



« IMPLEMENTING THE UN CEDAW CONVENTION ON WOMEN’S RIGHTS LOCALLY »

San Francisco, United States

Period of implementation: 1998 (launch) | Study case written in 2010

This policy translates and implements locally the rights of women as defined in the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). It started in 1998 with the approval of the so called ‘CEDAW ordinance’. The policy has been funded through the municipal budget and led, administered, and developed by the City’s Commission and Department on the Status of Women. Within the Department, two bodies worked on the implementation of the policy: the CEDAW Task Force (1998-2002) and the CEDAW Committee (2003-2007). The policy aims to support the rights of women, focusing in particular on employment, violence and health care. Implementation has followed two tracks: city-wide initiatives to integrate women’s rights in City operations and a ‘gender analysis’ of City departments’ workforce and services. The beneficiaries of the policy are women, minorities, the local government, and the private sector. Community organizations and private companies have been involved in the policy. NGOs have participated in the formulation and implementation of the policy, especially within the Task Force and when the gender analysis was prioritized.



The **Inclusive Cities Observatory** was launched in 2008 by the UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights with the aim of creating a space for analysis and reflection on local social inclusion policies. The initiative was developed with the scientific support of Professor Yves Cabannes (University College of London) and the Centre for Social Studies (CES) from the University of Coimbra. At present, the Observatory contains more than sixty study cases mostly developed between 2008 and 2010. Even though many of these cases refer to policies that have already come to an end, they still have much to offer: from capitalizing on the learning acquired by other local authorities to discovering suggestive and alternative means to address social inclusion challenges from a local perspective.

Context

City context

The City and County of San Francisco had a population of 744,041 people in 2006 (City and County of San Francisco DOSW 2009, p. 4), which reached an estimated 815,358 in 2009 (U.S. Census Bureau 2010). This population is distributed over a territory of about 600 square kilometers. San Francisco is the fourth most populated city in the state of California and the twelfth largest city in the United States (U.S. Census Bureau 2010). It is the only city in California with the status of both city and county, which it acquired in 1856. As such, the Mayor of the city is also the County Executive. The County Board of Supervisors, composed of 11 members representing the city districts, performs the tasks of the City Council. It is because of this special status that the City-County of San Francisco has jurisdiction that would otherwise be located outside its corporation limit (City and County of San Francisco 2010). The Mayor leads the Executive Branch while the Board of Supervisors is the legislative body. The Board of Supervisors also approves the city budget. The local government exercises its competences and powers through City departments and agencies as well as a number of boards, commissions, committees, and task forces.¹

Government and decentralization context

U.S. cities enjoy a relatively high degree of autonomy in the exercise of many statutory powers and policy options. Most city revenues come from local taxes, and in particular, property taxes. Decentralization implies that cities are less protected by the state from the impact of international market forces on their territories, creating a situation whereby local governments have to struggle to maintain and develop their economic basis, eventually in competition with other cities. This situation creates an inherent tension in local politics between, on the one hand, supporting local growth (eventually by offering fiscal advantages to companies) and, on the other, redistributing local wealth through social policy. Quite often, priority is given to growth, which is expected to expand local revenues necessary to implement social policy (Keating 1991).

Institutional level of policy development: Municipal

Social context

San Francisco has a reputation of being one of the most liberal U.S. cities and has always engaged with and experimented with social policy. It is also a rich city: the Bay Area is home to the microcomputer industry and 'has the highest per capita personal income of any metropolitan area in America' (Bardes, Shelley & Schmidt 2010, p. 264). This does not mean that the city presents no social and economic inequalities. Many of these are quite characteristic of U.S. urban contexts. Homelessness is quite a problem in the city. An increasing polarization has also been detected between, on the one hand, a more affluent and rich class of people employed in the most remunerative economic sectors of the city (finance and high-tech) and, on the other, a group of low-skilled employees in the less remunerative service sector.

These political, social, and economic features of the city are reflected on, and closely intertwined with, the status of women across races and ethnicities. In 2006, women represented 49% of the local population, of which 42% were white, 34% Asians, 13% Latina, and 7% African

¹ For an updated list of all these bodies, visit <http://www6.sfgov.org/index.aspx?page=40>

American (City and County of San Francisco DOSW 2009, p. 5). Women have an overall good economic status in the city and they have been less affected by the economic downturn of 2008 and 2009. San Francisco ranks third among U.S. cities in terms of women's entrepreneurship, education, and pay levels. However, several gaps still exist between men and women. In the employment field, women still earn an average of 78% of what men earn (a value that reflects the national one) but the percentage drop down to 63% for Asian women, 58% for Black/African American women, and 52% for Latina or Hispanic women. Women are also more represented in low-paid jobs, concentrating in the educational and health sectors (60% and 65% respectively).

Within the local government, women are also fairly well represented, with peaks in the Board of Education (88%). Women make up 48% of the municipal employees in the criminal justice sector and 44% of all appointees to the City's Boards, Commissions, and Task Forces (as of 2007). Current Mayor Newsom has a strong gender equality agenda and has appointed women as head of the typically women-unfriendly Fire and Police Departments, as well as the Port Authority. Still, in 2006 only three out of eleven members of the Board of Supervisors were women (all data from City and County of San Francisco DOSW 2009).

Policy development

San Francisco's implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)² is a pioneer example of both local gender mainstreaming and human rights policy (Grigolo 2009, 2010, forthcoming). It has been considered an innovative and relatively successful policy, which has been exported to other cities (Lozner 2004, p. 790). The policy circumvents U.S. isolationism in the international human rights machinery (Ignatieff 1999) through a local, bottom-up action (Soohee, Albisa & Davis 2009).³ The policy is based on the so-called 'CEDAW ordinance', which translates CEDAW into local principles and norms and sets the general framework for realizing women's rights in a number of areas and in an intersectional perspective.

Background

The CEDAW policy needs to be read in the context of the transnational impact of CEDAW on women's activism (Zwingle 2005). The idea of the policy came from a group of women who participated in the 1995 UN Beijing Women's Conference and were interested in implementing the Beijing Platform for Action in the city. The coalition that supported this idea included the Women's Institute for Leadership Development for Human Rights (WILD) and Amnesty International. In 1997, the City's Commission on the Status of Women (COSW), Human Rights Commission, and Board of Supervisors became concerned with the issue. A public hearing was held on the matter of the local implications of CEDAW. This process led to the approval of the CEDAW ordinance in 1998 by the City's Board of Supervisors (City and County of San Francisco 2010, pp. 1-2).⁴

Policy objectives

² The Convention was approved by the United Nations General Assembly in 1979 and entered into force in 1980 (see United Nations General Assembly 1979). The text can be found at <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm> [9 December 2010].

³ CEDAW was signed by President Carter in 1980 but has never been ratified by the U.S. Senate.

⁴ In 2000, the ordinance was amended and incorporated into the city *Administrative Code*.

The CEDAW ordinance defines the local principles of CEDAW and three main areas of intervention in support of women's rights: economic development, violence against women and girls, and health care. It provides for two main objectives:

1. The implementation and integration of gender equity and human rights principles into all local government's operations; and
2. The gender analysis of 'selected city departments, programs, policies, and private entities, to the extent permitted by the law'⁵ in order to determine whether Objective 1 is being realized.

The gender analysis implies that City departments have to: (1) collect disaggregated data; (2) evaluate the gender equity aspects of their work, including in relation to budget, employment practices, and service delivery; and (3) deliver an Action Plan.⁶

Chronological development and implementation

The CEDAW policy has changed significantly over the years. With respect to institutions, the policy has been under the political and administrative responsibility of the Department on the Status of Women (DOSW, which is the executive arm of the Commission on the Status of Women [COSW]). In 1998, a CEDAW Task Force was established in accordance with the ordinance and with responsibility to foster implementation. It was composed of City officials and members of community organizations. The Task Force expired in 2002⁷ and was replaced by a CEDAW Committee. In 2007, the CEDAW Committee disappeared and the City's Commission on the Status of Women (COSW) took over the direct control of the policy.

With respect to concrete actions, the policy developed in line with the two main objectives set in the ordinance: (1) the implementation of city-wide initiatives (aiming to integrate human rights principles in local government's operations) and (2) the gender analysis (and action plan). These two lines of interventions have been differently prioritized over the years, within an overall shift in the focus of the policy from the public to the private sector. The development of both the gender analysis and city-wide tracks of the CEDAW policy are traced below.

The gender analysis

Phase 1 – Elaboration of the guidelines for the gender analysis

The DOSW hired Strategic Analysis for Gender Equity (SAGE), a New York-based consultancy agency, for the purpose of elaborating the guidelines for the gender analysis.

Phase 2 – Testing the gender analysis

In 1999, the Task Force tested the gender analysis on the two 'most different' city departments: the Public Works Department (a rich department, offering unconventional employment opportunities for women) and the Juvenile Probation Department (a small body familiar with dealing directly with girls).

Phase 3 – The peak of the gender analysis

⁵ Section 12K.4(b).

⁶ Section 12K.4(b)(i)(ii)(iii).

⁷ Section 12K.5(d)(3).

Between 2000 and 2001, the Task Force conducted the gender analysis of four departments with mixed characteristics with respect to gender issues: the Adult Probation Department, the Arts Commission, the Rent Stabilization Board, and the Department of Environment.

Phase 4 – The decline and ‘specialization’ of the gender analysis

In 2003, the Task Force expired and the administration changed in a climate of economic crisis. Since then, only the DOSW itself has undergone the gender analysis (2007). Some departments already analyzed were followed up (Environment Department). As the resources available to the DOSW have remained limited, DOSW shifted the gender analysis from top-down evaluation of entire departments towards (a) the promotion of best practices (emerging from the ‘old’ gender analysis) and (b) the evaluation of specific programs inside departments which are expected to have a wider impact on the institution and the way it deals with women’s rights (including, for example, recruitment policies). The DOSW also became responsible for the gender analysis of departments’ budget cuts (since 2003) and a bi-annual review of the demographics of appointments in City commissions and boards (since 2008) (City and Council of San Francisco DOSW 2010, pp. 8-10).⁸

Citywide initiatives

Although partly overlapping, the two following phases can be identified:

Phase 1 – Elaborating studies related to the gender analysis

During this initial phase, three initiatives were enacted: a 2001 survey and study by the Task Force on work-life balance issues affecting City employees; a 2003 report on girls in San Francisco, which stresses the concentration of African American girls in both the juvenile justice and foster care systems; and a brochure on recruitment strategies and resources related to employment in non-traditional jobs for women (City and Council of San Francisco DOSW 2010, p. 10).

Phase 2 – The San Francisco Gender Equality Principles (GEP) Initiative

Since 2008, the DOSW has heavily concentrated on the GEP initiative, aiming to implement seven ‘socially responsible principles’ about women in the private economic sector (where the large majority of the women living in the city actually work). The principles were elaborated with Calvert, Ltd., a company from Maryland which also launched the Women’s Empowerment Principle with the UN Global Compact and United National Development Fund for Women (UNIFEM). The principles regard issues such as women’s employment and workplace conditions, career, safety, and civic engagement; they are apply at different employment levels, from the higher managerial positions down to the factory floor and along the supply chain. DOSW’s partners are companies located in the San Francisco Bay Area. Companies are invited to undergo an online self-assessment on the GEP website. Within a climate of very positive reception by companies, the DOSW is raising awareness among city business that treating women equally is actually good business and profitable. Roundtables with the companies’ staff working in different departments (such as the legal or human resources department) are routinely organized by the DOSW.⁹

Stakeholders, beneficiaries and participatory methodologies

⁸ Interview with Emily M. Murase, DOSW Executive Director, 16 September 2010, San Francisco.

⁹ Interview with Murase. For more information see <http://www.genderprinciples.org/>.

Agents involved

The policy implementation partners of the San Francisco local government have changed over the years. They include NGOs, and in particular WILD, Amnesty International, the Women's Foundation of California, and *La Casa De Las Madres*. Within the GEP initiative, a number of (local) companies have also become involved, including the Calvert Group, Ltd.; Symantec (which sponsors the GEP website); IBM; Charles Schwab; and Google.

Beneficiaries

All citizens, women and minorities, City departments, and local companies.

Participation processes implemented

The participation of community organizations was particularly intense in the first four years of the policy. While the NGOs involved included organizations that do not target exclusively gender equality (like Amnesty International), the role of female activists was crucial. Migrant and young women responded particularly positively to the holistic human rights approach to women's rights embedded in CEDAW. The contribution of women from Europe was crucial for diffusing knowledge of the human rights framework among local activists (Grigolo 2008, pp. 3-5). Three women from WILD and one from Amnesty International sat on the CEDAW Task Force.¹⁰

Direct participation declined with the expiration of the Task Force, as community groups wanted the monitoring body of the ordinance to be outside of the DOSW while the DOSW wanted the Task Force to stay within the DOSW. This led WILD to withdraw its members from any implementation body (Grigolo 2008, p. 13).¹¹ At the moment, the participation of NGOs in decision-making related to the policy is 'mediated' by the Commissioners of the COSW, who are all women coming from local civil society organizations. NGOs remain involved in the implementation of initiatives of the DOSW, including city-wide initiatives.

Institutionalizing and financing

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Outcomes and reflections

Key results and achievements

The policy is considered to have had a practical impact on the lives of women both inside and outside the local government, which goes beyond the rhetoric of the rights discourse. In many cases, the policy gave further impetus and legitimacy to policies that had been already planned (Liebowitz 2007; Grigolo 2008, p. 11). With respect to the gender analysis, some departments, like the Environment Department, performed especially well. What follows are the main achievements of the CEDAW policy which resulted from the gender analysis. At this stage it is too early to assess any concrete outcomes of the GEP initiative, which should be monitored for future evaluations.

Raising awareness of women's issues within the local government

Staff of City departments have become more aware of the gender issues implied in the operations of their own departments (Liebowitz 2007, pp. 5-6; Grigolo 2008, p. 10). As part of the process, the departments began to look carefully at the different women's needs that could be impacted, negatively and positively, by their policies. Some departments, like the Environment Department, also began to monitor the composition of their workforce according to gender and race (Liebowitz 2007, pp. 6-7).

More women and more women-friendly workplace policies in the departments

The CEDAW policy has had some concrete impacts on the number of women working in some departments. As part of a proactive recruitment policy, the Environment Department increased the number of women and minority employees: respectively, 69% and 39% of 68 employees as of 2009 (DOSW 2010, p. 7). The CEDAW policy also legitimated the implementation of workforce policies, like flex-time programs, which has increased the productivity of employees. The Adult Probation Department implemented a telecommuting policy which also increased productivity (Liebowitz 2007, p. 8). The Public Works Department expanded the languages of its anti-sexual harassment trainings to Chinese and Spanish (p. 7).

The policy output of city departments: Targeting women and their needs

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¹³ Interview with Murase.

Some departments became concerned about how many women were reached by their services or benefited from their grants. The Rents Stabilization Board began to keep track of how many women and minorities participated in its conciliation procedures (Liebowitz 2007, p. 8). The Environment Department reviewed how many women were in leadership positions among the grantee organizations of the department (pp. 6-7).

City departments' interventions and services were also set up and/or redefined to meet women's needs. The Juvenile Probation Department used the gender analysis to justify the establishment of its 'Girls Unit' (p. 6). The Environment Department published data online on the relationship between environment, cancer, and women (p. 7). The Arts Commission changed the time of the lottery for the allocation of small grants to give people with care-giving responsibilities and specific religious beliefs (Jews) the opportunity to participate (p. 6). The Public Works Department reduced the space between streetlights in four projects in order to increase women's safety in the areas (Liebowitz 2007, p. 7; Grigolo 2008, p. 11)

Overall assessment and replicability or adaptation elsewhere

Main obstacles and challenges

The implementation of CEDAW is facing the following main challenges:

Lack of staff, funding and training to use and advance CEDAW

The DOSW can only partly implement the CEDAW ordinance because of limited funding, the lack of a staff member exclusively devoted to that purpose, and the limited understanding of the wider implications of using human rights to frame all the agency's operations as the DOSW would like to do (Liebowitz 2007, pp. 13-14).

The gender analysis between past and future

The 'old' and comprehensive gender analysis of City departments was an essential component of the CEDAW policy and a valuable tool to steer City actions towards goals more sensitive to women and minorities. However, it was also a time-consuming process for the departments and the DOSW.¹⁴ If that gender analysis was to be reprised (with due consideration of the financial constraints imposed on the DOSW and notwithstanding the merits of the 'new', specialized gender analysis), the following limits/challenges should be taken into account:

- *The politics of the gender analysis.* The fact that the DOSW is a city department and politically responsible for the gender analysis politicizes the gender analysis and rises issues of independence of the DOSW vis-à-vis the rest of the local government. This tension clearly compromised NGO participation in the policy (Grigolo 2008, p. 13).
- *The limits of the Task Force and the DOSW.* The Task Force and the DOSW were not (at least immediately) able to work with some departments due to their lack of knowledge of each department's culture and ways of operating. This limited the possibility of standardizing and therefore simplifying the approach to and implementation of the gender analysis (Grigolo 2008, p. 12).
- *Uneven implementation of the different dimensions of the policy.* Departments implemented the employment-related aspects of the policy (including data collection, within the limits of the law) better than those related to budget allocation and services,

¹⁴ Interview with Murase.

mainly because they are more familiar with employment than other types of questions raised by the gender analysis (Liebowitz 2007, p. 16; Grigolo 2008, p. 11).

- *Excessive workload and staff turnover in city departments.* The excessive workload of departments arguably limited their capacity and inclination to do a proper gender analysis, including data collection. Staff turnover sometimes made it difficult for the Task Force and DOSW to rely on a stable contact person inside departments when carrying out the gender analysis (Grigolo 2008, pp. 11-12).

The reach of the GEP initiative

Although the GEP initiative is still at an early stage, it seems fair to stress the risk that the DOSW, by targeting mainly big companies (notwithstanding the stated intention to have an impact at the lower levels of employment within these companies), may have a limited impact on women and minorities in the wider private economic sector, including those who work at the margins and low paid positions of the market.

Replicability or adaptation of the policy elsewhere

Local governments that want to implement the CEDAW policy should:

- Become familiar with the human rights framework, eventually through the collaboration of experts, human rights institutions, and NGOs.
- Provide a legal basis (ordinance, amendment to the City Charter) or, if lacking statutory powers, political/discursive framework (plan, strategy, etc.) for the policy.
- Translate CEDAW according to local priorities but always in an open process of participation and consultation with the actors that will be co-responsible for implementation.
- Show that the mayor openly endorses the policy and pushes city departments to comply with it.
- Establish adequately funded, staffed, motivated, and trained bodies responsible for implementation.
- Consider the contextual pros and cons of placing any body responsible for implementation inside/outside the local government and, in any case, give it an independent status.
- Ensure that City officials and representatives of NGOs, which can mobilize valuable resources and attract support for the policy, participate in decision-making and implementation of the policy.

Further information

This case was researched and written by Dr. Michele Grigolo, FCT postdoctoral researcher at the Centre for Social Studies, University of Coimbra, Portugal, in 2010. Dr. Grigolo is grateful to Dr. Jacqueline Adams for her precious collaboration during the fieldwork research and interview for this study. He also thanks the staff of the Commission on the Status of Women and WILD for Human Rights for their availability and support. This research received a financial contribution from the Portuguese Federation for Science and Technology (FCT).

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Interview

Emily M. Murase, DOSW Executive Director, 16 September 2010, San Francisco.