supplementary Provision

The building of local communities characterized by respect for the dignity of each person, acceptance of diversity such that each individual can live in the way they see fit, regardless of age, gender, nationality, ability or disability is what we as humans should aim for, over and above national boundaries and ethnic differences. Moreover, acceptance of each and every person in their individuality leads to societies that can offer a diverse range of lifestyles, where people can participate in all activities and where duties can be shared.

Sharing this philosophy with the City, residents and businesses and united behind it, Setagaya City enacts this ordinance with the purpose of creating a local community that accepts diversity and respects human rights by promoting gender equality and intercultural cohesion.

Chapter 1: General Provisions

(Purpose)

Article 1

With regard to the promotion of gender equality and intercultural cohesion, this ordinance establishes the guiding principles and defines the roles and duties of the City, residents and businesses. It also stipulates basic articles for policies and measures to promote gender equality and intercultural cohesion (hereafter “gender equality and intercultural cohesion measures”). It thereby works for a gender equitable and intercultural community with the objective of contributing to the realization of a society that accepts diversity and respects human rights.

(Definitions)

Article 2

In this ordinance, key terms are defined as follows:

(1) Gender equality:

Regardless of their biological sex, the opportunity of all to freely participate across all spheres of life is preserved, and every person is able to enjoy the political, economic, social and cultural benefits thereof.

(2) Intercultural cohesion

All people accept the cultural differences of those of other nationalities and ethnicities, living together and building relationships of equality.

(3) Gender

Biological sex, gender identity (one's own identified gender) and sexual orientation (a person's sexual identity in relation to the gender to which they are attracted).

(4) Resident

A person living in Setagaya, working in Setagaya or attending an educational facility in Setagaya.

(5) Business

An individual, corporation or organization carrying out business activities in Setagaya.

(6) Sexual minority

A person whose gender identity, sexual orientation, etc. differ from the majority of the population.

(7) Domestic violence

Violence (including behaviors and actions causing mental or physical harm) between those who are, or were, in an intimate relationship such as spouse or partner.

(Guiding Principles)

Article 3

The guiding principles for the promotion of gender equality and intercultural cohesion (hereafter "guiding principles") are as follows.

(1) Diversity is accepted by all, human rights are protected and every person can live with dignity.

(2) All people can choose from a diverse range of lifestyles, fulfilling their potential based on their own free will.

(3) All people are able to participate in activities in every field, sharing responsibility.

(Duties of the City)

Article 4

The City, based on these guiding principles, has the responsibility to implement gender equality and intercultural cohesion measures in a comprehensive and planned way.

2 The City, in its implementation of gender equality and intercultural cohesion measures, shall obtain the cooperation of residents and businesses and engage in partnerships with the central government, other regional authorities and other relevant bodies.

(Duties of Residents)

Article 5

City residents, based on the guiding principles, must deepen their understanding of gender equality and intercultural cohesion and must make efforts to achieve a gender equitable and intercultural society in every field of activity.

2 Residents must make efforts to cooperate with the gender equality and intercultural cohesion measures implemented by the City.

(Duties of Businesses)

Article 6

Businesses, based on the guiding principles, must deepen their understanding of gender equality and intercultural cohesion and must make efforts to take the steps necessary to achieve a gender equitable and intercultural society in their business activities and in the operation of their workplaces.

2 Businesses must make efforts to cooperate with gender equality and intercultural cohesion measures implemented by the City (elimination of discrimination on the basis of gender difference, or on the basis of

cultural differences with people of different nationality or ethnicity).

#### Article 7

Unjust discriminatory treatment by anyone on the basis of gender difference, or on the basis of cultural differences with people of different nationality or ethnicity, must not violate the rights and interests of others.

2 Care must be taken not to communicate information to the public that promotes unjust discrimination on the basis of gender difference, or on the basis of cultural differences with people of different nationality or ethnicity.

### Chapter 2: Basic Measures, etc.

#### (Basic Measures)

#### Article 8

Gender equality and Intercultural cohesion measures shall be based on the following.

- (1) Elimination of stereotypical perceptions of gender roles
- (2) Promotion of initiatives related to work-life balance (efforts by individuals to harmonize their work and private lives)
- (3) Eradication of domestic violence
- (4) Accounting for gender differences in the provision of physical and mental health support
- (5) Supporting the promotion of understanding of diverse sexuality such as sexual minorities and the elimination of barriers in everyday life associated with sexual difference.
- (6) Supporting communication with foreigners and those born abroad with Japanese citizenship (hereafter “foreigners”) through provision of language in foreign languages, etc.
- (7) Supporting livelihoods so that foreigners can live safely and securely
- (8) Promoting intercultural community-building by promoting exchange with foreigners
- (9) Supporting promotion of community engagement by foreigners and their success in society
- (10) Eliminating prejudice and unjust discrimination against different nationalities and ethnicities based on cultural differences

2 In order to effectively promote these basic measures, the Mayor shall positively pursue and engage in the public education and awareness-raising required.

#### (Action plan)

#### Article 9

In order to promote gender equality and intercultural cohesion measures in a comprehensive and planned way, the Mayor shall draw up and publish an action plan.

2 In drawing up the action plan, the Mayor must listen to the views of the Advisory Board for the Promotion of Gender Equality and Intercultural Cohesion in Setagaya City as stipulated in the following articles.

3 The Mayor shall update the public on the implementation of measures based on the action plan every year.

### Chapter 3: Advisory Board for the Promotion of Gender Equality and Intercultural Cohesion in Setagaya City

#### (Advisory Board for the Promotion of Gender Equality and Intercultural Cohesion in Setagaya City)

#### Article 10

An Advisory Board for the Promotion of Gender Equality and Intercultural Cohesion in Setagaya City (hereafter “the Board”) shall be formed as a mayoral body to review and discuss matters necessary to promote gender equality and intercultural cohesion measures in a comprehensive and planned way.

2 The Board will review and discuss the following matters as advised by the Mayor.

(1) Matters related to the action plan.

(2) In addition to the above, any matters as deemed necessary by the Mayor to promote gender equality and intercultural cohesion measures

3 The Board will be made up of no more than 15 members appointed by the Mayor including academic experts, residents of Setagaya and any other persons as deemed necessary by the Mayor.

4 The term of the above members shall be two years, with no cap on reappointment. However, a replacement member shall sit for the remainder of the term of their predecessor only.

5 A task force may be appointed within the Board in order to review and discuss specialized matters not limited to matters related to gender equality and intercultural cohesion or to conduct reviews and discussion efficiently.

6 In addition to the matters established above, rules are established regarding the requirements for organization and operation of the Board.

#### Chapter 4 Resolution of Complaints

(Filing complaints, etc.)

##### Article 11

City residents and businesses may file a complaint against the Mayor, submit their opinions or seek advice on matters related to gender equality and intercultural cohesion measures.

2 The Mayor, upon receiving a complaint or query as stipulated in the preceding clause (hereafter “complaints”), shall promptly investigate or take other appropriate steps as required. In this case, the Mayor shall, as deemed necessary, consult the Advisory Board for the Resolution of Gender Equality and Intercultural Cohesion Complaints in Setagaya City.

(Advisory Board for the Resolution of Gender Equality and Intercultural Cohesion Complaints in Setagaya City)

##### Article 12

In order to ensure that complaints are resolved fairly and appropriately, an Advisory Board for the Resolution of Gender Equality and Intercultural Cohesion Complaints in Setagaya City (hereafter the “Complaints Resolution Board”) shall be appointed as a mayoral body.

2 The Complaints Resolution Board shall review and discuss complaints as required to advise the Mayor as stipulated in the above Article 11(2).

3 The Complaints Resolution Board shall consist of no more than three members appointed by the Mayor with deep understanding and insight into matters related to gender equality and intercultural cohesion.

4 The term of the above members shall be two years, with no cap on reappointment. However, a replacement member shall sit for the remainder of the term of their predecessor only.

5 The Complaints Resolution Board, when deemed necessary for the purposes of review and discussion, may request the attendance of relevant official or other related persons to provide their opinion or a briefing. It may also request the submission of necessary documents from such persons.

6 In addition to the matters established above, rules are established regarding the requirements for organization and operation of the Complaints Resolution Board.

#### Chapter 5 Miscellaneous Provisions

(Delegated)

#### Article 13

Rules are established regarding the requirements for the enforcement of this ordinance.

#### Supplementary Provisions

This ordinance takes effect on April 1, 2018.

# **Ordinance to Promote Gender Equality and Intercultural Cohesion for a Diverse Setagaya**

( Effective Date : April 1,2018 )

Setagaya City strives for both individual dignity and respect for diversity as set out in the Setagaya City Basic Plan (adopted September 2013). Setagaya City has enacted this ordinance with the purpose of realizing a local community that accepts diversity and respects human rights through the promotion of gender equality and intercultural cohesion by the City, residents and businesses working together as one.

Duties of the City(things it must do)

Duties of residents and businesses(things they must do)

The ordinance also sets out how to file complaints, offer opinions and seek advice.

The kind of community and society that Setagaya is aiming to achieve

## **<The kind of society envisaged by Setagaya>**

### **What is a “society that accepts diversity and respects human rights”?(Ordinance Article 1)**

A society that accepts the choice of others to choose their way of life, irrespective of perceptions of gender roles that “men work, women stay home” and differences of nationality or ethnicity, conferring dignity on one another and accepting each others’ way of life. We aim for a society that accepts diversity of age, sex, nationality, ability or disability.

## **<Duties of the City>**

### **What must Setagaya City do? (Ordinance Article 4)**

The City is bound to establish basic measures to promote gender equality and intercultural cohesion (Article 8) and an action plan (Article 9), and to advance initiatives on these. It must obtain the cooperation of residents and businesses and engage in partnerships with the central government, other regional authorities and other relevant bodies to achieve them.

These duties include those of the Setagaya City Board of Education and the educational activities of City schools.

### **How are the policies, measures and plans established and enforced, and how is their progress reported?(Ordinance Article 8 -10)**

With respect to the Second Setagaya City Gender Equality Plan (2017-2026) and the Setagaya Intercultural Plan (2019-2023), policies and measures will be implemented in consultation with the Advisory Board for the Promotion of Gender Equality and intercultural cohesion in Setagaya City. Progress will be reviewed and made public annually.

## **<Duties of residents and businesses>**

### **What must residents and businesses do? (Ordinance Articles 5 and 6)**

The ordinance stipulates that they must deepen their understanding of gender equality and intercultural cohesion as promoted by the City, and cooperate actively with measures taken by the City. Businesses in particular are asked to ensure that they are not unjustly treating any workers on the basis of differences in sex, gender identity, sexual orientation, nationality or ethnicity in all areas from hiring to promotion so that all working people are able to lead the life they choose. They will be asked to rectify the situation if they are

in fact unjustly treating workers.

**Is it considered “unjust discriminatory treatment” if an action is not intended to be discriminatory? (Ordinance Article 7)**

Any action that results in unjust discriminatory treatment is included, regardless of whether it is direct or indirect, or of whether there is awareness that it is discrimination on the part of the person responsible.

**Is it a violation of the ordinance for a landlord to reject my tenancy on the basis that I am in a same-sex couple or a foreigner? To be discriminated against on the basis of being a foreigner, despite having lived in Japan for several generations as a permanent resident?**

Both of these cases run counter to the intent of the ordinance. The purpose of this ordinance is to eliminate discrimination of this kind. These issues are not related to Setagaya City policies (Article 8), therefore a complaint cannot be filed against the City, but if such an issue is reported, the City briefs the relevant party on this ordinance and their understanding is requested.

**Is there punishment for a person who acts or speaks in a discriminatory way?**

No penalties are established by this ordinance. The City will request the understanding of the party involved to ensure that there is no discrimination or unjust treatment. It will also carry out awareness-raising and publicity about the ordinance to ensure the compliance of advertisers and others disseminating information to the public.

**<Complaints and advice>**

**Who can make complaints about what? Can I express my views or seek advice? (Ordinance Article 11, Article 12)**

City residents and businesses can file a complaint about gender equality and intercultural cohesion policies and measures if they feel they are inadequate or inappropriate. Opinions may be offered or advice sought about general matters residents wish to resolve in their daily lives or which businesses wish to resolve in their commercial activities.

The City, as required, will consult the Advisory Board for the Resolution of Gender Equality and Intercultural cohesion Complaints in Setagaya City (hereafter the “Complaints Resolution Board”) on its course of action in response to complaints, etc.

**Specifically where can I seek advice?**

As always, please consult the responsible department for each City service. If there is an appropriate helpdesk, they will advise you of how to get in touch.

For matters related to gender equality policy and measures, the Human Rights and Gender Equality Office of the Living Culture Department, Setagaya City and the LaPlace Gender Equality Center are available for consultation. For matters related to intercultural cohesion, consult with the International Affairs Division. To file a complaint, please consult the Human Rights and Gender Equality Office.

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City of Setagaya

Enquiries

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