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# Thinking Global, Acting Locally: CEDAW and Women's Human Rights in San Francisco

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**Thinking Globally, Acting Locally: CEDAW and Women's Human Rights in San Francisco**

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## **Abstract**

While the United States has ratified many of the international human rights treaties, some have been left languishing in the Senate including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). In response to Senate failure to ratify the women's treaty, the city of San Francisco passed its own CEDAW ordinance in 1998 to implement the principles of women's human rights in its jurisdiction. Several factors contributed to the successful passage of the CEDAW ordinance, including a sturdy base of feminist institutions developed over three decades of women's activism, determined leadership with the commitment, skills, and time to organize the effort, and political will nurtured and sustained through community education. The implementation phase was facilitated by concrete goals that gave specificity to the idea of women's human rights and participatory practices that diffused opposition and engaged city residents in devising solutions to unequal treatment. The San Francisco case provides a useful model for activists in the Cities for CEDAW movement that hope to implement the principles of CEDAW in other municipalities.

## **Introduction**

The human rights movement has spread across the globe since its origin in the aftermath of the humanitarian disasters of the Second World War. The Universal Declaration of Human Rights in 1948 gave the movement its shape and purpose, led by its driving force, Eleanor Roosevelt. Subsequent treaties specifying civil, political, social, economic, and cultural rights and the rights of particular groups have fleshed out the details of the broad concept of human rights. For any individual's human rights to be realized, however, there must be action not only on the global, intergovernmental level but also on the local level. As Eleanor Roosevelt noted, "Where, after all, do universal human rights begin? In small places, close to home ... Unless these rights have meaning there, they have little meaning anywhere" (Liebowitz 2008).

In the United States, views towards human rights treaties have been mixed. On one hand, the United States has provided significant international leadership in promoting the idea of human rights. First Lady Eleanor Roosevelt was chair of the United Nations Commission on Human Rights that developed the Universal Declaration of Human Rights, and the United States voted in favor of its adoption in 1948. During the Cold War period, however, U.S. leaders feared that human rights treaties would give the Soviet Union too much influence over other nations (Baldez 2014). Human rights took a back seat in the United States until the late 1980s when the Cold War finally ebbed. Even then, the United States did not enter into several human rights treaties including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

In response to U.S. inaction on CEDAW, the city of San Francisco passed its own ordinance in 1998 to implement the principles of the women's human rights treaty in its jurisdiction. It was a notable instance of thinking globally and acting locally, and the first time a city had adopted the principles of an international treaty (Rosen 1998; Chlala and Sok 2008). This article examines the San Francisco case to inform other efforts to adopt CEDAW locally. It focuses specifically on factors that facilitated the passage and implementation of the CEDAW ordinance in San Francisco such as a sturdy base of feminist institutions, determined leadership, political will, concrete goals, and participatory practices. Instructed by the San Francisco case, other municipalities will be better equipped to advance the well-being of women and girls in their own jurisdiction. By bringing the global home as San Francisco did, women's human rights can become a reality at the grassroots level where the principles of the global human rights movement can make a real difference.

## **POSTWAR HUMAN RIGHTS TREATIES**

The San Francisco experiment built on the human rights movement that began after World War II. In response to the devastation of the Holocaust, the international community developed a number of treaties that set out a global legal framework protecting the human rights of individuals. The treaties gave legal form and force to the aspirations of the Universal Declaration of Human Rights adopted by the United Nations in 1948. The member states of the new United Nations saw the need for common rules

and standards to protect human dignity and to safeguard individuals from harm by their governments and others.

The first human rights treaty was the Convention on the Prevention and Punishment of the Crime of Genocide (1948), a direct response to the wartime Holocaust. In the 1960s, the United Nations adopted additional human rights treaties including the International Convention on the Elimination of All Forms of Racial Discrimination (IICERD), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). In 1979, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was developed. Other human rights treaties include the 1984 Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the 1989 Convention on the Rights of the Child (CRC), the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMV), and in 2006, the International Convention for the Protection of All Persons from Enforced Disappearance (CPED), and the Convention of the Rights of Persons with Disabilities (CRPD) (United Nations 2018a).

Each of these treaties describes in comprehensive detail the human rights of individuals and sets out steps needed for governments to protect those rights. Each treaty entered into force when a specified number of nations had ratified or acceded to it and binds only those nations that have become party to the treaty. All United Nations member states had ratified or acceded to at least one of the treaties by 2007 (Waldorf 2007). The two most broadly endorsed are CRC and CEDAW that have been entered into by more than ninety-five percent of UN member states (United Nations 2018b). These treaties collectively represent a common normative legal framework on human rights held broadly around the world. The increasing legitimacy of international human rights norms allows civil society actors to pressure recalcitrant governments towards greater treaty compliance (Hafner-Burton and Tsutsui 2005).

The United States ratified several human rights treaties once Cold War hostilities came to an end. In the new spirit of international cooperation, President Ronald Reagan ratified the Convention on the Prevention and Punishment of the Crime of Genocide in 1987. President George H.W. Bush ratified the Convention Against Torture (CAT) and the International Covenant on Civil and Political Rights (ICCPR), and President Bill Clinton ratified the Convention on the Elimination of All Forms of Racial Discrimination (CERD) (Baldez 2014). In the mid 1990s, however, the United States backed away once again from human rights treaties as a conservative mood swept the country. Since that time, the United States has taken no action on other human rights treaties, including the widely accepted Convention on the Rights of the Child (CRC), the Convention on the Rights of Persons with Disabilities (CRPD), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

### *Origins of the Women's Treaty*

The impetus for the development of CEDAW came from the international women's movement (Fraser 1999). Women have often looked to legal reform as a way to advance women's position in society (Fraser 1999). The women's suffrage movement in Great Britain, the United States, and elsewhere was the forerunner of legal reform efforts to ensure that women enjoy equal rights with men in politics, education,

employment, health care, and the family (Fraser 1999). In the mid-twentieth century, women's pursuit of equality expanded to a global stage with the advent of international organizations such as the United Nations. Female diplomats such as Minerva Bernardino of the Dominican Republic and Bertha Lutz of Brazil fought for an international body dedicated to advancing women's rights (Baldez 2014). Their efforts culminated in the formation of the United Nations Commission on the Status of Women in 1946. The Commission developed treaties such as the Convention on the Political Rights of Women (1952) and the Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages (1962). These treaties established international norms for women that governments were obligated to respect once they became party to the treaty.

With the new insights and political activism of the women's movement of the 1960s and 1970s, many United Nations member states felt that a broader treaty was needed to set out a comprehensive normative legal framework for women's human rights. The World Conference of the International Women's Year, held in Mexico City in 1975, requested that the United Nations develop a new convention on women's rights, and the United Nations Commission on the Status of Women was charged with drafting the treaty (Baldez 2014). The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted by the United Nations General Assembly in 1979 and opened for signatures on March 1, 1980. At the World Conference of the United Nations Decade for Women: Equality, Development, Peace, held in Copenhagen in July 1980, sixty-four states signed the Convention and two submitted their instruments of ratification. When the twentieth state had ratified the treaty, it entered into force on September 3, 1981 (United Nations 2018c).

### *CEDAW Provisions*

CEDAW has thirty articles grouped into six parts (United Nations 2018d). Part I lays out a broad definition of discrimination against women and assigns states the responsibility to take all appropriate measures to protect women, including modifying constitutions, laws, customs, and practices that discriminate against women. States commit themselves to guarantee women's human rights on an equal basis with men, taking temporary special measures to accelerate de facto equality, eliminating prejudicial beliefs about women's inferiority, and suppressing trafficking and exploitation of prostitution. Part II deals with women's political rights, including the right of women to vote and to hold public office, to represent their governments internationally, to retain their nationality upon marriage, and to pass their nationality to their children on an equal basis with men (United Nations 2018d).

Part III addresses women's educational, economic, and health care rights. Girls are to have the same educational rights as boys at all levels of schooling in both rural and urban areas. States commit themselves to eliminate discrimination against women in textbooks, scholarships, examinations, sports, family planning education, and school employment. States agree to take measures to ensure women's equal rights to employment opportunities, vocational training, social security, safe working conditions, and protection during pregnancy and maternity leave. Both urban and rural women are to have access to equal health care, family planning, social security, credit, and loans. Rural women must have the right to participate in development planning and receive equal

treatment in land resettlement schemes (United Nations 2018d).

Part IV affirms women's legal equality and discusses marriage and family rights. States agree to take all appropriate measures to ensure women's equal right to choose a spouse, to decide freely on the number and spacing of children, to choose a family name, and to own property. Women and men are entitled to have the same rights and responsibilities during marriage and parenthood, allowing that in all cases the interests of the children shall be paramount. States commit themselves to ensure that women have equal rights in guardianship, wardship, and adoption of children. Minors may not be betrothed or married, a minimum age of marriage must be specified, and all marriages must be officially registered (United Nations 2018d).

Part V establishes the CEDAW Committee of twenty-three experts of high moral standing and competence in women's rights nominated by the countries that are party to the Convention. The experts are elected by secret ballot and serve four-year terms in their personal capacity, not as representatives of their country. Each state party is expected to submit reports to the Committee, including an initial report within one year of ratification or accession to the Convention and every four years thereafter. The reports must include legislative, judicial, administrative, and other measures adopted to fulfill the obligations undertaken in the Convention. The treaty stipulates that the CEDAW Committee will meet for two weeks annually to consider the reports (United Nations 2018d).

Part VI outlines accession and ratification procedures. States are permitted to make reservations at the time of accession or ratification that are compatible with the object and purpose of the Convention. States may subsequently withdraw reservations. Disputes between states concerning the interpretation or application of the Convention may be submitted to arbitration and failing that, to the International Court of Justice (United Nations 2018d).

As the international treaty for women, CEDAW spells out the human rights of women in a legally binding instrument that sets out norms for the international community. By September 2019, a total of 189 United Nations member states had ratified or acceded to CEDAW (United Nations 2019). Only a handful of member states have not become party to CEDAW including Iran, Somalia, Sudan, Tonga, Palau, and the United States.

### *CEDAW in the United States*

Under the U.S. Constitution, the process of treaty ratification takes place in several steps. The president is empowered to enter into treaties only with the advice and consent of the Senate. First, the president signs a treaty as an indication of U.S. interest and then sends the treaty to the Senate. The Senate Foreign Relations Committee holds hearings and debates ratification of the treaty before taking a vote. If the Committee votes to recommend ratification, the treaty goes to the full Senate for debate and a vote on ratification. Treaties must receive a two-thirds majority or 67 votes in the full Senate, guaranteeing that treaties will have bipartisan support. Once the Senate has given its advice and consent to the treaty, the president signs the instrument of ratification.

In the case of CEDAW, President Jimmy Carter signed the treaty on behalf of the United States on July 17, 1980 (Goldsworthy 2005) and sent it to the Senate for advice and consent. The Senate Foreign Relations Committee has held several hearings on CEDAW and voted twice, in 1994 and 2002, to send the treaty to the full Senate with

a recommendation for ratification (Boxer 2002; DeFrancisco et al. 2003; Goldsworthy 2005; Baldez 2014). In both cases, however, the treaty was not scheduled for a vote before the end of that congressional session. The result is that over four decades, under both Democratic and Republican administrations, the Senate has failed to consent to the ratification of CEDAW.

### **SAN FRANCISCO WOMEN'S ACTIVISM**

Inaction by the U.S. Senate has led women's human rights advocates to consider alternate means to bring the principles of CEDAW to the United States, and San Francisco is the preeminent example. San Francisco is a fitting location for such an experiment given that the city was the site for the 1945 conference that established the United Nations, the first postwar step in global cooperation and the oversight body to the CEDAW treaty. Eleanor Roosevelt was the U.S. representative to the 1945 San Francisco Conference and as noted above, emphasized the significance of human rights to the individual on the local level:

Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world (Liebowitz 2008).

The citizen-activists of San Francisco, like feminist advocates before them, looked to legal reform to advance women's human rights. Leaders of a coalition of women's institutions decided to pursue a municipal ordinance to implement CEDAW principles in their community (Chlala et al. 2006). They relied on several features that facilitated the eventual passage of the ordinance including a sturdy base of feminist institutions, determined leadership, and political will. In the implementation phase, CEDAW advocates built on the concrete goals laid out in the ordinance and adopted a participatory approach that facilitated its effectiveness (Lozner 2004). These features established the women's human rights movement in San Francisco, bringing in many supporters and allies. As the first instance of implementing CEDAW locally, the San Francisco case can offer a blueprint for those aiming to advance women's human rights in their communities.

#### *Feminist Institutions*

The women's human rights movement in San Francisco drew on a sturdy base of feminist institutions that had been established over several decades. Their roots originated in a national movement for women that began under President John Kennedy. During the early 1960s, labor activists lobbied the Kennedy administration to address inequities facing female workers including pay inequity, lack of maternity leave, and other discrimination in the workplace. The highest-ranking woman in the Kennedy administration, Esther Peterson, Assistant Secretary of Labor and Director of the Department of Labor Women's Bureau, proposed a commission to address women's status broadly in American society. In response, President Kennedy inaugurated the

President's Commission on the Status of Women on December 14, 1961, with Eleanor Roosevelt as its chair and Peterson as the executive vice-chair (More 2013).

The Commission issued a report in October 1963 entitled *American Women* that called for an end to sex discrimination in hiring, paid maternity leave, universal publicly-funded child care, and equal pay for comparable work. Under the influence of the President's Commission on the Status of Women, a number of states established state-level commissions starting with Michigan in 1962 (National Association of Commissions on Women 2015). In 1965, the California Commission on the Status of Women was created by the state legislature. By 1967, every state as well as the District of Columbia, the Virgin Islands, and Puerto Rico had a Commission on the Status of Women (National Association of Commissions on Women 2015).

As part of this public engagement with women's concerns, the San Francisco Bay Area Women's Coalition formed in 1968 and started monitoring city government, especially the Board of Supervisors, to bring pressure concerning women's issues (San Francisco Commission 2000). By 1973, they had gotten the attention of Mayor Joseph Alioto who initiated a Women's Committee on the Status of Women in his administration. In 1974, the Coalition pressed for a Commission on the Status of Women in line with the national movement that would have more weight than the Women's Committee (San Francisco Commission 2000). The lone female member of the Board of Supervisors, Dorothy von Beroldingen, introduced a resolution for a women's commission, and with a chamber packed with supporters, the Commission on the Status of Women was approved over the conservative opposition (San Francisco Commission 2000).

The Commission met for the first time in July 1975 and the following year, new Mayor George Moscone appointed Del Martin, a lesbian activist, as chair (San Francisco Commission 2000). Within a few months, San Francisco voters approved the Commission's initiative Proposition D requiring at least one woman on every major city commission. Mayor Moscone appointed several women to the Police and Fire Commissions and broadened diversity on city boards significantly (San Francisco Commission 2000). The prominence of women in city government increased when Supervisor Dianne Feinstein was elected the first female president of the Board of Supervisors in 1978. When Mayor Moscone and Supervisor Harvey Milk were tragically assassinated later that year, Feinstein became the first female mayor of the city (U.S. Senate n.d.)

In the 1980s and 1990s, the Commission on the Status of Women became the conduit for city funds for domestic violence shelters and sexual assault programs, awarding \$1.7 million by 1998 (San Francisco Commission 2000). The funds facilitated the growth of additional feminist institutions such as women's shelters (La Casa de las Madres, the Asian Women's Shelter) and rape counseling centers (San Francisco Women Against Rape). Other feminist institutions strengthened the political presence of women such as the San Francisco Women's Foundation, Black Women Organized for Political Action, and the Pacific Asian American Women Bay Area Coalition, among many others (San Francisco Commission 2000). To augment the capabilities of the Commission, San Francisco voters chartered a Department on the Status of Women in 1994 to carry out Commission policies (San Francisco Commission 2000). This variety of feminist institutions provided a sturdy base for feminist activists to draw on as they

organized around women's human rights and the CEDAW treaty.

### *Determined Leadership*

To bring these feminist institutions together around CEDAW, determined leadership was required. It was provided by a newly formed organization, the Women's Institute for Leadership Development (WILD) for Human Rights, whose co-founder and executive director Krishanti Dharmaraj originated the idea to implement CEDAW in San Francisco (Vesely 2002). She and other members of WILD were inspired by the 1995 United Nations Fourth World Conference on Women held in Beijing, China and wanted to "bring Beijing home" (Cox and Thomas 2004). WILD formed a task force dedicated to women's human rights in San Francisco, starting with three feminist institutions mentioned above: the Commission on the Status of Women, the Women's Foundation of San Francisco, and La Casa de las Madres. WILD also brought in a human rights institution, Amnesty International USA-Western Division.

WILD chose the organizations for the diverse strengths they could bring to the partnership. The Women's Foundation, led by Patricia Chang, had fund-raising experience, connections with community organizations, and an interest in policy (Chlala et al. 2006). La Casa de las Madres, co-founded by Sonia Melara, had grassroots contacts that included survivors of domestic violence, an important demographic (Chlala et al. 2006; Department on the Status of Women 2018). Amnesty International, led by Cosette Thompson with Youmna Chlala from Amnesty's Women's Steering Committee, offered expertise in global human rights (CEDAW Task Force 1999). The Commission on the Status of Women, staffed by the Department on the Status of Women and its executive director Sonia Melara, the co-founder of La Casa de las Madres, provided a foothold in city government (Chlala et al. 2006). Together, the four organizations brought credibility and weight to the CEDAW task force. Patricia Chang explained their motives: "After the Beijing conference, we decided to take a local-to-national strategy, rather than waiting for the treaty to be adopted by the Senate and filter down to the local level" (Vesely 2002).

WILD for Human Rights continued to provide leadership as the task force began its work. WILD developed the agenda for task force meetings, engaged in fundraising, and established media contacts (Chlala et al. 2006). WILD scheduled monthly task force meetings to plan workshops, strategize about CEDAW, discuss outreach to community groups, and prepare for a public hearing on women's human rights in San Francisco (Chlala et al. 2006). It focused on creating a diverse task force that represented all segments of the San Francisco community, including young women (Chlala et al. 2006). It prioritized good relationships among task force members and dealt with conflicts as they arose, especially tensions between representatives of governmental agencies and community-based organizations (Chlala et al. 2006). To diversify responsibilities, WILD conducted extensive eight-hour trainings to prepare task force members to lead workshops, including teaching how to set an agenda and choose handouts (Chlala et al. 2006).

The close relationship between the leadership and the institutional base is illustrated by the initial workshops on women's human rights. WILD for Human Rights provided the initiative and administrative support to recruit participants to the workshops. The WILD staff composed an invitation to the workshops that described CEDAW and the work of the

task force (Chlala et al. 2006). They printed the invitation on the letterhead of the city partner, Commission on the Status of Women, and sent it to the mailing lists of all four partners (Chlala et al. 2006). The invitation included a form to return to WILD to express interest in attending a workshop. The workshops were held in offices that WILD shared with the Women's Foundation. Before the scheduled date, WILD confirmed attendance and arranged for refreshments (Chlala et al. 2006).

### *Political Will*

To carry out political objectives such as advancing women's human rights, a robust political will is needed (Chlala et al. 2006). While some individuals and organizations in San Francisco wanted to see feminist political change, especially WILD and their four partners, they needed a broad constituency to have an impact on municipal leaders who were less committed to feminist change. To develop a political constituency, the task force began by educating community members about women's human rights in a series of monthly workshops in 1996 and 1997.

### *Community Workshops*

The first participants in the workshops included social service organizations and community members already working with women and girls. The workshops lasted four hours and averaged six people, though some had as many as fifteen (Chlala et al. 2006). The workshops began with a discussion of participants' knowledge of human rights and their own experiences of having their rights violated.

Then the workshops described the structure of the United Nations, the women's human rights movement, and United Nations conferences on women (Chlala et al. 2006). The bulk of the workshops was spent on the history of CEDAW, the role of the United States in its drafting, and its provisions. Workshop leaders discussed each article of CEDAW and asked participants to brainstorm how CEDAW applied to women and girls in San Francisco including themselves. Participants often referred to contemporary issues such as welfare reform, resistance to same-sex marriage, and controversies over affirmative action policies (Chlala et al. 2006). The workshops concluded with strategies for implementing CEDAW nationally and locally. Everyone who participated in a workshop was encouraged to join the task force (Chlala et al. 2006).

Once a core constituency had been developed among those working with women and girls, the task force extended the workshops to other social service providers, government employees, attorneys, labor union members, and a variety of community activists (Chlala et al. 2006; Sok and Neubeck 2011). Those workshops expanded the political base to those with no prior engagement with feminism or women's issues.

Overall, the workshops succeeded in forming a diverse political constituency that was familiar with human rights principles and with CEDAW. Workshop participants had a conception of how CEDAW principles could be used to advance women's human rights. After eighteen months of workshops, the task force leaders felt that they had a critical mass of supporters committed to the need for government action. The next step in generating political will was to approach elected officials about women's human rights and the CEDAW treaty.

### *Board of Supervisors Hearing*

As a first step in building political support in city government, the task force convened a meeting of women commissioners from various municipal commissions (Chlala et al. 2006). San Francisco had a number of women commissioners due to Proposition D,

the 1976 initiative of the Commission on the Status of Women that mandated that every city commission have at least one female commissioner. The task force briefed the women commissioners about CEDAW and obtained their approval for a resolution implementing the treaty in San Francisco.

With the political support of female commissioners, the task force lobbied for a public hearing before the Board of Supervisors, the over-arching ruling body in the city and county of San Francisco. The purpose of the hearing was to educate the city's top policy-makers about human rights principles and how they could be drawn on to protect women and girls in San Francisco, with a focus on CEDAW (Chlala et al. 2006). Barbara Kaufman, the president of the Board of Supervisors, supported the idea and scheduled the hearing for October 30, 1997 (Sok and Neubeck 2011). To organize the testimony, the task force established three subcommittees on violence, health, and economic justice. Each was charged with researching their topic and recruiting five people to testify at the hearing. Before the hearing, staffers from WILD for Human Rights met with each speaker to brief them on CEDAW and ask them to address a specific article. WILD provided the speakers with a copy of the CEDAW treaty with their article highlighted (Chlala et al. 2006).

To demonstrate the political importance of women's human rights, the task force worked hard to recruit a large audience for the hearing. They created a flyer that was sent to the mailing list of each organization affiliated with the task force. In addition, public notices were placed in local community newspapers. The task force planned the hearing meticulously to keep within the strict two-hour time frame of the Board of Supervisors. Task force leaders introduced the testimony with a description of the CEDAW treaty. Then the planned speakers addressed the Board for three minutes each, with five speakers on each of the three topics (Chlala et al. 2006). The speakers addressed issues such as employment, access to credit, affirmative action, sexual harassment, domestic violence, health, reproductive rights, maternity leave, and political participation (Chlala and Sok 2008; Sok and Neubeck 2011). They struck a non-partisan tone, emphasizing the broad reach of these issues to women and girls across San Francisco (Chlala et al. 2006). At the end, the task force allowed some time for input from the audience, a risky move since the public could have spoken in opposition to CEDAW. However, the spontaneous public testimony was very effective and amplified the message of the planned speakers. No audience members raised objections to the idea of implementing CEDAW in San Francisco (Chlala et al. 2006).

After two hours of forceful presentations with a crowd of supporters present, the Board of Supervisors was primed to support women's human rights. The community task force had succeeded in achieving political weight and went for the squeeze: asking members of the Board of Supervisors to go on the record with their views. One by one, Board members committed publicly to implementing CEDAW in San Francisco, including public funding (Chlala et al. 2006).

Over the following months, as city attorneys worked on the structure and wording of the ordinance, it was clear that task force members had become political players in the city. They were integrated into the process at every step, negotiating the forcefulness of the provisions and the political realities of implementation (Chlala et al. 2006). When the ordinance was finalized, Supervisor Kaufman formally presented it to the Board of Supervisors, stating her conviction that "San Francisco must take a leadership role in protecting women's human rights. We cannot wait for the U.S. government to do so. This ordinance gives the principles of CEDAW some teeth" (Rosen 1998). The Board passed the

ordinance unanimously on April 13, 1998 and it became San Francisco law the following day when Mayor Willie Brown signed it. "We are moving forward on CEDAW to set an example for the rest of the nation," Brown said. "It is long overdue" (Chlala and Sok 2008). The two-year effort by the task force members had achieved their goal of "bringing Beijing home" (Cox and Thomas 2004).

## **IMPLEMENTATION OF THE ORDINANCE**

The San Francisco ordinance was historic: the first time a municipality in the United States had adopted a local ordinance reflecting the principles of CEDAW (Menon 2010). However, a law on paper does not automatically achieve results. The second and equally important phase of the San Francisco CEDAW effort was implementation. With the implementation phase, leadership shifted from the original community task force, led by WILD for Human Rights, to a new CEDAW Task Force, led by the Commission on the Status of Women, an official body of San Francisco city government.

The CEDAW Task Force included government representatives as well as community members. The Mayor's Office, the Board of Supervisors, the Human Rights Commission, the Human Resources Department, and the Commission on the Status of Women all had official seats on the 11-member Task Force (San Francisco Municipal Code 2002). The other six members were knowledgeable community members appointed by the Commission on the Status of Women. Two were drawn from the field of international human rights, three were specialists in the focus areas of economic development, violence against women and girls, and health care, and one was a labor representative (San Francisco Municipal Code 2002). Members were appointed for five years and were instructed to develop a Five-Year Citywide Action Plan to be presented to the Board of Supervisors and the Mayor by December 30, 2002 (San Francisco Municipal Code 2002).

To move implementation forward, the City allocated \$100,000 for the first year of the CEDAW Task Force (Chlala and Sok 2008) and provided for one full-time employee to work with the Commission on the Status of Women (Liebowitz 2008). In addition to that valuable funding and staff, two features facilitated effective implementation: concrete goals embedded in the ordinance, and the participatory approach used to persuade city employees and businesses to enact ordinance provisions.

### *Concrete Goals*

Concrete goals spelled out in the ordinance facilitated its effective implementation. The ordinance specified three areas for immediate attention: economic development, violence against women and girls, and health care. These concrete goals made the idea of women's human rights specific and understandable for city employees and residents. The economic development section emphasized specific rights such as equal employment opportunities, promotion and job security regardless of parental status, and equal pay for work of equal value. It committed the city to promotion of childcare facilities, paid family leave, and family-friendly policies. It urged financial institutions in the city to facilitate women's access to bank accounts, loans, and other financial services (San Francisco Municipal Code 2002).

The section on violence against women and girls promised that the city would address sexual and domestic violence concerns such as police enforcement of judicial orders, counseling and rehabilitation programs for survivors, gender sensitivity training

for city employees, and rehabilitation programs for perpetrators. It aimed to protect women and girls from sexual harassment in the workplace, schools, and public transportation. The ordinance noted the vulnerability of prostitutes as marginalized women and committed the city to investigate violence and coercion in prostitution. It established a goal of funding campaigns and programs to alter traditional attitudes towards men and women (San Francisco Municipal Code 2002).

In the section on health care, the city committed itself to providing adequate health care facilities and services for all women and girls, including family planning. The city set a goal of comprehensive prenatal, delivery, and post-natal care for all women as well as proper nutrition during pregnancy (San Francisco Municipal Code 2002).

In 2002, the ordinance was amended to include recognition of the intersection of gender with racial discrimination and cited another United Nations human rights treaty, the Convention on the Elimination of All Forms of Racial Discrimination (CERD). It stated clearly that the city would not discriminate against women and girls on the basis of racial, cultural, or sexual identity in the provision of services.

To improve understanding of the position of women and girls in San Francisco, the ordinance committed the city to a gender analysis of its departments, programs, and policies to identify and remedy discrimination in employment, budgeting, and services. The ordinance's list of concrete items to address in implementation gave the effort specificity and a way forward that was easily understandable and clear.

### *Participatory Approach*

The implementation process was further facilitated by the participatory approach the CEDAW Task Force adopted (Lozner 2004). It did not take a law enforcement stance such as prosecuting city officials for discrimination, a reactive approach (Lozner 2004). Stacy Lozner points out that the law enforcement approach is more suitable for "first-generation" discrimination, where individuals are overtly marginalized on the basis of sex, race, age, disability, or sexual orientation (2004, citing Sturm 2002). For instance, a public works department might tell female applicants that they only hire male employees. The challenges facing San Francisco, however, were more typical of "second-generation" discrimination such as patterns of interaction, decision-making, and cultural assumptions that privilege one group over another (Lozner 2004, citing Sturm 2002). For example, a public works department hires female employees but assigns them tasks that do not allow them to accrue seniority towards promotion. The reactive law enforcement approach is less suitable for such second-generation discrimination.

Instead, a pro-active participatory approach is more appropriate where government officials, civil society representatives, and the general public work together to address problems and devise solutions without assessment of blame or accusations of wrongdoing. As Emily Murase, chair of the CEDAW Task Force, explained, "The fundamental philosophy behind our approach is that it's voluntary. We want departments to do this without having to hammer them... We've had really great success in the departments that want to do the right thing, they want to be seen in the right light, they want to be in an attractive place for women" (Stelzer 2009). The participatory approach mobilizes the strengths of the state, such as overall direction and funding, with the strengths of civil society including innovation, grassroots connections, and direct service on a human level (Lozner 2004, citing Salamon 2001). It aims to work collaboratively with input from all stakeholders,

including the public, to develop better ways to protect women's human rights.

### *Gender Analysis of City Departments*

The strengths of the participatory approach were evident when several city departments volunteered to analyze their practices using a gender analysis tool, a set of guidelines funded by the CEDAW ordinance and developed by a consulting firm, Strategic Analysis for Gender Equity (Lozner 2014). The guidelines emphasized collaboration among city employees and community members and included five steps (Menon 2010). The first step was to define the department's vision and purpose for one of its programs and then brainstorm what the program would look like if there was complete gender equality. The second step was to collect and analyze program data disaggregated by characteristics such as sex, race, age, disability, immigration status, language, and sexual orientation. The data were examined carefully to discern gaps in services and employment. The third step was to develop options to address any discriminatory patterns, drawing on effective practices currently in use and adding best practices in the field. The fourth step was to develop an action plan that might include such things as better data collection or ending undesirable practices. The last step was to develop a method to monitor the action plan to assess and update it (Menon 2010).

While conducting a gender analysis, the members of the CEDAW Task Force worked closely with departments to raise awareness of gender and analyze its procedures and policies for their impacts on women and girls. The CEDAW Task Force realized that departments needed assistance in seeing their work through a gender lens. As Task Force member Krishanti Dharmaraj explained, "We knew that the city departments on their own didn't have the mechanism or the understanding to take the ordinance and say 'here's where we are failing'" (Stelzer 2009). Task Force members guided departments as they considered their employment practices, budget priorities, and service delivery (Menon 2010). The purpose of the analysis was not so much to produce a report but to set a process in motion: to think in new ways about gender equity in daily departmental operating procedures.

The Commission on the Status of Women applauded the gender analyses as a promising way to advance women's rights. Its executive director, Sonia Melara, noted, "These studies will provide the city with the information necessary to defend women's human rights and to improve the lives of women and girls in San Francisco" (Rosen 1998). Supervisor Kaufman welcomed the pro-active approach of the ordinance, praising its requirement of "an action plan to redress any such discrimination that is found" in the gender analyses (Gordon 1998). Krishanti Dharmaraj felt that the action plans required departments to formulate specific reforms to help their employees and the general public. They had to "report their findings to the CEDAW Task Force," she said, "and had to tell us what they were hoping to do to eliminate discrimination" (Stelzer 2009).

### *Practical Change*

The participatory gender analysis process engaged city employees in implementing practical change that benefited women and girls and in some cases, male residents as well. City departments typically began the process unaware of any barriers to participation by women. When the gender analysis uncovered subtle ways that women faced discrimination and barriers to access (Liebowitz 2008), city employees often responded quickly to change procedures. For instance, the Department of Public Works realized that men and women had different infrastructure needs. Women were more likely than men to push a wheeled

vehicle such as a baby stroller or a wheelchair for an elderly person, so curb cuts and ramps were especially valued by women. Comprehensive lighting at night was important to women who were more vulnerable than men to sexual assault, so the engineering staff shortened the distance between streetlights in order to avoid dark spots (Liebowitz 2008). A pattern of pay disparity was revealed, with the higher paid staff being largely men. The department created a support group for their female employees to discuss issues such as childcare on the night shift and promotion opportunities. When follow-up reports showed little change in pay equity, department leaders were prompted to work harder at placing women in non-traditional positions to improve their earning potential (Liebowitz 2008).

The Juvenile Probation Department initiated a girls' unit following its gender analysis process. The Department found that the needs of female juvenile offenders differed from males in areas such as their history of trauma (Liebowitz 2008). "Girls' needs were considered something extra," said Patricia Chang, chair of the CEDAW Task Force and president of the Commission on the Status of Women. "By changing the standard from boys to both boys and girls we were able to move to more of a true notion of equity in city services" (Vesely 2002).

The Arts Commission realized that its daily lottery for space to display public art, held at 8:30 a.m., was disadvantageous to mothers dropping children off at day care or school. "A woman with childcare responsibilities couldn't make it there at 8 a.m., so she was repeatedly losing out on this lottery," Emily Murase noted (Stelzer 2009). The Arts Commission responded by changing its policies so that artists did not have to be present in person to enter that day's lottery. The new policy benefitted not only mothers but also fathers with parenting responsibilities and others with time constraints such as religious obligations (Liebowitz 2008). The Rent Stabilization Board recognized that it did not collect sufficient data on its residents and began to collect better data on women and minorities in order to complete a gender analysis (Vesely 2002). "It's not about looking at quotas or saying the entire city is biased against women," Krishanti Dharmaraj noted. "It's saying, 'What is the norm? What is our response?' Making populations visible is one key component" (Vesely 2002).

Several departments instituted flextime policies once work-life balance issues emerged in the gender analysis. One CEDAW Task Force member, Sonia Malara, was eager to see more flexibility in the work environment. Her agency, Arriba Juntos, helped low-income workers find employment. "Family issues kept coming up in every department," she explained. "Employers have to realize that to hold onto good employees they need to be more flexible in meeting individual needs" (Vesely 2002).

The benefits of flextime policies were felt in the Adult Probation Department that instituted more telecommuting options for employees. The Department found that work productivity improved when employees had more control over their work schedules (Liebowitz 2008). The Department of the Environment started a 9/80 work option in which employees could work nine-hour days and get one day off every two weeks. Employees could begin work anytime between 6:30 a.m. and 9:30 a.m. These options were designed to help women with childcare responsibilities but male employees appreciated them as well (Liebowitz 2008; Menon 2010).

The Commission on the Status of Women subsequently conducted a citywide appraisal of work-life balance in 2001. It considered matters such as flexible schedules, telecommuting options, and referral services for childcare, stimulating conversation about

these issues among city employees. A new paid parental leave policy resulted from this study (Menon 2010). Ann Lehman, senior policy analyst for the Department on the Status of Women, attributed the new policies to a change in consciousness among city officials prompted by the CEDAW ordinance. Expectations shifted from being “very bureaucratic, be here at 8:00 in the morning, work until 5:00, no exceptions” to a “much more flexible work style across the board. Now we have things like paid parental leave...which most cities and counties and states still don’t have” (Stelzer 2009).

Gender analysis had an especially significant impact on the Department of the Environment because the Department had only been established for five years when it participated in the process. Over the following years, the Department expanded dramatically and the new policies it established due to the gender analysis became part of its standard operating procedures. For instance, the Department surveyed its employees on issues related to gender and found that employees were eager to offer ideas on many facets of departmental work. As a result, the Department instituted annual staff surveys to collect ideas and feedback (Menon 2010). To assess discrimination in employment practices, the Department created a spreadsheet to map positions along gender and racial lines (Liebowitz 2008). It found that women and minorities were underrepresented in professional positions. The spreadsheet was used for all subsequent hiring, and at an eight-year review, the proportion of female and minority employees in the Department had increased dramatically (Menon 2010).

The participatory approach worked well in each of these city departments. The CEDAW Task Force did not assess blame for gender inequalities. Instead, Task Force members encouraged department leaders and employees to examine their practices through a gender lens. Department members entered into the process willingly, contributing their knowledge of department procedures and devising solutions that would benefit female employees as well as others. The participatory approach defused any potential defensiveness or denial about gender inequalities as well as fear of retribution. It drew together city departments and the CEDAW Task Force members around shared values and a common goal, greater equity for all. The result was real change that benefited women as well as men across city government.

### *Expansion to Business Sector*

The pro-active participatory approach, with employees assessing gender inequities and devising solutions, benefited San Francisco more broadly when it expanded to the private sector. The CEDAW ordinance charged the Commission on the Status of Women with initiating citywide studies and programs to protect women's human rights across San Francisco. A number of initiatives resulted, including the far-reaching Gender Equality Principles Initiative launched in 2008. This effort aimed to raise gender issues in the private sector and was done collaboratively with the Calvert Group investment firm and Verité, an international fair labor organization (Menon 2010). The Gender Equality Principles (GEP) covered seven gender equality areas including employment and compensation; work-life balance and career development; health, safety, and freedom from violence; management and governance; business, supply chain, and marketing practices; civic and community engagement; and transparency and accountability (Menon 2010).

In the initial year of the GEP Initiative, a number of major corporations headquartered in San Francisco committed to the GEP process including Deloitte, IBM,

McKesson, Charles Schwab, and Symantec (Menon 2010). In keeping with the participatory approach, the GEP Initiative did not attempt to assess blame for gender inequities or mandate new standards for city businesses. Instead, the Initiative hosted a series of business roundtables, each focused on one gender equality area, to discuss best practices concerning gender equality. The companies developed self-assessment tools and gathered resources to advance gender equality in their businesses (Menon 2010). This participatory process nurtured a commitment to gender equality and drew on the detailed knowledge of the businesses about their current practices. The businesses themselves came up with the solutions, a positive approach that headed off any defensiveness about past behavior.

The Gender Equality Principles were a practical adaptation of the Calvert Women's Principles, a set of guidelines for corporate policy developed in 2004. Together, the two sets of business principles provided a model for the United Nations Global Compact's Women's Empowerment Principles launched in 2010. These global principles set standards for responsible business practices worldwide concerning the protection and advancement of women's human rights (Menon 2010). With this initiative, the San Francisco CEDAW ordinance, adapted from the United Nations international women's treaty, influenced in turn the United Nations international business standards. The global became local, and a decade later, the local became global.

## **LESSONS LEARNED**

San Francisco has established itself as the undisputed U.S. center for feminist human rights activism. The vision of the CEDAW ordinance advocates - to bring global human rights standards to the local arena - has been a dramatic initiative with great potential. In March 2014, efforts began to extend implementation of the women's treaty beyond San Francisco with the aim to have one hundred U.S. cities adopt CEDAW principles (Murase 2014). Delegates from San Francisco launched the Cities for CEDAW movement in New York at the fifty-eighth session of the United Nations Commission on the Status of Women. By August 2018 seven cities had passed a CEDAW ordinance including San Francisco, Los Angeles, Berkeley, Honolulu, Cincinnati, Pittsburgh, and San Jose. Dozens of other cities had passed or were considering a resolution supporting CEDAW (Leadership Conference Education Fund and Women's Intercultural Network 2018). The experience of women's human rights advocacy in San Francisco has a number of lessons explored in this paper that can inform the Cities for CEDAW campaign.

First, the CEDAW ordinance did not spring full-blown out of nowhere. The soil had been carefully cultivated for three decades by long-standing feminist institutions with deep roots in the city including the Commission on the Status of Women, the Women's Foundation, and La Casa de las Madres. The fact that San Francisco had a government department and paid staff dedicated to the status of women is distinctive evidence of the inclusive, progressive culture of the city. There were many people in San Francisco dedicated to women's rights for decades, including top officials. Context matters, and the San Francisco context was fertile maternal soil for feminist change. Other cities that want to implement the CEDAW treaty can take stock of feminist and human rights organizations in their city that might serve as a base of support for women's human rights. The most successful efforts will bring existing institutions together with their experience, strengths, and relationships to join forces to advocate for women and girls.

A second lesson from the San Francisco experience is that leadership is critical. The staff members of the Women's Institute for Leadership Development for Human Rights were the driving force behind the CEDAW ordinance. They were knowledgeable experts in global human rights and determined to see progress in women's human rights in the city. They had the vision and they were able to communicate it to others. They had organizing skills to bring like-minded individuals and organizations into an effective network. They were willing to do the administrative work and grassroots organizing to sustain interest in the movement. Expertise in human rights and persistent commitment to community organizing on behalf of women are critical ingredients for feminist change. To replicate the San Francisco initiative, advocates for women will need to search out and support individuals with determination, skills, and time to provide leadership. The San Francisco ordinance was achieved because a core group of female leaders set their eyes on it and persisted towards their goal.

Third, political will is essential and must be nurtured. The CEDAW ordinance required the cooperation of government officials and workers across San Francisco. The pressure of a women's constituency that showed up at meetings and hearings and voted for sympathetic politicians made all the difference. This constituency has to be recruited, educated, sustained, and valued. The workshops informing the San Francisco population about CEDAW and women's human rights were effective in developing this political will. They built the constituency that put pressure on the Mayor and the Board of Supervisors. The movement leaders were able to exert political influence with city officials because they had a political constituency at their back. This support brought city leadership into the human rights fold, gave them political space to support the ordinance, and led to a smooth unanimous passage of the ordinance. Other cities following this model will need a strategy to develop a political constituency, whether that model is workshops or some other method of educating the interested public in the value of women's human rights. Advocates will need to build up a coalition of supporters that will persist and enter into the political process. With this political support, coalition leaders can develop relationships with city leaders and exert pressure.

Fourth, passage of the ordinance is only the beginning. Implementation is just as important and will require years of sustained effort. In the San Francisco case, a concrete plan embedded in the ordinance provided structure and political weight as implementation took place. In developing an ordinance, advocates should plan for the long run and include goals, priorities, and funding in the text of the law. If an ordinance is passed but lacks funding or a clear plan for implementation, it will raise expectations only to disappoint when promised change does not materialize. Once organizers have developed the political capital needed to enact an ordinance, they should not squander their momentum by ignoring the need for funding as part of the package.

Fifth, pro-active participatory practices and values promote engagement and compliance. There was no finger pointing or assessing of blame by the San Francisco organizers, no lawsuits or protracted bitter legal struggles. Instead, the leaders portrayed gender discrimination as a problem for everyone to work on together including elected officials, government employees, civil society, and the business community. This collaborative approach diffused opposition and defensiveness and brought a wide constituency into the process. Once converted to the need for more equity, city employees mobilized to make changes without browbeating or threats.

A sixth lesson from the San Francisco case is that success helps sustain the movement. Early successes in San Francisco included greater gender and racial diversity in hiring and the flexible time schedule changes in city government, appreciated by both female and male employees (Menon 2010). Another success was new police procedures and other reforms that lead to a dramatic drop in domestic homicides, with none over a 44-month period from 2010 to 2013 (Department on the Status of Women n.d.) These successes led to cultural change, the normalization of equal rights as standard operating procedure. Government staff incorporated the values of gender equality into their identities as city employees (Lozner 2004) and came to expect compliance by all the staff. These successes served as markers of increased gender equality that sustained the movement. Coalitions implementing CEDAW in their municipalities should aim for tangible changes that can give the community a taste of a new consciousness of human rights for all.

Strong women's institutions, committed and skilled leadership, sustained political will, clear implementation plans, a collaborative spirit, and successes to spur the movement on - these factors advanced women's human rights in San Francisco and are invaluable in replicating its CEDAW ordinance. With vision, commitment, and persistence, the women's human rights movement can succeed in other cities in the United States. The global has become local; the local has influenced the global; and one locality can influence another in a global movement for women's human rights. Even without federal leadership, CEDAW can become a lived reality in the United States. Then, as Eleanor Roosevelt said, women's human rights can have meaning in neighborhoods, schools, and workplaces, every place that women and girls seek "equal justice, equal opportunity, equal dignity without discrimination" (Liebowitz 2008).

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