



## **The CEDAW ordinance of San Francisco: mainstreaming, translating and implementing women's human rights at the city level**

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**Abstract:** Drawing on literatures on human rights, gender policy and urban politics, this paper analyzes some aspects related to the CEDAW ordinance of the municipality of San Francisco, aiming mainstream and implement the UN women's rights convention at the local level in the areas of public employment, violence against women and health care. The idea of the ordinance followed some women's participation in the 1995 UN Beijing Conference and was developed by a joint effort of women from the city government and NGOs. The paper focuses, first, on the work of "translation" of CEDAW into the city ordinance, highlighting the adaptation of the Convention to the local legal context and political priorities. Second, it investigates the first phase of implementation of the CEDAW ordinance into municipal policies, both successes and failures. Reasons for these different outcomes include the attitudes and perceptions of women's issues by the different departments' staff, this staff turnover, and the departments' overall workload. The last part of the paper briefly illuminates on the economic and political reasons that led to a stoppage of the implementation of the ordinance in 2003. The paper ends with some reflections on the different ways in which the experiment of the ordinance talks to different literatures.

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This paper originates from my PhD study on “Human Rights and the City,” in which I investigate “local human rights policies” enacted by municipalities. Different public and private agents are involved in these policies, such as local governments and their networks, NGOs, international organizations, human rights institutes and single experts (including academics). There exist different types of human rights policies, which I have grouped under two main heads: “anti-discrimination agencies” and experiments of “local human rights governance.” While comparing the human rights institutions of New York and Barcelona, my research also provides a first map of local human rights policies in North American and European cities. Women, ethnic minorities, lesbians and gay men and people with disabilities were the groups most affected by these policies.

This paper focuses on one governance type of policy: the ordinance passed in 1998 by the municipality of San Francisco which aimed to enact the norms and principles of the UN Convention on the Elimination of Discrimination against Women (CEDAW) at the local level.<sup>1</sup> The ordinance was a pioneer experiment in the US, which paved the way for the adoption of similar ordinances in other US cities. The period covered by this paper starts from 1998 until 2003, when the ordinance’s implementation came to a halt.<sup>2</sup> The purpose of the ordinance was to mainstream women’s human rights in local policies and to have the local government not simply to refrain from discriminating women but also to engage in positive measures to meet women’s needs and realize their rights. The institution responsible for the implementation of the ordinance was the CEDAW Task Force (TF), a body located in the local government’s Department on the Status of Women (DOSW) with a mixed composition of city officials and advocates.

The ordinance project and its implementation can be read from different theoretical perspectives. One is certainly that of human rights. In a sense, this is the most innovative aspect of the ordinance: taking concepts and documents - human rights and a UN treaty, which are usually handled by states - “down” to the city level. This operation implied an effort to “translate” human rights and make them workable policy tools for a local administration. What is even more interesting to notice is that this operation took place in a city in the US, a country which has always maintained a position of isolation vis-à-vis human rights (Ignatieff, 2005). At the same time, in the US there is evidence of an increasing attention paid by social movements and more institutionalized civil/human rights NGOs to “bringing human rights home” and remedy what are increasingly

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<sup>1</sup> City and County of San Francisco, Ordinance No. 128-98.

<sup>2</sup> In January 2006 when I did research fieldwork in San Francisco a second phase of implementation of the ordinance was being planned by the City Department on the Status of Women but, for reasons that I will explain below, had not taken place yet.

considered the limits of the US civil rights tradition: the denial of economic and social rights (Anderson, 2003; The Nation, 2005), which form part of the more comprehensive UN but also European human rights discourse. CEDAW, in particular, began to attract the attention of women long ago, eventually as an alternative to the never-entered-into-force Equal Rights Amendment (Halberstam and Defeis, 1987). A campaign has been put in place to push the Congress to ratify CEDAW, of which also Amnesty International is part.

Another relevant strand of literature is that related to “gender mainstreaming.” The concept gained momentum during and after the Women’s Conference of Beijing of 1995, and it has been pushed at the state level by national machineries, commissions and agencies, responsible for advancing the women’s agenda in a variety of fields through different forms of governance relying on the collaboration between public institutions and women’s movements and organizations. There agencies have showed different capacities to foster gender-related policies depending on factors like the agencies’ independence and accountability, the national political system, the strength of agencies’ constituencies, the latter’s will to actually support the agencies, the participation of a gender-sensitive civil servants and the availability of resources (Rai, 2003). With respect to the last issue, two questions arise: the priority given by governments to gender mainstreaming and the state of the economy.

Finally, there is another theoretical perspective through which the CEDAW ordinance can be read: that of (US) urban politics. This literature offers important insights on the context within which the ordinance was implemented, its political and economic setting. Several issues arise here, beginning with the conflicts and tensions between the economic and the social priorities of municipalities (Stone and Sanders, 1987) and the usual predominance of the former upon the latter for the widespread perception that economic development comes first, if not because economic development provides the money to invest in initiatives aiming at the social well-being of local communities. Local human rights policies should be seen as a social policy, one indeed that provides “recognition” but also activate processes of “redistribution” with respect to the group concerned, that of women (Fraser, 2003). The city, then, introduces an element of proximity between the actors and recipients of policy-making which certainly impacts on the definition, implementation and outcome of the policy.

Drawing on these literatures, the paper presents different aspects of the implementation of the CEDAW ordinance, which I reconstructed and analyzed by relying on primary sources: official reports related to the ordinance and interviews with people involved in

its formulation and implementation. In particular, I interviewed Krishanti Dharmaraj from the Women's Institute for Leadership Development (WILD), an NGO at the forefront in the promotion and implementation of the CEDAW ordinance; and Ann Lehman and Emily Murase, from the city's DOSW. To begin with, I provide a brief account on the origin of the policy, which will take us to the women's conference of Beijing and discuss issues of women's participation in the ordinance process. I continue, then, by discussing the "translation" of CEDAW into the ordinance, which ended up focusing on the economic development of women, violence against women and health care. On this matter, I highlight the uncertainty and flexibility that characterized the process of adaptation of an international treaty to the specific municipal competences and the broader US political and legal tradition. Third, I look at the "implementation" of the ordinance, both its successes and its failures, considering issues of city agencies' workload and staff, the staff motivations and skills, and other issues related to the type services provided by the departments, as much as the capacity of the Task Force to actually lead the process. Together with that, I also probe the economic and political factors that in 2003 lead to a stoppage of the policy, Fourth, I will draw my conclusions.

### ***From Beijing to San Francisco: bringing (women's) human rights home***

The history of the ordinance goes back and forth between San Francisco and Beijing. The policy originates in some women's participation in the UN Beijing Women's Conference of 1995 and their "frustration"<sup>3</sup> due to the lack attention from US groups and delegates on women's rights in the US. On the basis of these considerations, back from Beijing these women decided to give their own contribution to "bringing human rights home" and make human rights more familiar to US communities.<sup>4</sup> In 1996, WILD was established and the idea of implementing CEDAW at the city level began to take shape.

Women with different backgrounds were involved, as one of the objectives of the promoters of the ordinance was to build a large consensus and participation of women with different ethnic, national, class and age backgrounds in the project. In that respect, the ordinance project was an effort to remedy the division which emerged in Beijing between, on the one hand, white, middle-class and educated women and, on the other, poor and migrant women. In fact, it was mainly migrant and young women who responded positively to the ordinance project. The "leaders" of the project themselves had a non-US nationality: the Executive Director of WILD Krishanti Dharmaraj (a

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<sup>3</sup> Interview with Krishanti Dharmaraj, 4 January 2006.

<sup>4</sup> Interview with Krishanti Dharmaraj, 4 January 2006.

woman from Sri Lanka) and the former Director of Amnesty International in San Francisco Cosette Thompson (from France). It may be interesting to notice that both Dharmaraj and Thompson were members of the Amnesty International delegation at the Beijing Conference, and not of the delegation of an organization focused exclusively on women's issues. What did not seem to appeal other women was the idea of using human rights to advance the women's agenda: according to Dharmaraj, mostly the new generation of migrant women liked the idea of the human rights holistic approach to women's issues as opposed to their dissection into separate fields, including because they are more likely to be victims of human rights violations.<sup>5</sup>

The contribution of some women, then, was particularly valuable with respect to learning more about the relatively alien concept of human rights at the moment of thinking of and drafting the CEDAW proposal. In this respect, Cosette Thompson provided a unique "European" knowledge on human rights, thus compensating for the lack of available expertise in the field among US activists.<sup>6</sup>

As I anticipated, the CEDAW ordinance was passed in 1998 by the Board of Supervisors of San Francisco. That the CEDAW ordinance was actually presented to the municipality of San Francisco was not by chance but out of the consideration of different questions. In particular, San Francisco appeared a special and politically receptive context to "speak" human rights. Attention was paid to the fact that, for example, the Universal Declaration of Human Rights was elaborated in the city. Also the overall city's liberalism – testified by the presence of the gay and lesbian community – provided an incentive. Yet, despite its liberal climate, according to Dharmaraj the city "was really falling short on women"<sup>7</sup> and the ordinance was intended as a useful tool to advance their rights.

Yet, the initiative was not welcome by everybody: the opposition of the organizations lobbying for the ratification of CEDAW was apparently disappointed by the ordinance as it could be perceived by the Congress as evidence that the Convention could be implemented without ratification.

### ***The machinery behind the ordinance: a common effort of public institutions and civil society***

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<sup>5</sup> Interview with Krishanti Dharmaraj, 4 January 2006.

<sup>6</sup> Interview with Krishanti Dharmaraj, 4 January 2006.

<sup>7</sup> Interview with Krishanti Dharmaraj, 4 January 2006.

The process that guided the drafting, approval and implementation of the CEDAW ordinance was one typical of governance, with the “horizontal” collaboration between civil society groups and the local government. On the one hand, there was WILD and other NGOs. On the other, there was the DOSW, which acted as the institutional counterpart of the NGO community and sponsor of the ordinance. The role of the President of the Board of Supervisors Barbara Koffman needs also to be highlighted with respect to the approval of the ordinance: while not particularly open on human rights issues, she was nevertheless convinced by the proposal and pushed it in the Board.

At the core of the ordinance there was the so-called “gender analysis” of local policies, whereby city agencies were to report on and revise their policies, programs and projects, in line with CEDAW as transposed by the ordinance. The DOSW hired Strategic Analysis for Gender Equity (SAGE), a consulting agency based in New York and expert on gender issues, to draft the guidelines for the implementation of the CEDAW ordinance. However, the process of drafting the guidelines involved basically all the policy stakeholders, not only the DOSW itself but also city agencies and community-based organizations.<sup>8</sup>

To implement the ordinance, a new body was created as provided by the ordinance itself which operated pretty much as many national types of machinery also operate: the CEDAW Task Force. The TF was set up under the DOSW. This was, in fact, not the privileged option of the NGO community, which wanted a separate and independent body external to the administration as to guarantee a greater freedom of action in the implementation phase. The DOSW, however, wanted and ultimately obtained that the TF was established within the Department. Nevertheless, the composition of the TF was mixed to represent the different policy stakeholders: until 2003 there were 11 people in the Task Force, both from the city government and the NGO community.<sup>9</sup>

The duties of the TF were to train and provide technical assistance to departments, and to review their reports as requested by the gender analysis. Guidelines delivered by the TF on 7 June 1999<sup>10</sup> provide that each city department has to conduct its analysis following a three step approach: 1) to collect disaggregated data (at least by gender and race) of their customers; 2) to assess the differences between women/girls and men/boys, in the perspective of understanding the extent to which gender issues are actually mainstreamed

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<sup>8</sup> City and County of San Francisco, Ordinance No. 128-98, at 12K.3.

<sup>9</sup> Interview with Krishanti Dharmaraj, 4 January 2006.

<sup>10</sup> See City and County of San Francisco (1999a) “Strategic Analysis for Gender Equity: Guidelines for a Gender Analysis of City Departments in the City and County of San Francisco,” 7 June 1999.

into the daily life and practices of the agency with respect to its employment practices, service delivery and budget allocation; and 3) to formulate recommendations for action.

### ***Translating human rights into local policies: between tradition and innovation***

A particularly challenging question concerning the implementation of the ordinance was translating the norms and principles of the CEDAW into norms and principles enforceable at the local level. Part of the problem was to deal with the inherent vagueness of human rights. Ann Lehman, who at the time worked at the DOSW, explicitly problematized the ambiguity of the human rights discourse when she stressed that “a lot of the human rights work done anywhere is very broad [...]. It sounds great on paper but how do you implement that? And I really struggle a lot [...] I need specifics, I want specifics. And [...] I don’t think I had a lot of buy-in to that all the time.”<sup>11</sup>

Eventually, another part of the problem was the different perspectives through which the local government and civil society actors wanted to interpret CEDAW. What emerged in particular from the interview with Dharmaraj is the particularly “radical” lens through which WILD was looking at the ordinance project, raised as the ground which identified the organization’s own position vis-à-vis the other actors involved in the ordinance project. Dharmaraj stressed explicitly that the objective of WILD was to foster a “socialist” agenda of practical change at the local level, which could have a “capitalist impact” and improve women’s life. This strong statement may be expected to have entered into some tension with the arguably more reformist approach of the local government on the ordinance initiative.

Yet, despite divergences on details and perspectives, a common concern of all was that the ordinance had to produce concrete results. At the moment of elaborating the ordinance, no matter the ideological premises of the different stakeholders, what ultimately prevailed was a sort of pragmatism combined with tactics. For Dharmaraj, it was necessary to narrow down the ordinance to very specific objectives whose realization could be measured and evaluated with numbers. This was also functional to gaining support for the initiative: “As everything in the US, we had to *prove* it was useful” (my emphasis).<sup>12</sup> Ann Lehman affirmed that seeing “immediate results”<sup>13</sup> was also a major concern of the President of the Board of Supervisors Barbara Koffman.<sup>14</sup>

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<sup>11</sup> Interview with Ann Lehman and Emily Murase, 5 January 2006.

<sup>12</sup> Interview with Krishanti Dharmaraj, 4 January 2006.

If we turn now to the actual content of the ordinance, we can clearly see some differences between CEDAW and the CEDAW ordinance. CEDAW broadly covers different aspects of women's lives, articulating classical human rights in a gender-specific perspective. After touching upon questions of prejudice and prostitution (Part I), CEDAW covers a variety of not only civil and political rights but also economic and social rights respectively in its Part II (political and public life, representation, and nationality) and III (education, employment, health, economic and social benefits, and rural women). Part IV touches upon questions of law, marriage and family life.

Compared to the Convention, the CEDAW ordinance has a much more focused attention on women's rights, which is obviously conditioned by the different responsibilities that local governments have in the areas dealt with by CEDAW. In principle, the ordinance requires city agencies to implement the principles of the CEDAW within their own sphere of competence. The ordinance, then, concentrates on three thematic areas: economic development, violence against women and health care. Under the ordinance section on economic development, issues of employment are predominant but limited to employment by city agencies (with the possibility of later covering also employment in the private market, in a step-by-step perspective<sup>15</sup>). With respect to employment, the ordinance addresses issues such as the application of equal criteria in recruitment, right to promotion, job security and social benefits, the right to equal remuneration and the appointment of women in key decision-making positions within the administration, the right to protection in the workplace and to safety in working conditions.

With respect to violence, the ordinance provides that the city prevents and redress 1) sexual and domestic violence, 2) sexual harassment in the workplace, school and public transportation, and 3) attacks against prostitutes and coercion in prostitution. Other issues covered under this theme are safety and public lighting, and education aimed to challenge traditional roles of men and women.

In relation to health care, the city commits itself to secure information and access to services and facilities according to the needs of all communities, regardless of race, ethnicity, culture, language and sexual orientation. The same concept of health care includes family planning and services connected to maternity (pre- and post-maternity).

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<sup>13</sup> Interview with Ann Lehman and Emily Murase, 5 January 2006.

<sup>14</sup> Interview with Ann Lehman and Emily Murase, 5 January 2006.

<sup>15</sup> Interview with Krishanti Dharmaraj, 4 January 2006.

The part on economic development and employment exemplifies well the pragmatic and strategic rationale behind the ordinance and raise interesting questions on the way in which CEDAW was in fact not simply adapted to meet women's needs and interests but also the local political context and priorities. First, these provisions are framed as issues of economic development, which certainly appeal to local administrators. Second, and most importantly, these provisions build a bridge between the new policy and that more known of affirmative action focused on securing – at the city government level – the fair representation of minorities and women in city agencies. As a premise to further reasoning, one needs to be aware that the state of California banned affirmative action following the approval of Proposition 209, thus stopping all local programs that aimed to implement it: a policy vacuum was left, which certainly pushed local NGOs to find a substitute. In the light of this, the CEDAW ordinance acquires a new meaning and political significance: the ordinance should be then read as a policy partly overlapping with that of affirmative action because it aimed to replace it.

At the same time, by focusing on human rights instead of civil rights and affirmative action the ordinance provides new opportunities for advancing women's rights. The issue was raised also by Dharmaraj. In fact, she admitted that the ordinance builds precisely on city officials' expertise in handling affirmative action (the collection of data of city employees disaggregated by gender and race, the analysis of these data, and so on), which was expected to be "transferred" into the implementation mechanisms of the ordinance. Yet, the ordinance offers the advantage of not focusing on quotas as affirmative action programs do but on the much more crucial issues of discrimination and remedies to it. In fact, for Dharmaraj affirmative action has never been sufficient for women: even if more than half of city employees are women in San Francisco, they are still concentrated in lower and less-paid positions.<sup>16</sup>

As a matter of fact, the will to expand the reach of gender-related social policy beyond the limits of civil rights and affirmative action and to incorporate typical welfare measures implementing social rights clearly emerges in the text of the ordinance, especially in the provisions related to violence against women and health care. However, it is also clear that the expanded reach of the ordinance goes together with (potentially) expanded costs and a major redistributive effort on the part of the local government. Not surprisingly, the ordinance employs a cautious wording when defining the obligations of the municipality, and it explicitly relates the provision of certain services to the availability of funds. For example, within the employment section of the ordinance, it is

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<sup>16</sup> Interview with Krishanti Dharmaraj, 4 January 2006.

specified that the city “shall *encourage* and, when *possible*, fund the provisions”<sup>17</sup> (my emphasis) for the creation of social services enabling parents to combine working and parental duties and responsibilities stemming from participation in public life. Such wording heavily resembles that employed in the International Covenant on Economic, Social and Cultural Rights. Article 2 of the Covenant also provides for the state’s progressive realization of the rights of the Covenant within the limits of “the maximum of its available resources.”<sup>18</sup>

### ***The implementation phase: a selective approach with uneven results***

At the moment of implementing the ordinance, a choice was made by the TF of selecting some city departments which could provide a sort of first knowledge about the possible reaction of different agencies to the gender analysis and eventually problems. To begin with, the TF selected two “most different” departments - the Public Works Department and the Juvenile Probation Department – on the ground that they provide different kinds of services and approach gender issues in different ways. On the one hand, the Public Works Department barely serves people (and therefore women) directly. Furthermore, it is a huge department that provides employment opportunities in non-traditional jobs for women, which was crucial for testing city employment standards with respect to women’s employment. On the other, the Juvenile Probation Department offered the opportunity to focus on an agency dealing with “an increasing population of diverse young women, and to delve into its emphasis on community services.”<sup>19</sup> By working first with these two agencies the TF hoped that it could learn something about how to work with other agencies modeled on these two departments and/or providing for the same type of services and approaches to women’s issues.

Later in 2000, four other agencies were added to the list, always on the basis of some kind of question that these raised vis-à-vis women’s needs and employment: the Environment Department (a very recent one, offering employment opportunities in areas such as science and biology), the Arts Department (one of the oldest, chosen for its

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<sup>17</sup> City and County of San Francisco, Ordinance No. 128-98, at 12K.2 (a)(2).

<sup>18</sup> UN, International Covenant on Economic, Social and Cultural Rights, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entered into force 3 January 1976.

<sup>19</sup> City and County of San Francisco, Department on the Status of Women and CEDAW Task Force (1999) “A Gender Analysis: Implementing the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),” November 1999, p.3. Interview with Krishanti Dharmaraj, 4 January 2006. From 1999 onwards, the DOSW and the Task Force monitored the progress of both departments towards the correction of some practices and the implementation of their recommendations.

educational programs for youth in San Francisco), the Adult Probation Department (chosen partially as a follow up on the analysis conducted by the Juvenile Probation Department) and the Rent Board (chosen due to the importance of housing as an issue, and because the Rent Board offers mediation on conflicts between tenants and landlords, with potential for fighting discrimination).<sup>20</sup>

In 2001, the TF and DOSW drew some conclusions and trends on the performance of the six city agencies monitored up until that point. In general, all city departments submitted their gender analysis and took part in the process of evaluation. Part of the departments' motivation came from the will to keep up the city's fame of being liberal and innovative, a sort of institutional built-in mindset that pushed departments to support the initiative.<sup>21</sup> At the same time, it is also clear that the agencies used the reporting process for less noble purposes, namely to highlight their own "special needs" on issues that sometimes were not strictly related to women's issues. At least some departments used the gender analysis as an opportunity, a channel to communicate to the mayor the need for extra funding and staffing, and not necessarily information related to the gender analysis.

Notwithstanding this general collaboration by city departments, the implementation of the ordinance presented mixed results.<sup>22</sup> In principle, the gender analysis overall succeeded in raising consciousness of the gender implications of the agencies' actions, in clarifying to departments the conceptual difference between "gender" and "sex" – a result that apparently was not easy to achieve<sup>23</sup> – and ultimately in pushing departments to look carefully at the different women's needs that could be impacted, negatively and positively, by their policies. At the same time, the TF and DOSW note that further human rights education from a gender perspective is to be provided while taking into account the specificity of each department.

A closer look, then, at the performance of single departments shows substantial differences with respect to the impact that the analysis had on the services delivered by them. With respect to the first two departments selected, implementation was better in the department that was already used to work in direct contact with women, the Juvenile Probation Department. The latter had kept a better record of the raising number of girls –

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<sup>20</sup> City and County of San Francisco, Department on the Status of Women and CEDAW Task Force "Progress Report # 4," May 2000

<sup>21</sup> Interview with Ann Lehman and Emily Murase, 5 January 2006.

<sup>22</sup> City and County of San Francisco, Department on the Status of Women and CEDAW Task Force "CEDAW Task Force Gender Analysis Report: An Overview of CEDAW Implementation in the City and County of San Francisco," December 2001.

<sup>23</sup> Interview with Krishanti Dharmaraj, 4 January 2006.

especially black – under probation, had enacted some gender specific programs and was planning to continue to do so. According to Lehman, although it was the least receptive in the beginning, the Juvenile Probation Department did the best job because “they have been analyzed so often by outside groups that they were a little more used to dealing with sort of social services type issues, or community issues. They had been pushed hard by outside community organizations, like typical NGOs, so that they had already begun [...] to look at some of these girls’ issues. When we came along, it was just really extra impetus [...] that they needed to [...] get the data together. And, also, it built up a case for them to ask for more money and more resources to actually build the girls unit.”<sup>24</sup>

A comparable degree of implementation was not met by the Public Works Department. At least at the beginning of the process, the agency’s managers and staff showed an almost total unawareness of the possibility that their services might impact differently on men and women. At some point, the degree of awareness increased. Reports concerning this agency refer to the issue of streetlights for women’s safety as a successful example of the reception of the ordinance. This measure even gained some visibility in the media.<sup>25</sup> Yet, doubts have been thrown from people involved in the gender analysis about the real substance behind this innovation. In particular, Lehman does not know how far the streetlights issue went, suggesting that “it was played out more by us than by them.”<sup>26</sup>

Overall, one of the major problem of the analysis done by departments – the “the biggest barrier”<sup>27</sup> indeed – was the fact that departments largely failed to collect and provide adequate disaggregated data. And this despite the fact that data collection had been included in the TF guidelines as the first requirement for the analysis. Eventually, the area in which the collection of statistics was less problematic was public employment, for the simple reason that city agencies were already obliged – and therefore used – to collect these data to comply with civil rights legislation.<sup>28</sup>

The reasons for which city departments did not perform well with respect to data collection and eventually other duties seem to be related to the departments’ limited resources, staff turnover and excessive workload. One major problem was, in fact, that city departments could hardly build a sort of expertise in the gender analysis because, as

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<sup>24</sup> Interview with Ann Lehman and Emily Murase, 5 January 2006.

<sup>25</sup> The Nation, 2005.

<sup>26</sup> Interview with Ann Lehman and Emily Murase, 5 January 2006.

<sup>27</sup> City and County of San Francisco, Department on the Status of Women and CEDAW Task Force “CEDAW Task Force Gender Analysis Report: An Overview of CEDAW Implementation in the City and County of San Francisco,” December 2001, p.5.

<sup>28</sup> Interview with Ann Lehman and Emily Murase, 5 January 2006.

some of my interviewees noted, as soon as one group started to do well those people had to leave. But even when there was – as there was usually - one referee in each department who handled the gender analysis, these referees “had ten thousand other things to do, and they weren’t getting paid any extra [...] So, their focus was never really gonna be on this report, primarily. A few took it more seriously than others. [...] I think everybody took it [...] seriously but, you know, if you have a million other things on your plate...”<sup>29</sup>

Finally, some questions emerged with respect to implementation that call into question the skills and role of the DOSW and the TF themselves. One practical issue was that, as much as city departments had to learn about the guidelines and the gender analysis, so the TF had to learn how to lead the process and educate the departments considering the specific “culture” of that department. For example, Lehman admitted that the TF did not know how the Public Works Department worked,<sup>30</sup> as much as the same department, as we have seen, was initially unaware of the gender-related implications of their work.

Another question was the politics internal to the local government, which called into question the capacity of the DOSW to act independently during the gender analysis, at least from the perspective of WILD. Part of the problem was the fact that the DOSW played the checker on city departments while, formally speaking, being on an equal footing with them. According to Dharmaraj, the fact that the TF was internal to the DOSW politicized the entire process related to the ordinance and the gender analysis.<sup>31</sup>

### ***Implementation comes to a halt: between budget constraints and political controversies***

At the end of this section it may be interesting to see why in 2003, following elections and the change of administration, the implementation of the ordinance stopped. In this respect, several questions emerged. One is the diminishing resources made available for the implementation of the ordinance following after the crisis of the dot-com economy which hit heavily the San Francisco area. As a consequence, DOSW lost part of the operational staff working on the ordinance.<sup>32</sup> What is of course interesting to notice is that, among the possible targets for budget cuts, the CEDAW ordinance was chosen, which eventually testified of a lack of interest by the new administration in the policy. Furthermore, as the TF and DOSW further note in their 1999 report gender-specific

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<sup>29</sup> Interview with Ann Lehman and Emily Murase, 5 January 2006.

<sup>30</sup> Interview with Ann Lehman and Emily Murase, 5 January 2006.

<sup>31</sup> Interview with Krishanti Dharmaraj, 4 January 2006.

<sup>32</sup> Interview with Krishanti Dharmaraj, 4 January 2006.

programs are often funded through ad hoc temporary budget allocations and are therefore at a constant risk of being terminated, even in cases where they actually seem successful. Because of this, gender policies are particularly exposed to the ups and downs of the local economy and city revenues.<sup>33</sup>

Another question is more political and concerns the collocation of the TF in the expected second phase of implementation of the CEDAW ordinance. In 2003, Dharmaraj and other three people involved in the implementation of the ordinance drafted a five year plan for the second phase of implementation, which openly requested that the TF be established outside of the local government as an independent and accountable body. Ultimately, the request was not met and, as a reaction, many of the old members pulled out of the TF. And this was not without consequences: according to Dharmaraj, the TF lost an important resource as at least some of these people had the authority (in the local community) and the connections (with the mayor) necessary to smooth the politics around the ordinance and mobilize funds.<sup>34</sup>

### ***Conclusions***

This paper showed different aspects of the CEDAW ordinance which talk to all the literatures that I mentioned in the introduction. It casts further light on the effort of US NGOs to embrace human rights and spread it in a country which has remained substantially isolated from them. Relying on individual and “European” expertise, the ordinance opens the door for the wider recognition of economic and social rights and, at the same time, provides a new language for the advance of women’s rights at the local level. Whether this is good or not for the broader national campaign pushing the US Congress to ratify CEDAW remains to be seen. What is clear, anyway, is that the translation of the CEDAW into an ordinance was a process of adaptation of the Convention to the local policy needs and options of the group of women who elaborated the ordinance. In particular, it emerged from the paper that the ordinance and the language of human rights were used as a sort of replacement of previous affirmative action programs but also as an opportunity to overcome some of their inherent limits and, at least from the viewpoint of some of the women involved in the ordinance project, unsatisfactory results.

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<sup>33</sup> City and County of San Francisco, Department on the Status of Women and CEDAW Task Force “A Gender Analysis: Implementing the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),” November 1999.

<sup>34</sup> Interview with Krishanti Dharmaraj, 4 January 2006.

The paper also identified a local experiment of gender mainstreaming, which calls into question several of the factors that determine the uneven success met by national machineries promoting women's issues at the national level. The CEDAW ordinance benefited from the support of part of the local women's movement. Eventually, there is a need to further review the issue of mainly migrant and young women's support to the ordinance in the light of literature on women's movements and its internal cleavages. The ordinance found also support from women's in the local government. As such, the development and implementation of the ordinance can definitely be considered the outcome of a converged effort by women politicians, city officials and advocates, as testified by the composition of the TF responsible of conducting the gender analysis with city agencies. However, the location of the TF within the local government was both an asset and a constraint for the implementation of the policy. On the one hand, DOSW provided a favorable institutional setting for reaching city departments and instruct them on the gender analysis. On the other, because the process was sponsored by DOSW this ended up with politicizing the process itself and raising the criticism of the civil society component of the women's coalition supporting the ordinance. The lack of an adequate response to this issue – meaning positioning the TF outside of the DOSW – led to the withdrawal from the TF of some local figures crucial that, until 2003, had facilitated the implementation of the policy.

Finally, the implementation of the ordinance intersected the tensions between growth and redistribution in urban politics and the prioritization of local economic development over social questions. By relying on human rights and the inclusion of economic and social rights, the CEDAW ordinance aimed to expand the traditional reach of US civil rights and affirmative action policies towards the enactment of comprehensive and gender-sensitive policies and services throughout the local government action. In that respect, we could say that the limited period in which the ordinance was implemented did not allow the policy to make a real difference in gender policy-making and redistribution. Yet, precisely the stoppage of the policy after a few years of implementation due to the local economic crisis and eventually the low priority that the policy had on the new administration's agenda showed the high degree of exposure of gender policies to the economic and political changes. This calls into question the need for more stable if not substantial funding for gender policies to assure them the continuity that they need to change and hopefully improve the condition of women at the city level.

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