RESPECT, PROTECT, FULFILL

Raising the Bar on Women’s Rights in San Francisco

The Women’s Institute for Leadership Development for Human Rights
The Women’s Institute for Leadership Development (WILD) for Human Rights

MISSION AND VISION

WILD for Human Rights seeks to advance human rights in the United States to protect the dignity of people regardless of their identity. We aim to end identity-based discrimination through education, and the implementation and monitoring of human rights treaties in the United States.

The vision of WILD for Human Rights is that everyone regardless of identity will enjoy the inherent right to dignity. WILD for Human Rights believes that people whose humanity is threatened need to both define and demand all conditions that are necessary to protect their dignity and humanity. Our commitment is to position women, especially marginalized women, as leaders and decision makers in their communities and to support their work in advancing policies that promote the rights of their communities.
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ACKNOWLEDGEMENTS

Ten years after the passage of the historic CEDAW\(^1\) Ordinance in San Francisco, CA U.S.A. on April 1998, this report, *RESPECT, PROTECT, FULFILL: Raising the Bar on Women’s Rights in San Francisco* is both a celebration and an analysis of its impact. It seeks to understand the added value of implementing international human rights standards to reduce discrimination in the United States and to access the role of city government in advancing human rights. While CEDAW implementation is limited to the City and County of San Francisco, the impact of this implementation has been far reaching and this report allows us to both enhance and continue the movement for human rights in the United States.

We would like to thank Professor Debra J. Liebowitz for all her time and effort to develop this report.

In addition, we would like to take the time to thank the following supporters that helped make the San Francisco CEDAW Ordinance a reality:

WILD for Human Rights’ 1998 CEDAW Task Force and its partner organizations Amnesty International, Women’s Foundation of California, and La Casa de las Madres; the former and current WILD for Human Rights Board of Directors and Staff; The San Francisco City and County CEDAW Implementation Task Force; former and current staff and commissioners of the San Francisco Department and Commission on the Status of Women; the Human Rights Commission; The Arts Commission, the Department on the Environment, Department of Public Works; the Adult Probation Department; the Residential Rent Stabilization and Arbitration Board; Board of Supervisor Tom Ammiano and the former president of the Board of Supervisors’ Barbara Kaufman.

WILD for Human Rights is grateful for the fiscal support of the Ford Foundation, Levi-Strauss Foundation, Libra Foundation, Public Welfare Foundation, Open Society Institute, the San Francisco Foundation, the Shaler Adams Foundation, and the Women’s Foundation of California.

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1. United Nations’ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), an international human rights treaty, provides a universal definition of discrimination against women. The United Nations General Assembly adopted CEDAW in 1979 and President Carter signed the treaty on behalf of the United States in 1980, but the United States has not yet ratified CEDAW.
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AUTHOR’S ACKNOWLEDGEMENTS

This report would not have been possible without the important work and then the wisdom and cooperation of the more than twenty activists, policy analysts and the San Francisco government representatives I interviewed. Particular thanks are due to the entire staffs of two key institutions: the Women’s Institute for Leadership Development (WILD) for Human Rights and the San Francisco Department on the Status of Women. In particular, I want to thank Krishanti Dharmaraj, Maria Catoline, Youmna Chlala and Chivy Sok at WILD for Human Rights and Emily Murase and Ann Lehman at the San Francisco Department on the Status of Women for their vision, frank comments and the assistance they gave me at all stages of work on this report. Of course, all of the flaws inherent in this report are solely my responsibility.

ABOUT THE AUTHOR

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In April 1998, San Francisco made history by approving Municipal Ordinance 128-98 affirming the city’s responsibility to ensuring women’s human rights. The Ordinance committed the local government to incorporating key human rights principles into law. It transformed seemingly distant principles of international law, particularly those articulated in the United Nations’ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) into local practice.

San Francisco’s Ordinance is based on the UN’s CEDAW Convention which is the premier international human rights agreement focused on women’s issues. As of December 2007, most countries in the world (185 of the United Nations’ 192 members) were party to the agreement, with one major exception: the United States. The passage of this local CEDAW Ordinance puts San Francisco at the forefront of a national movement to apply human rights principles to local and state government practices and, indeed, marks the city as a trailblazer.

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The San Francisco Ordinance was the product of a coalition of community groups led by the Women’s Institute for Leadership Development (WILD) for Human Rights along with its partners Amnesty International USA, the Women’s Foundation of California, and La Casa De Las Madres. Many of the City’s Commissions as well as the San Francisco Unified School District, the Community College Board, Senator Feinstein, Senator Boxer and a host of other community based organizations also lent their support and helped in the organizing and advocacy to assure its passage. The San Francisco Commission on the Status of Women and the San Francisco Human Rights commission were the primary city partners.

San Francisco’s CEDAW Ordinance obligates all city and county government programs, agencies and departments to take all necessary measures to prevent all forms of discrimination against all women and girls. In other words, the CEDAW human rights framework requires proactive efforts to ensure that government policies, practices and services do not inadvertently reinforce historic patterns of inequality based on gender, race, ethnicity and other forms of identity. It translates international human rights standards into municipal law because it is at the local level that rights are realized or abrogated. Eleanor Roosevelt, in an eloquent and frequently quoted 1953 speech before the United Nations, perhaps said it best when she asked:

“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.”
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—Eleanor Roosevelt
The move to more fully incorporate race and ethnicity into the Ordinance and to link the CEDAW Convention to CERD meant that the “unique experiences of women of color”6 would be more comprehensively analyzed and that the City would be committed to effectively grappling with discrimination against women and girls by ensuring that government programs and services actively meet the needs of all people regardless of race, ethnicity, sexual orientation, language or physical or mental abilities. In sum, the San Francisco CEDAW Ordinance requires action in the form of preventive and forward thinking measures to ensure that city resources, policies and actions do not intentionally or unintentionally discriminate against women and girls from any community.

Applying CEDAW’s principles to the local arena will, according to the Ordinance, “promote equal access to and equity in health care, employment, economic development and educational opportunities for women and girls and will also address the continuing and critical problems of violence against women and girls.”7 Such changes were anticipated because the Ordinance stresses the importance of comprehensively monitoring women’s experiences. Once the relevant information is gathered, the data should be used to formulate new policies, programs and procedures that more effectively attempt to eliminate discrimination against women and girls.8

In sum, the San Francisco CEDAW Ordinance requires action in the form of preventive and forward thinking measures to ensure that city resources, policies and actions do not intentionally or unintentionally discriminate against women and girls from any community.

The Ordinance moves from rhetoric to reality: it requires the City and County of San Francisco to take concrete steps toward “integrating gender equity and human rights principles into all of its operations”—including policies, programming, employment, budget and services.9 The San Francisco Commission on the Status of Women was asked to staff the CEDAW Task Force and in this capacity worked with city departments and programs to implement these principles. The CEDAW Taskforce was set up to spearhead implementation efforts. This Taskforce was chaired by a member of the Commission on the Status of Women and its membership was drawn from community groups, government departments and individuals designated by the Mayor and the Board of Supervisors. In accordance with the details of the CEDAW Ordinance, this Task Force was to finish its work by the end of 2002 and submit a five-year citywide CEDAW action plan to the Mayor and Board of Supervisors. This Plan, approved by the Commission on the Status of Women on February 1, 2003, called for the creation of a CEDAW Committee which was modeled on the CEDAW Task Force but was to be a standing Committee under the Commission on the Status of Women.10 This Committee, in conjunction with the Department on the Status of Women, is the body currently charged with CEDAW implementation.
An Ongoing Assessment

The Ordinance requires the city government to continuously assess its policies and practices to ensure that all municipal acts are non-discriminatory and appropriate to meeting the needs of all communities of women and girls. As one part of these efforts, the Ordinance requires city departments to undergo a gender analysis\textsuperscript{11} which is used “as a preventive tool to identify discrimination and, if identified, to remedy that discrimination.”\textsuperscript{12} The CEDAW gender analysis tool provides a framework for examining the cultural, economic, social, civil, legal, and political relations between women and men, while taking account of the ways that gender is inextricably linked to other identity categories like race, immigration status, sexual orientation, age, ethnicity, class, ability, and language. When applied to city departments and programs, the gender analysis tool specifically requires government agencies to examine their actions, policies, programs, services and employment practices to ensure that they are non-discriminatory, relevant, gender-appropriate and fully serve all communities of women and girls.

Once city agencies and departments have completed their gender assessment, they are expected to identify and then alter any policies or practices that need to be changed in order to fully protect and promote women’s human rights. Thus far, seven departments have gone through this process of using the CEDAW gender analysis tool to examine their work: the Adult Probation Department, the Arts Commission, the Juvenile Probation Department, the Department of the Environment, the Department of Public Works, the Residential Rent Stabilization and Arbitration Board, and the Department on the Status of Women, all these departments conducted their first gender analysis between 1998-2002.

The Purpose of this Report

This report, \textit{RESPECT, PROTECT, FULFILL: Raising the Bar on Women’s Rights in San Francisco}, identifies the strengths and challenges associated with CEDAW implementation in San Francisco to date. It also makes recommendations about how to most effectively enhance these important efforts. The report proceeds as follows: first, it summarizes the findings of the assessment, highlighting the strengths of the Ordinance’s implementation in San Francisco. Next, it examines the challenges faced in moving the process forward. Finally, it offers a series of recommendations to more comprehensively implement the Ordinance, better ensuring that women and girls in the City and County of San Francisco are able to fully enjoy their human rights.
Implementation of San Francisco’s CEDAW Ordinance has proceeded along two equally important and complementary tracks. On the one hand, the Ordinance has been used to initiate a relatively limited but important number of city-wide initiatives. On the other, the CEDAW Committee (operating under the auspices of the San Francisco Department on the Status of Women) has worked with several city departments, boards and commissions to support and facilitate efforts to complete a CEDAW Gender Analysis of their programs, services, budget, and employment practices. Using the information gained in this analysis, agencies have been encouraged to make necessary changes in policies and practices.

The findings of this report indicate that each of these tracks has proven significant, highlighting the importance, the need and the potential of integrating human rights principles into local government operations. At the same time, this report illustrates how San Francisco’s CEDAW implementation has stopped short of fulfilling its mandate. As a small entity, the Department on the Status of Women (DOSW) has encountered significant difficulties in adequately promoting CEDAW implementation in the face of limited funds and budget cuts. At the same time, the tendency has been to equate implementation with completing the CEDAW Gender Analysis. Such an equation is too mechanistic and limits the potential role the Ordinance could have ensuring that the human rights of all women in San Francisco are realized.

Impact on City Departments

The first track of CEDAW implementation in San Francisco has emphasized getting city departments and commissions to conduct a comprehensive analysis of their policies and practices using the CEDAW Gender Analysis tool. Agencies are directed by the Ordinance to use the data gathered through this process to proactively eliminate all forms of discrimination against women and girls. Participation in this process has resulted in many substantive changes and some general benefits.

For instance, members of each of the seven departments which have undergone a CEDAW gender analysis have commented that the process made them aware that there was more they could do to prevent and eliminate discrimination against women and girls in San Francisco. Indeed, “the very process of conducting a CEDAW gender analysis created an awareness of and sensitivity to gender-related issues” in departments. It provided a framework for examining departmental policies and practices in a way that differed from the standard approach. It encouraged them to look at the impact of policies that were seemingly gender neutral with attention to the outcomes of policies and practices.
and their impact on all city communities of women and girls. Highlighting this point, a staffer at the Department of the Environment commented that “we already felt we were being open to women and not discriminating” but through the CEDAW gender analysis we identified avenues for further promoting gender equality.

In addition to noting that the CEDAW review process highlighted the ways that gender was relevant to their work, many of the departments suggested that the gender assessment gave them “official permission” to pay attention to the ways that women and girls from all racial and ethnic backgrounds are affected by and participate in their programs, policies and decision-making in gender-specific ways. Having a law on the books clearly resulted in gender issues being taken seriously by a number of departments. It also provided a “feedback loop” where departments and individuals within them were encouraged to take action and praised by the CEDAW Committee when they did so. Moreover, the CEDAW gender review process helped “legitimize” the efforts of those already working within departments to raise gender-related concerns. In the Department of Juvenile Probation, for instance, the CEDAW review helped legitimize efforts already underway to create a probation unit that targeted girls.

Officials in nearly all of the departments contacted for this report pointed out that many of the changes brought about by their department’s CEDAW review—while designed to eliminate discrimination against women—have a positive impact on both men and women. Indeed, male and female departmental employees as well as male and female participants in certain programs benefited from applying CEDAW principles to municipal processes and programs. Several departments noted specific successes in the CEDAW implementation process. For example:

**The Arts Commission**

The Arts Commission is charged with promoting the Arts in all aspects of city life. San Francisco’s Street Artist program provides economic opportunities for artists by allocating space on city streets where they can sell their creations. While collecting data for their CEDAW review, the Commission realized that some women artists had a hard time participating in the daily lottery because of the rule that they had to appear at the lottery in person (which began at 8:30 a.m.) to have a chance at the best locations. For people with parenting responsibilities this was a particular hardship. As a result of gaining this information, the Arts Commission facilitated a process that led to changing the lottery system. The new rule no longer requires that the artist herself show up at the lottery site but allows someone else to submit their name. Ultimately, the artist does have to select their exact space in person, but they do not have to be there early in the morning. While the impetus for this change was to eliminate the inadvertent disadvantaged faced by women with children, many more people ultimately benefited. It helped religious Jews who were unable to attend the lottery on Saturday mornings, men with parenting responsibilities and all people who occasionally encountered unexpected traffic on the way to the lottery site.

**The Department of the Environment**

The Department of the Environment (DOE) works to improve, enhance, and preserve the present and future environment of San Francisco. The Department began operations in 1996 and was relatively small when it first participated in the CEDAW gender analysis, though it has since grown a significant amount. In FY 2000-2001 the Department had the equivalent of approximately thirteen full-time staff members; by 2006-2007 that number had increased more than five-fold.

According to staff at the Department of the Environment, the CEDAW gender analysis was tremendously valuable to the young Department. The process put some important systems into place that are now a permanent part of Departmental culture and operations. As part of the data collection phase of their CEDAW review the Department created a spreadsheet to map the gender and the racial distribution of employees across programs and job categories. Instead of gathering this information only when requested by the CEDAW Committee, the Department uses the grid on an on-going basis as they fill each new position. Having this information strengthens their ability to recruit a diverse applicant pool. In addition, the Department surveyed all employees in order to get feedback about
issues of concern as part of the CEDAW review. In so doing, senior management realized that many employees wanted the opportunity to give them direct feedback about Departmental functioning. Now the Departmental leadership surveys all staff on an annual basis and responds directly to the comments made during their annual staff retreat.26

The CEDAW Task Force recommended that the Department review the available literature on the gender impact of environmental issues.27 The Department responded and a cancer researcher is creating a web-based resource with data about the relationship between environment, cancer, and gender.28

The CEDAW gender analysis led the Department of the Environment to start analyzing their grants in a more holistic way. Instead of looking only at whether the grant achieves its environmental goals they also now look at which communities and individuals benefit from the grant monies dispersed by the Department. The Department requires reporting on who holds leadership positions at grantee organizations and who is hired with monies granted by the Department.29

The CEDAW review process contributed to the Department’s implementation of flexible work policies. When the Department began its CEDAW review they were also considering whether to adopt an “Emergency Ride Home” (EHR) program to encourage use of alternative transportation in the city. This program provides a free or low-cost ride home in cases of emergency for any employee working in San Francisco who used an alternative form of transportation to get to work that day (such as carpooling, public transit, bicycling, and walking).30 Highlighting the fact that the EHR program would greatly benefit those with caretaking responsibilities (predominantly women), the CEDAW review helped provide the justification and impetus for getting this program off the ground.31 The same could also be said about the Department’s other flexible work options: the 9/80 program and the flex time program. The 9/80 program allows employees to choose to work eight nine hour days and one eight hour day in a two week period so that they could have the tenth day off. The Department’s flex time program allows employees to begin their work days anytime between 6:30 and 9:30 a.m. Both of these programs are widely used by Department employees and came into being, in large part, due to the CEDAW gender analysis process.32

The Department of Public Works

The Department of Public Works (DPW)33 maintains, repairs, designs and manages construction of the city’s physical infrastructure and public facilities.34 With an annual budget of approximately $155 million and a staff of nearly 1,500 the department is the largest to go through the CEDAW gender analysis process.

Until participating in the CEDAW review process, the Department of Public Works had not considered that gender was relevant to its services. Through the process the Department came to realize that some infrastructure projects may “appear to be gender neutral [but] actually may impact women and men differently.”35 The Department highlighted street lighting as one such thing, noting in their 1999 CEDAW report that while men and women have a need to feel safe, “a woman, in particular, may fear sexual assault, making her feel more vulnerable than a man” so increasing “lighting on dark streets, in parking lots, or near public facilities creates a more equitable outcome: both women and men feel safe walking down a street at night.”36 DPW’s 2001 update to the CEDAW Committee demonstrated that they took this insight seriously pointing to four recently completed projects where the “Engineering Division w[as] able to address safety important to women” by reducing the space between street light.37

DPW’s first engagement with the CEDAW gender analysis process took place when instances of sexual harassment and Equal Employment Opportunity (EEO) complaints brought by women employees in the DPW were coming to light. The review brought further attention to women’s complaints (beyond the particular official ones) and ultimately contributed to a change in the organizational culture so that women would be “more comfortable speaking up” and more “effective avenues...[were put] in place for them to be heard and to get help.”38 More specifically, DPW began conducting mandatory anti-sexual harassment trainings in Spanish and Chinese, because their monolingual Spanish and Chinese employees had previously
had to attend such trainings in English. These and other efforts by the Department had the effect of reducing “the number of [EEO] complaints based on gender.”

The CEDAW gender analysis called attention to the gender segregation of DPW’s work force. For example, in 1999 over eighty percent of departmental employees earning over $70,000 per year were men and the numbers of women and men were roughly equal only in the lowest salary range. As a result of CEDAW gender analysis, the DPW created a support group for women employees. The group meets regularly and acts as a forum for discussion of issues facing women employees. For example, as a result of concerns expressed by women in the group who work the night or swing shifts, the department recently compiled a listing of childcare providers who operate during non-traditional hours. The group also regularly discusses career paths and opportunities for promotion.

DPW periodically conducts town hall meetings with employees. The March 2007 meeting for instance included both the Department’s EEO program and a conversation about women at DPW. Bringing such public attention to these issues “would not have happened” without the CEDAW review process. Indeed, the issue “would not have been at the forefront of anybody’s mind.” The Department’s 2006 update to the CEDAW Committee showed that only some of their employment numbers had improved. The review reminded DPW staff that “we are being judged” according to how well they do and that they needed to devote more attention to recruiting and retaining women in non-traditional fields of employment.

The Adult Probation Department

The Adult Probation Department deals with investigating, supervising, and offering counseling and referrals to adult criminal offenders. The Department’s CEDAW gender analysis elevated the discussion and analysis of employees’ work-life balance. It brought the issue of employee’s work-life balance to the fore. After examining the data, the Department noted that their telecommuting investigations unit, with eighteen employees, was among the most productive in the Department. Comparing this unit to others made it clear that telecommuting helped recruit and retain staff because it made it easier for those with caretaking responsibilities to manage their work and family lives. This finding led Department officials to argue that “telecommuting and flex hours benefit both the employees and the City” and makes it easier for the Department to address gender specific needs of employees. This information led the Department to try and expand the telecommuting and flexible work policies option for its employees.

The Residential Rent Stabilization and Arbitration Board

The Residential Rent Stabilization and Arbitration Board promulgates rules and regulations to implement the city’s Rent Ordinance (SF Administrative Code, Chapter 37). As the Rent Board attempted to complete their CEDAW Gender Analysis they realized that they did not have adequate data about who they served to complete a comprehensive analysis. The CEDAW Gender Analysis requires an intersectional analysis that takes account of the needs of women regardless of their race, ethnicity, class status, language ability, sexual orientation, and physical or mental ability. While the Rent Board typically collected some data about the landlords and tenants who used their services—where they lived, the type petition being filed, etc.—they did not ask questions about the gender or racial identity of their clients. This lack of information made it impossible for them to assess client satisfaction according to these categories of identity. As a result of this process, the Rent Board changed the evaluation form given to clients so that they would have this information for future analyses. This change was important because without data that is disaggregated by gender, race and ethnicity it is impossible to ensure that services are meeting the needs of diverse communities.
The CEDAW Ordinance was a driving force to bring the issue of employees’ needs around work-life balance to the fore. Indeed, the CEDAW Ordinance catalyzed attention to the issue city-wide and also facilitated specific policy changes within individual departments.

The second track of CEDAW implementation in San Francisco included initiatives that are city-wide in scope, rather than focused on a single agency, department or commission. In this track, the Commission on the Status of Women and Department on the Status of Women have pursued two critically important initiatives. As the DOSW worked with city departments and commissions to get them to complete a CEDAW Gender Analyses of their services, policies, programs, budgets and employment practices, they realized that issues of work-life balance needed attention in all city agencies.\(^5\) They found that “city employees were being squeezed by the double burden of childcare for young children and eldercare for aging parents.”\(^6\) As a result of these initial observations, the CEDAW Task Force and the DOSW, in conjunction with one of the largest unions in the city (Service Employees International Union 790) initiated a large scale survey and study on work-life policies and practices.\(^7\) As the facilitator of CEDAW implementation in San Francisco, the DOSW highlighted difficulties faced by city employees as they attempted to balance work with caretaking responsibilities. The “Work-Life Policies & Practices Survey” report provided critical information to support new laws with regard to telecommuting, parental leave, and flex time.\(^8\)

When the DOSW began its “Work-Life” study, the Department of Human Resources did not have a policy on flexible work arrangements like telecommuting. The issue was contentious because of a concern about the liability issues associated with having city employees working in their homes. The Board of Supervisors’ staff ultimately asked the DOSW for help in creating their own telecommuting policy and the subsequent motion was passed in October 2004.\(^9\) In addition, the DOSW worked with San Francisco Supervisor Chris Daly on paid parental leave legislation. This legislation ultimately went to the voters as Ballot Proposition I and passed in November 2002.\(^10\)

In other words, the CEDAW Ordinance was a driving force to bring the issue of employees’ needs around work-life balance to the fore. Indeed, the CEDAW Ordinance catalyzed attention to the issue city-wide and also facilitated specific policy changes within individual departments. By analyzing their departmental policies and practices through a human rights lens, a number of agencies realized that their female workers—especially women with limited earning power—experienced a disproportionate caretaking burden which made it difficult for them to participate equally in the work force with their male counterparts, and, in some cases, made it impossible.
In other cases, the issue of work-life balance was brought to the fore by single parents. In the Department of Juvenile Probation, for example, it was single fathers who were challenged by the need to work at night who raised the issue. Staff at the Department of the Environment were able to promote environmentally friendly initiatives—like telecommuting, their alternative work schedule (the 9/80 program), and their Emergency Ride Home program—because the CEDAW review helped illuminate the fact that those with caretaking responsibilities may require such policies in order to equally realize their rights at work. The Department of Adult Probation used the CEDAW process to help legitimate their telecommuting and flexible work policies option for employees. The Arts Commission changed the lottery system for street artist work sites to accommodate people who could not attend the early morning lottery. The Department of Public Works realized the need to provide night and swing shift workers with information about day care providers who are open at non-traditional hours. (Please see “Impact on City Departments for further details on each department.)

All of these efforts, and others, were encouraged or catalyzed by the agency’s use of a human rights lens to evaluate their efforts. These changes occurred because CEDAW, and the international human rights system as a whole, is based on the idea that rights evolve and must be progressively realized over time. Realizing people’s human rights requires proactive identification of barriers to the exercise of those rights since responding to policies or actions deemed overtly discriminatory is not enough to ensure that all people—regardless of their economic status, race, gender, ethnicity, ability, sexual orientation and language skills—can enjoy their rights. Failure to have progressive policies with regard to work-life balance would not, for instance, be understood as “discriminating” against women in a U.S. court of law. Yet, there is no question that women, as a group, still have greater caretaking responsibilities than men, as a group, and their employment opportunities and choices may, in some cases, be limited by them. Moreover, having progressive policies with regard to work-life balance addresses the gendered nature of caretaking and consequently benefits anyone—man or woman—with significant caretaking responsibilities. What these efforts demonstrate is that city policies and practices can simply reinforce such inequities or they can support the amelioration of them. The CEDAW Ordinance leads the City and County of San Francisco in the direction of amelioration.

San Francisco’s $300 million budget shortfall in 2003 was the context for another significant example of city-wide implementation of CEDAW. The dire budget picture led city officials to impose major reductions in
workforce and services. Concerned about the impact of these cuts on women and girls, the Commission on the Status of Women and the CEDAW Task Force encouraged municipal officials to attend to the potential discriminatory consequences of these actions.61

Then-County Supervisor Gavin Newsom (now Mayor) initiated a resolution that was soon passed by the Board of Supervisors, urging “all city departments...to quantify the impact of the proposed ten percent...budget cuts on employment and services to the public” and to disaggregate the information by “gender, race and other identities.”62 The information was to be given to the Board of Supervisors and the Commission and Department on the Status of Women.

Ultimately sixteen of the fifty city departments complied with the request.63 According to the DOSW’s analysis of those reports, most departments indicated that their cuts “would not have a disparate impact on gender, race or other identities... However, two departments...reported that women, especially women of color, would be severely affected by the proposed budget cuts.”64 This effort illustrates the significance of such initiatives as they help educate and sensitize decision makers about the importance of considering the disparate impact on various groups of policy and budget choices and the possibility that these disparate impacts have a discriminatory effect even if those results were unintended. It also introduced some departments to the CEDAW Ordinance as a proactive tool for eliminating discrimination.

These two initiatives—the Work-Life Policies & Practices Survey and the Budget Cuts Analysis—serve as ground-breaking examples of what is possible when human rights principles are taken seriously in the policy-making arena. In both cases, the Commission and the Department on the Status of Women have successfully raised awareness and these efforts could serve as models for future methods of further CEDAW implementation in San Francisco.
As the preceding section shows, San Francisco’s pioneering efforts with regard to local implementation of CEDAW have been concrete and laudable. The CEDAW Ordinance has made a positive difference in the lives of some city employees and residents and there are many lessons to be drawn from the implementation efforts thus far. Clarifying and specifying these will help to ensure that women’s human rights are even more fully realized in the years to come.

With the leadership of the CEDAW taskforce, the San Francisco Department on the Status of Women provided vital guidance to the departments that thus far have undertaken a CEDAW review. Indeed, the DOSW’s efforts have been instrumental in realizing the gains already made and their efforts will largely determine the future trajectory of CEDAW implementation in the city. Although the DOSW has been granted some resources to pursue CEDAW implementation in San Francisco, the current level of resources is inadequate to achieving the Ordinance’s broad mandate.

It is clear that a number of additional resources are needed to strengthen CEDAW implementation. At the same time, there are many steps that can be taken within the context of current resources that would amplify the impact of the Ordinance. Several specific steps could augment implementation efforts and some of these require no additional funding.

What follows is a listing of the primary challenges that have arisen in the process of implementation efforts in San Francisco. To facilitate future change, each challenge is subsequently paired with recommendations for action.
CHALLENGE 1:
In an effort to integrate a CEDAW human rights framework into all of the DOSW’s work, the staff line designated for CEDAW implementation has been divided up among a number of different employees. This means that no one staff member has enough of their work time dedicated to the project to move CEDAW implementation forward.

CHALLENGE 2:
The Department on the Status of Women has initiated the process of considering what it means to integrate a CEDAW framework into all aspects of its work. At present, CEDAW serves as a framework for the Commission on the Status of Women’s Strategic Plan, for departmental performance measures and for the Executive Director’s Monthly Report.\(^6\) In some cases, however, the use of CEDAW in the Department and Commission’s work remains at the surface. In part, this is true because CEDAW implementation in the city has largely been reduced to the use of the gender analysis tool and this has made real integration difficult to achieve.

RECOMMENDATION 1:
Consolidate available resources and give one staff person enough time, and the responsibility, to move CEDAW implementation forward. At the same time, much more could be done to integrate CEDAW implementation into all aspects of the DOSW’s work (see Recommendation 2 below).

RECOMMENDATION 2:
Integration of CEDAW into the DOSW’s existing work should be more holistically undertaken. To do this, the Department on the Status of Women should begin a strategic conversation, soliciting training where necessary, about how a CEDAW human rights framework would strengthen all aspects of their work if comprehensively used. For instance, how might a human rights framework and the CEDAW gender analysis tool be used by the Girls’ Committee of the Commission on the Status of Women to ensure measurable outcomes result from this group’s efforts?
**CHALLENGE 3:**

Staff charged with pursuing CEDAW implementation at the DOSW do not have all the necessary expertise to successfully use the human rights framework or indicators in their work. This means that the DOSW’s CEDAW trainings often fail to help trainees understand the value of using human rights mechanisms in their work.

**RECOMMENDATION 3:**

The DOSW should solicit advice and training from human rights and CEDAW experts in order to strengthen their ability to use this framework. This training of trainers should be focused on helping the DOSW develop effective training modules for their work with officials in other city departments, members of the Commission on the Status of Women, and members of the CEDAW Committee. In addition, the DOSW should hire someone with the appropriate human rights expertise to spearhead its CEDAW implementation efforts.
The CEDAW Committee

**CHALLENGE 1:**

The Commission on the Status of Women’s CEDAW Committee is the body charged with hearing the reports of city departments after they have prepared their CEDAW gender analyses. The Committee also formulates responses and recommendations to the departments and determines the pace and substance of follow-up with them. The Committee schedules meetings throughout the year but regularly cancels them for lack of a quorum. At times, meetings are held without a quorum which means that binding decisions cannot be taken. In 2005 the Committee held only five meetings. In 2006 it held six.

**RECOMMENDATION 1:**

The CEDAW Committee is currently in need of revitalization. Several steps would facilitate this process, including:

1) ensuring that at least twenty five percent of members have expertise on issues of women, gender and human rights;

2) encouraging the Commission on the Status of Women to appoint a chair to the CEDAW Committee who has women’s human rights expertise;

3) ensuring that each member has attended in-depth training on CEDAW and its application at the local level; and

4) developing and enforcing a policy that removes non-attending members from the Committee.

**CHALLENGE 2:**

The CEDAW Committee’s work is largely invisible and happens without the full engagement of the Commission on the Status of Women.

**RECOMMENDATION 2:**

The CEDAW Committee should report on a regular basis to the Commission on the Status of Women. To ensure that the connection between these two bodies facilitates and strengthens CEDAW implementation, all Commission members should receive additional training on gender and human rights, and the Commissions’ long and short-range plans should better integrate CEDAW principles into funding decisions, priority setting, and other programmatic work.
The CEDAW Gender Analysis

**CHALLENGE 1:**
The CEDAW gender analysis guidelines ask departments to evaluate their practices in three areas: employment, budget allocation and program or service delivery. Thus far, departments have been more successful in looking at employment practices than they have been in looking at either of the other two areas. Department officials commented that in some cases they did not really understand what it meant to do a gender analysis of their services, programs or budget. In other cases, department officials noted that they were unsure of what the value would be of doing a gender analysis of their programs or budget. In the case of the Department of Public Works, for instance, officials noted that they wanted to comply with the CEDAW Committee’s requests for a gender analysis of their budget, but that they did not understand what the potential gain was from engaging in such an exercise since their budget is rigidly structured and largely determined by state and federal mandates. Department of the Environment officials who eagerly used the CEDAW Gender Analysis Guidelines to evaluate the Department’s efforts, commented that they wanted to build on their work in the area of employment and complete a CEDAW analysis of their programs and services. However their ability to do this was hindered by a lack of understanding about what such a process would entail and a lack of knowledge about how to do it.

**RECOMMENDATION 1:**
The DOSW needs to provide specific training for departments about how to use the CEDAW gender analysis tool in all three mandated areas. The training should take departments through specific examples of what it means to do a gender analysis of their programs, services or budget recognizing that the gender analysis should be seen as a means to an end not an end in and of itself. Thus, this training should not be focused on providing an overview of CEDAW, of women’s history, or international women’s rights mechanisms. Instead, the training must provide relevant hands on examples of what it means to use a human rights/CEDAW lens to examine local policies, practices and programs and make clear what a city agency would gain from so doing.
**CHALLENGE 2:**

Although the CEDAW gender analysis guidelines attempt to comprehensively link gender and race, those participating in their department’s CEDAW review have had uneven understandings of what this means and thus an uneven ability to adequately complete such an analysis.

**RECOMMENDATION 2:**

Further attention should be given to the ways that gender-based inequities are connected with discrimination based on race and ethnicity. When training people to use the gender analysis tool, more time should be spent on explaining what it means to integrate the principles of CERD (the *Convention on the Elimination of All Forms of Racial Discrimination*) with those in CEDAW.

**CHALLENGE 3:**

The CEDAW Committee’s recommendations to city departments and commissions are often vague. This poses a challenge for implementation since it is impossible to hold a department accountable for something which was not clearly delineated in the first place.

**RECOMMENDATION 3:**

The CEDAW Committee needs the cooperation of those with which it works in order to make real change, but could be clearer and more directive with their recommendations. One way to do this would be to integrate clear expectations and timelines for follow-up into the review processes.
CHALLENGE 1:
The charge of the CEDAW Committee is unclear. As a result, there is little opportunity for careful planning designed to maximize the impact of the CEDAW Ordinance. Seven departments have now used the CEDAW gender analysis tool to examine their work: Adult Probation Department (2001), Arts Commission (2001), Department on the Environment (2000 with updates in 2002 and 2006), Department of Public Works (1999 with updates in 2001 and 2006), Juvenile Probation Department (1999 with an update in 2007), Rent Board (2000 with an update in 2002), and Department on the Status of Women (2007). Originally, this mix of departments was selected to encompass entities of diverse size, age and substantive focus. At this point, only a small number of the approximately fifty city departments, commissions and boards have gone through this process and the DOSW does not have the resources to work with all of the departments in a short period of time.

RECOMMENDATION 1:
Choices about the future direction of CEDAW implementation need to be taken purposefully and in consultation with relevant stakeholders (including community based organizations where possible). The DOSW could convene a CEDAW study group (including members of the CEDAW Committee, the Commission on the Status of Women and representatives from a range of women’s rights and human rights organizations in the city) for this purpose. Such a study group could develop a strategic plan about the future of CEDAW implementation. The plan should center outcome driven reasons for using the CEDAW gender analysis tool. In other words, maximizing the impact of CEDAW in San Francisco means selecting additional departments, programs or private entities because they would be key to addressing an already identified issue or concern. For instance, the study group might set the goal of improving access to safe, affordable day-care for city residents—particularly low-income ones. This group would use this general goal to articulate a series of specific time-bound targets. The DOSW and the CEDAW Committee would report bi-annually to those involved in developing the strategic plan about progress toward achieving the targets. With these targets in mind, the CEDAW Committee would ask all city departments or programs that do work related to this issue to undergo a CEDAW gender analysis. Community groups working on day-care related issues would be among those asked to serve on the CEDAW Committee during the period where this issue was the focus of that Committee’s work. The CEDAW gender analysis would be used to advance certain strategically determined goals. This would maximize the utility of the gender analysis tool and ensure that substantive progress was made with the limited resources available.
**CHALLENGE 2:**
Community based organizations (CBO’s) were largely responsible for conceiving the San Francisco CEDAW Ordinance and remained substantively engaged through the first years of the Ordinance’s life. At this point, however, CBOs are largely disconnected from the local CEDAW implementation process. This means that CEDAW implementation efforts are deprived of the tremendous resources that CBOs could bring to bear.

**RECOMMENDATION 2:**
Community based organizations with an interest in human rights and the multiple forms of discrimination against women, including gender, race, age, economic-status, ethnicity, ability, sexual orientation and immigration status, should be strongly encouraged to work with the DOSW with regard to their CEDAW implementation efforts. Furthermore, the direction of CEDAW implementation in the city should be informed by the concerns and interests of these CBOs. They should be involved in the process of setting some strategic goals for CEDAW implementation in the city.
It is clear that this nine year-long process has been a productive and valuable one. First and foremost, the CEDAW Ordinance has catalyzed significant changes in the lives of San Francisco’s citizens. It has also been instrumental in creating the momentum for what has now become a national grassroots human rights movement. The work in San Francisco to bring human rights “home” has concretely demonstrated that movements for social justice have much to gain from operating within the human rights paradigm, in league with their global colleagues. The work to implement CEDAW in San Francisco has catalyzed similar efforts in other U.S. cities, counties and states. A number of cities and counties in California like Los Angeles, Santa Cruz, Berkeley, Santa Clara and Alameda County have tried to follow suit. Versions of local CEDAW implementation are also being pushed New York City and the State of Massachusetts. Eugene, Oregon is exploring ways to integrate human rights values into city operations. Such interest in the efforts to bring human rights “home” demonstrates the value of framing social justice issues in the United States as human rights concerns.

The San Francisco CEDAW Ordinance’s human rights framework provides a way to link the needs of diverse communities in a proactive endeavor aimed at doing more than simply reacting to identified discrimination or social problems. It provides an analytic framework for identifying the places where existing policies are failing to promote or protect the rights of all communities both in a remedial way, but, more importantly, as a proactive project. Most importantly, the Ordinance moves beyond simple rhetoric about the protection of rights to real accountability through its concrete implementation mechanism. As this report shows, despite some challenges, the nine years since the CEDAW Ordinance’s passage have been marked by distinct and concrete advances. The importance of these results highlights the need for further vigilance and energies dedicated to the processes of CEDAW implementation in the city. Such attention is necessary if the City and County of San Francisco are to live up to the promise and potential articulated in the CEDAW Ordinance and encompassed by CEDAW itself.
1 City and County of San Francisco, Ordinance 128-98, Chapter 12K, “CEDAW” Approved on April 13, 1998. The original Ordinance was subsequently amended by Ordinance 325-000, File No. 001920 on December 28, 2000. The revision was entitled “SF CEDAW Ordinance, City and County of San Francisco, Local Implementation Of The United Nations Convention On The Elimination Of All Forms Of Discrimination Against Women (CEDAW).”


3 City and County of San Francisco, Ordinance 128-98, approved on April 13, 1998, Section 12K.2.

4 City and County of San Francisco, Ordinance 128-98, approved on April 13, 1998, renumbered and amended by Ordinance 325-00, File No. 001920, Approved December 28, 2000, Section12K.1(e). Hereafter referred to as City and County of San Francisco, CEDAW Ordinance 325-00.

5 The United Nations’ Convention on the Elimination of All Forms of Racial Discrimination has been ratified by 173 countries since it was opened for signature by the United Nations General Assembly in 1966. While the United States has failed to ratify CEDAW, it became a party to CERD in 1994. Full text of the Convention is available at http://www.ohchr.org/english/law/cerd.htm.

6 City and County of San Francisco, CEDAW Ordinance 325-00, Section 12K.1(f)(3).

7 Ibid., Section 12K.1(c).

8 Ibid., Section 12K.1(d).

9 Ibid., Section 12K.4 (a), formerly Sec. 12K.3.


11 For the purpose of these reviews, a “gender analysis” is defined as: “a framework for analyzing the cultural, economic, social, civil, legal, and political relations between women and men. A gender analysis recognizes that women and men have different social roles, responsibilities, opportunities, and needs. It addresses the underlying relationship between women and men over time and across cultures. The dynamics of this relationship permeate how society is structured and how decisions are made. This framework takes into account the important links between gender and other social relations such as race, immigration status, language, sexual orientation, disability, age, and other attributes.” San Francisco CEDAW Task Force / Commission on the Status of Women. “Guidelines for a Gender Analysis: Human Rights with a Gender Perspective. Implementing the Convention on the Elimination of All Forms of Discrimination Against Women.” July, 2000, Page 3.

12 City and County of San Francisco Department on the Status of Women. “What is a CEDAW Gender Analysis? Key Questions and Indicators.” n/d, Page 1.

13 The 1998 CEDAW Ordinance (see note 1) called for the creation of a CEDAW Task Force. The Task Force was transformed into the CEDAW Committee with the adoption of the CEDAW Five Year Plan in 2002. See p. 7 of this report for more details.


15 Interview with Deborah Raphael, Toxics/Green Building Program Manager, Department of the Environment, City and County of San Francisco, conducted in San Francisco, California, December 14, 2006.

16 Ibid.

17 Interview with Julie Posadas Guzman, Director, Policy and Program Development-Girls Justice Initiative, United Way of the Bay Area, conducted in San Francisco, California, December 14, 2006.


19 See the Arts Commission’s website at http://www.sfartscommission.org/home.htm.

20 Interview with Howard Lazar, Program Director, Street Artist Program, Arts Commission, City and County of San Francisco, conducted by phone, January 19, 2007.


22 See the Department of the Environment’s website at http://www.sfenvironment.com/aboutus/.


See Department of Public Works website at http://www.sfgov.org/site/sdpw_index.asp.


Memorandum from the San Francisco CEDAW Committee to the Department of Public Works, 2006. The memo solicits additional information from DPW in advance of their November 2006 appearance before the CEDAW Committee. Memo in possession of author.


Interview with Christine Falvey, Director, Office of Communications & Public Affairs, Department of Public Works, City and County of San Francisco, conducted in San Francisco, California, December 14, 2006.

Ibid.

Ibid.

Interview with Christine Falvey, Director, Office of Communications & Public Affairs, Department of Public Works, City and County of San Francisco, conducted in San Francisco, California, December 14, 2006.

Ibid.

Ibid.

Ibid.


For information about the Adult Probation Department see http://www.sfgov.org/site/adultprobation_index.asp.


See the Residential Rent Stabilization and Arbitration Board’s website at http://www.sfgov.org/site/rentboard_index.asp?id=2142.


Ibid.


Interview with Ann Lehman, Senior Policy Analyst, Department on the Status of Women, City and County of San Francisco, conducted in San Francisco, California, December 12, 2006.


San Francisco Board of Supervisors, Resolution No. 249-03. Adopted on April 16, 2003.

Those that complied are: Arts Commission, Board of Supervisors, Department of Building Inspection, Ethics Commission, Fine Arts Museum of San Francisco, Human Rights Commission, Department of Human Services, Medical Examiner, Police Department, Port of San Francisco, Department of Parking and Traffic, Department on the Status of Women, Adult Probation, San Francisco International Airport, San Francisco Redevelopment Agency, and the Department on the Environment.


Phone conversation with Emily Murase, Executive Director, San Francisco Department on the Status of Women, July 29, 2007.


For the CEDAW Committee meeting schedule see http://www.sfgov.org/site/dosw_page.asp?id=29976.

Copies of these reports can be found on the Department on the Status of Women’s website at http://www.sfgov.org/site/dosw_page.asp?id=19796.

Adherence to the principles of CEDAW on the local level will especially promote equal access to and equity in health care, employment, economic development and educational opportunities for women and girls and will also address the continuing and critical problems of violence against women and girls. There is a need to analyze the operations of City departments, policies and programs to identify discrimination in, but not limited to, employment practices, budget allocation and the provision of direct and indirect services and, if identified, to remedy that discrimination. In addition, there is a need to work toward implementing the principles of CEDAW in the private sector.

(d) There is a need to strengthen effective national and local mechanisms, institutions and procedures and to provide adequate resources, commitment and authority to: (1) advise on the impact of all government policies on women and girls; (2) monitor the situation of women comprehensively; and (3) help formulate new policies and effectively carry out strategies and measures to eliminate discrimination. The Commission on the Status of Women shall be designated as the implementing and monitoring agency of CEDAW in the City and County of San Francisco.

(e) In April 1998, the City and County of San Francisco originally enacted his ordinance implementing the principles underlying CEDAW. In 1998, City officials and community representatives formed a CEDAW Task Force. In 1999, he CEDAW Task Force and the Commission on the Status of Women developed “Guidelines for a Gender Analysis,” a set of guidelines to assist City departments in implementing the local principles of CEDAW. In 1999, two City departments used the Guidelines to analyze their departments. The resulting report, “A Gender Analysis: Implementing the Convention on the Elimination of All Forms of Discrimination against Women” (November 1999) demonstrated a continuing need to work on elimination of discrimination against women. The Report further revealed that discrimination based on gender is interconnected and often overlaps with discrimination based on race and other criteria.

(f) The Report called on the City and County of San Francisco and its departments to:

(1) Increase education in human rights with a gender perspective;
(2) Expand the collection of data disaggregated by gender, race and other traits; and

(3) Create a more fair and equitable workplace by increasing effective recruitment efforts for a diverse workforce, providing meaningful family friendly policies to retain employees and increasing professional development and training opportunities for all employees. The Report revealed the need to analyze policies, procedures and programs on a Citywide, in addition to, department level. Both the Report and the department human rights trainings revealed the need to consider the intersection of gender and race in particular recognizing the unique experiences of women of color. (Added by Ord. 128-98, App. 4/13/98; amended by Ord. 325-00, File No. 001920, App. 12/28/2000)

SEC. 12K.2. DEFINITIONS.

As used in this Article, the following words and phrases shall have the meanings indicated herein:

(a) “City or City and County” shall mean the City and County of San Francisco.

(b) “Commission” shall mean the Commission on the Status of Women.

(c) “Disaggregated data” shall mean information collected and analyzed by enumerated categories in order to identify the disparities existing between women and men. These categories shall include, to the extent permitted by law, sex, race, immigration status, parental status, language, sexual orientation, disability, age and other attributes.

(d) “Discrimination against women” shall include, but not be limited to, any distinction, exclusion or restriction made on the basis of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty by family, community or government.

(e) “Gender” shall mean the way society constructs the difference between women and men, focusing on their different roles, responsibilities, opportunities and needs, rather than their biological differences.

(f) “Gender analysis” shall mean an examination of the cultural, economic, social, civil, legal and political relations between women and men within a certain entity, recognizing that women and men have different social roles, responsibilities, opportunities and needs and that these differences, which permeate our society, affect how decisions and policy are made.

(g) “Gender equity” shall mean the redress of discriminatory practices and establishment of conditions enabling women to achieve full equality with men, recognizing that needs of women and men may differ, resulting in fair and equitable outcomes for both.

(h) “Human rights” shall mean the rights every individual possesses that are intended to improve the conditions in society that protect each person’s dignity and well-being and the humanity of all people.

(i) “Racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. (Added by Ord. 325-00, File No. 001920, App. 12/28/2000. Former Sec. 12K.2 renumbered as Sec. 12K.3 by Ord. 325-00)

SEC. 12K.3. LOCAL PRINCIPLES OF CEDAW.

It shall be the goal of the City to implement the principles underlying CEDAW, listed in Section 12K.6 by addressing discrimination against women and girls in areas including economic development, violence against women and girls and health care. In implementing CEDAW, the City recognizes the connection between racial discrimination, as articulated in the International Convention on the Elimination of All Forms of Racial Discrimination, and discrimination against women. The City shall ensure that the City does not discriminate against women in areas including employment practices, allocation of funding and delivery of direct and indirect services. The City shall conduct gender analyses, as described in Section 12K.4, to determine what, if any, City practices and policies should change to implement the principles of CEDAW.

(a) Economic Development.

(1) The City shall take all appropriate measures to eliminate discrimination against women and girls in the City of San Francisco in employment and other economic opportunities, including, but not limited to, ensuring:

(A) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment and the right to receive access to and vocational training for nontraditional jobs;
(B) The right to promotion, job security and all benefits and conditions of service, regardless of parental status, particularly encouraging the appointment of women to decision making posts, City revenue generating and managing commissions and departments, and judicial positions;
(C) The right to equal remuneration, including benefits and to equal pay in respect of work of equal value;
(D) The right to the protection of health and safety in working conditions, including supporting efforts not to purchase sweatshop goods, regular inspection of work premises, and protection from violent acts at the workplace.

(2) The City shall encourage and, where possible, fund the provisions of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child care facilities, paid family leave, family-friendly policies and work-life balance.

(3) The City shall encourage the use of public education and all other available means to urge financial institutions to facilitate women's access to bank accounts, loans, mortgages, and other forms of financial services.

(b) Violence Against Women and Girls.

(1) The City shall take and diligently pursue all appropriate measures to prevent and redress sexual and domestic violence against women and girls, including, but not limited to:
(A) Police enforcement of criminal penalties and civil remedies, when appropriate;
(B) Providing appropriate protective and support services for survivors, including counseling and rehabilitation programs;
(C) Providing gender-sensitive training of City employees regarding violence against women and girls, where appropriate; and
(D) Providing rehabilitation programs for perpetrators of violence against women or girls, where appropriate. The City shall not discriminate on the basis of race, ethnicity, culture, language or sexual orientation, when providing the above supportive services.

(2) It shall be the goal of the City to prevent and redress sexual harassment in places of employment, school, public transportation, and any other places where they may be subject to harassment. Such protection shall include streamlined and rapid investigation of complaints.

(3) Prostitutes are especially vulnerable to violence because their legal status tends to marginalize them. It shall be the policy of San Francisco that the Police Department diligently investigate violent attacks against prostitutes and take efforts to establish the level of coercion involved in the prostitution, in particular where there is evidence of trafficking in women and girls. It shall be the goal of the City to develop and fund projects to help prostitutes who have been subject to violence and to prevent such acts.

(4) The City shall ensure that all public works projects include measures, such as adequate lighting, to protect the safety of women and girls.

(5) It shall be the goal of the City to fund public information and education programs to change traditional attitudes concerning the roles and status of women and men.

(c) Health Care.

(1) It shall be the goal of the City to take all appropriate measures to eliminate discrimination against women and girls in the field of health care in order to ensure, on a basis of equity, information about and access to adequate health care facilities and services, according to the needs of all communities, regardless of race, ethnicity, culture, language, and sexual orientation, including information, counseling and services in family planning.

(2) It shall be the goal of the City to ensure that women and girls receive appropriate services in connection with prenatal care, delivery, and the post-natal period, granting free services where possible, as well as adequate nutrition during pregnancy and lactation.

(d) In undertaking the enforcement of this ordinance, the City is assuming a undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury. (Formerly Sec. 12K.2; added by Ord. 128-98, App. 4/13/98; renumbered and amended by Ord. 325-00, File No. 001920, App. 12/28/2000)

SEC. 12K.4. IMPLEMENTATION OF THE PRINCIPLES OF CEDAW IN SAN FRANCISCO.

(a) Citywide integration of human rights principles. The City shall work towards integrating gender equity and human rights principles into all of its operations, including policy, program and budgetary decision-making. The Commission shall train selected departments in human rights with a gender perspective.

(b) Gender Analysis and Action Plan. As a tool for determining whether the City is implementing the local principles of CEDAW and/or discriminating against women and girls, selected City departments, programs, policies, and private
entities to the extent permitted by law, shall undergo a gender analysis and develop an Action Plan. The gender analysis shall be conducted according to guidelines developed by the CEDAW Task Force and Commission. The gender analysis shall include:

(i) the collection of disaggregated data;
(ii) an evaluation of gender equity in the entity’s operations, including its budget allocations, delivery of direct and indirect services and employment practices and
(iii) the entity’s integration of human rights principles and the local principles of CEDAW as set forth in section 12K.3. Upon completion of the gender analysis, the entity shall develop an Action Plan that contains specific recommendations on how it will correct any identified deficiencies and integrate human rights principles and the local principles of CEDAW into its operations.

(1) The CEDAW Task Force shall identify the City departments, programs, policies, and entities, to undergo the gender analysis and shall develop timelines for completion of the analyses and Action Plans. In the absence of Task Force action, the Commission shall make the selections.

(2) The Commission shall train the selected department, entity, policy or program staff to conduct its gender analysis and shall provide technical assistance to the entity throughout the gender analysis process and development of the Action Plan.

(3) Each department or entity undergoing a gender analysis shall designate a management and/or executive level employee to serve as a liaison to the Commission and

(4) Each department or entity undergoing a gender analysis shall provide a report on its gender analysis and its Action Plan to the CEDAW Task Force and the Commission, which shall review, analyze and comment on the report and forward it to the Board of Supervisors and the Mayor.

(5) The Commission shall monitor the implementation of each department or entity’s Action Plan.

(c) Five-year Citywide Action Plan. Provided sufficient funds are available, the Commission and the CEDAW Task Force shall jointly develop a five-year Citywide Action Plan. The Citywide Action Plan shall address how to integrate human rights principles into the City’s operations, how to further implement the local principles of CEDAW as described in Section 12K.3, any and all deficiencies found in the gender analyses and the measures recommended to correct those deficiencies. The Commission and the CEDAW Task Force shall present the Action Plan to the Mayor and the Board of Supervisors on or before December 30, 2002. The Board of Supervisors Committee responsible for considering the City’s budget shall hold a hearing to receive the Citywide Action Plan and public comment thereon. The Commission shall monitor the implementation of the Citywide Action Plan. (Formerly Sec. 12K.3; added by Ord. 128-98, App. 4/13/98; renumbered and amended by Ord. 325-00, File No.001920, App. 12/28/2000)

SEC. 12K.5. CEDAW TASK FORCE.

(a) Establishment. A CEDAW Task Force is hereby established. The Task Force shall report to the Mayor, the Board of Supervisors and the Commission. The Commission shall provide administrative support for the Task Force. The Task Force shall consist of 11 members.

(b) Purpose. The Task Force is established to advise the Mayor, the Board of Supervisors and the Commission about the local implementation of CEDAW.

(c) Powers and Duties. The Task Force shall have all powers and duties necessary to carry out the local implementation of CEDAW as described in Section 12K.4.

(d) Membership and Organization.

(1) The members of the Task Force shall be as follows:
   (A) The President of the Human Rights Commission or her or his designee;
   (B) A staff member from the Mayor's Office knowledgeable about the City's budget, to be designated by the Mayor;
   (C) The head of the Department of Human Resources or her or his designee;
   (D) The President of the Board of Supervisors or her or his designee;
   (E) The President of the Commission or her or his designee;
   (F) Six members from the community to be appointed by the Commission, as follows:
      (i) Two representatives shall work in the field of international human rights and be knowledgeable about CEDAW,
      (ii)One representative shall be knowledgeable about economic development, including employment issues,
      (iii)One representative shall be knowledgeable about health care issues,
      (iv)One representative shall be knowledgeable about violence against women, and
      (v)One representative shall be knowledgeable about City unions and experienced in women’s issues.

(2) The Task Force shall convene by June 1, 1998.
(3) The Task Force shall expire on December 31, 2002, unless its powers are renewed by the Board of Supervisors. When the Task Force expires, the Commission shall take on the leadership and responsibilities previously designated to the Task Force.

(4) All appointed members of Task Force shall serve at the pleasure of their appointing authorities. The term of each community member of the CEDAW Task Force shall be for two years; provided however, that the initial members shall, by lot, classify their terms so that three members shall serve a two-year term and two members shall serve a three-year term. Subject to the expiration of the Task Force, their successors shall be appointed for a two-year term; provided, however, that any member may be reappointed for consecutive terms.

(e) Alternate members. An alternate may be designated for each member. Ex officio members enumerated in Subsection (d)(1)(A)-(E) may designate a person to serve as her or his alternate. The Commission may appoint alternate members for those community members enumerated in Subsection (d)(1)(F).

(d)(1)(F). The term of office of the alternate shall be the same as that of the regular member. When the regular member is not present at the meeting of the Task Force, the alternate may act as the regular member and shall have all the rights, privileges, and responsibilities of the regular member.

(f) Attendance requirement. The President of the Commission, or her or his designee, shall monitor the attendance of the Task Force. In the event that any community member, enumerated in Subsection (d)(1)(F), and her or his alternate miss three regularly scheduled meetings of the Task Force without the prior notice to the Task Force, the President or her or his designee shall certify in writing to the Commission that the member and alternate have missed three meetings. On the date of such certification, the member and alternate shall be deemed to have resigned from the Task Force. The President or her or his designee shall notify the Commission of the resignation and request the appointment of a new member and alternate. (Formerly Sec. 12K.4; added by Ord. 128-98, App. 4/13/98; renumbered and amended by Ord. 325-00, File No. 001920, App. 12/28/2000)

SEC. 12K.6. SUMMARY OF CEDAW.

Article 1. Defines discrimination against women as any “distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of marital status, on the basis of equality between men and women, of human rights or fundamental freedom in the political, economic, social, cultural, civil, or any other field.”

Article 2. Mandates concrete steps, implementing laws, policies and practices to eliminate discrimination against women and embody the principle of equality.

Article 3. Requires action in all fields—civil, political, economic, social, and cultural - to advance the human rights of women.

Article 4. Permits affirmative action measures to accelerate equality and eliminate discrimination.

Article 5. Recognizes the role of culture and tradition, and calls for the elimination of sex role stereotyping.

Article 6. Requires suppression of traffic in women and exploitation of prostitutes.

Article 7. Mandates ending discrimination against women in political and public life.

Article 8. Requires action to allow women to represent their governments internationally on an equal basis with men.

Article 9. Mandates that women will have equal rights with men to acquire, change or retain their nationality and that of their children.

Article 10. Obligates equal access to all fields of education and the elimination of stereotyped concepts of the roles of men and women.

Article 11. Mandates the end of discrimination in the field of employment and recognizes the right to work as a human right.

Article 12. Requires steps to eliminate discrimination from the field of health care, including access to family planning. If necessary, these services must be free of charge.

Article 13. Requires that women be ensured equal access to family benefits, bank loans, credit, sports and cultural life.

Article 14. Focuses on the particular problems faced by rural women.

Article 15. Guarantees equality before the law and equal access to administer property.

Article 16. Requires steps to ensure equality in marriage and family relations.

Article 17. Calls for the establishment of a committee to evaluate the progress of the implementation of CEDAW.

Article 18-30. Set forth elements of the operation of the treaty. (Formerly Sec. 12K.5; added by Ord. 128-98, App. 4/13/98; renumbered by Ord. 325-00, File No. 001920, App. 12/28/2000).
CONTACT INFORMATION

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“The full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields.”

—Convention on the Elimination of All Forms of Discrimination against Women