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NINE

**THE INTRICACIES OF ADOPTING  
INTERNATIONAL “NORMS” FROM THE  
BOTTOM UP**

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In San Francisco in 1998, after a year and a half battle, a coalition of three nonprofit organizations, WILD for Human Rights, the Western Division of Amnesty International, and the Women’s Foundation of California, partnered with the county’s Commission on the Status of Women (COSW) to successfully adopt an ordinance based on the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). The federal government in the United States has yet to sanction the pact. This article provides a background about the circumstances that enabled San Francisco to adopt the ordinance. It also examines the successes and failures of the coalition’s three core goals that motivated it to lobby the local government to adopt the ordinance. First, the coalition intended to draw attention to women’s human rights and influence local governments in the nation to implement similar policies, second, it hoped to initiate a proactive approach to combatting sexism through a collaborative approach, and third, it strived to mainstream gender equality into city departments. Although adoption of the ordinance failed to comprehensively meet all of the goals, it contributed to critical conversations about strategies of activism for gender equality that includes an intersectionality analysis.

**Defining Human Rights “Norms”**

Prior to investigating the term “norms” that is commonly used in human rights discourse, it is critical to examine the scope of rights.

First, every right is not treated equal. “Understanding the nature of the ‘right’ involved can help clarify one’s consideration of the degree of protection available, the nature of derogations or exceptions, the priorities to be afforded to various rights, [and] the question of the hierarchal relationships in a series of rights...” (Shestack, 1998, p. 204). Members of communities that have the most economic and political power have the greatest ability to frame and monitor rights. This rings true when interrogating the historical construction and interpretation of human rights that conceptualized males as the norm (Reilly, 2009, p. 3; Peach, 2001, p. 154). Drafters of early international human rights treaties were almost in totality men, and thus agreements produced by the drafters reflect their desires for rights (Bunch, 1995, p. 13). Human rights pacts since the United Nations crystallized and up to the present day are primarily focused on public life even though women have notable need for protection in private life (Bunch, 1995, p. 13). This occurs in part because when rights statutes are drafted, in order to avoid lengthy debates about proper wording to include, phrases from past treaties are input into the new multilateral agreements (Merry, 2006, p. 43). Yet, due to events such as the 1995 Beijing Conference on Women, women’s issues are increasingly entering into discourse about human rights (Balchin, 2011, p. 12). Despite women’s heightened participation in shaping and monitoring human rights, these advocates for gender equality have had difficulty gaining support for women’s rights, which are “often seen as tangential to established [male-biased] priorities or as secondary, less important issues” (Htun & Weldon, 2012, p. 553).

Nevertheless, in contemporary political and academic human rights discourse it is common to refer to rights produced by international treaties as “norms,” despite most treaties’ lack of ability to address women’s needs equally to men’s and the needs of diverse income groups. Although this article utilizes the term “norms,” it is critical to understand the limitations of the term and its incapability to comprehensively represent diversity cross culturally. The term should be understood considering a number

of realities. Overall, wealthier countries send more delegates to UN conventions than poorer countries, and wording debates for treaties are held in English, which denotes that delegates who have not mastered the language have greater difficulty shaping what are referred to as international “norms” (Merry, 2006, p. 21, 44). (The debates are later translated into the five other official UN languages: Arabic, Chinese/Mandarin, French, Russian, and Spanish.) Next, actors who partake in the construction of so called norms at the international level are generally of elite and privileged backgrounds, well educated, and reside in urban areas. Human rights law homogenizes cultural desires for rights, and it is common for such transnational actors to ignore or be incapable of representing the needs of people in diverse communities in their nation and abroad (Merry, 2006, p. 3). Often local communities envision social justice in different terms than international human rights actors. Once ratified, “differences in history, colonial experience, [nongovernmental organization (NGO)] activism, governmental structure, and resources have an enormous impact on how international ideas and regulations are adopted” (Merry, 2006, p. 6).

Nongovernmental organizations do have the capability to shape such “norms,” but at the international level the noted NGOs are of a particular stature. It is more likely that nonprofits that are highly funded and established, and who foster the greatest media attention are deemed eligible to participate in debates that shape the construction of human rights treaties (Merry, 2006, p. 53, 70). At UN meetings, nonprofit representatives that have the most influence shaping human rights statutes are heads of major US and European organizations, and nonprofits from developing countries have the greatest difficulty being awarded consultative status at the UN (Merry, 2006, p. 55). With the realities highlighted in this section, it is certain that “norms” constructed in human rights statutes are predominantly representative of elite actors. Such awareness must be a springboard for challenging normative human rights discourse in years to come.

### **United States Exceptionalism**

It is customary for the United States to refrain from ratifying human rights treaties. A great barrier to ratification is that two-thirds of the Senate must vote in favor of a pact for it to pass (Simmons, 2009, p. 144). When the United States does ratify treaties, it enters into more reservations than all other developed countries, is generally minimally compliant with its obligations, it incorporates few international rights norms into domestic legislation, and it deems that every rights treaty is not self-executing and cannot supersede domestic law (Moravcsik, 2005, p. 148; Ignatieff, 2005, p. 3, 6, 148-9). This is in part due to the fact that United States (US) exceptionalist thought is rife in the nation. US exceptionalism is predicated on the core belief that US residents are exceptionally good people with supreme morals who symbolize a personal commitment to liberty and utmost freedom. Therefore, the US's constitution, policies, and practices are treated as though they should be originated within US borders, and as models that should be adopted globally (Forsythe, 2002, p. 503). Yet, the United States developed its political economy through extreme exploitation of women and people of color, which included excluding both parties from property and voting rights, and exploiting their underpaid and/or unpaid, undervalued, and strenuous labor.

Even still, racism, gender inequality, and other prejudiced based injustices are common in the United States today. Women and people of color are still being exploited which preserves a predominantly white patriarchal stronghold on the nation's economic and political resources. This can be observed in the continued social coercion of women to be the dominant unpaid labor providers for their families, in the pay gap between women and men, in the concentration of people of color in poor neighborhoods with unequal resources compared to what is available in wealthier neighborhoods, in the mass incarceration of people of color, and in other forms of structural racism and sexism that infiltrates economic and political activities throughout the

nation (Federici, 2012, p. 110; Crenshaw, 2011, p. 1327; Cawthorne, 2008, p. 2).

On a transnational level, “the American public, despite its embrace of American exceptionalism, is not inclined toward great sacrifice to protect the rights of others” (Forsythe, 2002, p. 511). In fact, the nation has frequently exploited the underpaid labor of people abroad and violated core international human rights treaties in order to advance its economy and political interests. Although the US has powerful military capabilities and holds a permanent seat on the Security Council, the state has failed to intervene in multiple cases of genocide, crimes against humanity, and war crimes. The nation’s practices towards protecting international humans rights is in fact ambivalent. “Human rights issues may be addressed or ignored, pursued unilaterally or multilaterally, [or] treated as supremely important or clearly secondary to US egoistical interests defined in terms of power and traditional security” (Forsythe, 2002, p. 518). It is crucial to acknowledge the US’s normative privileging of domestic policies and interests, despite its prejudiced practices, in order to understand the significance of San Francisco’s adoption of its CEDAW ordinance. In the face of federal objection of sanctioning most human rights multilateral agreements, San Francisco’s CEDAW ordinance demonstrates to other localities how to adopt international human rights policies from municipalities to the federal government. In other words, San Francisco’s practice initiated a general framework in the country demonstrating how to adopt international norms from the bottom up.

### **San Francisco’s Socio-Political Environment Crystallized its CEDAW Ordinance**

The coalition on CEDAW was led by three nonprofit organizations (WILD for Human Rights, the Western Division of Amnesty International, and the Women’s Foundation of California) in addition to the county’s Commission on the Status of Women. WILD for Human Rights, an initiative of the Miller Institute of the University of California, Berkeley, was the primary leader of the

coalition. The organization's mission is to engage community members in social justice agendas concentrated on the implementation and adoption of international human rights statutes. Its vision is that women's rights locally can benefit from global women's human rights norms. In comparison, the Western Division of Amnesty International, a widely recognized nongovernmental organization, aims to promote human rights and combat injustices by exposing abuses, mobilizing and educating individuals, and launching plans to transform societies to make them more equitable. In addition to being a grant provider, the Women's Foundation of California is an activist organization that is devoted to making "California a model for the nation—a place where equity and economic security is realized by all women and families in the state" (The Women's Foundation, n.d., Our Mission section, para. 4). Unlike WILD and Amnesty, the nonprofit does not include mobilization around international human rights as an element of its mission. Nevertheless, it endorsed that model behavior is to locally adopt standards of women's rights set forth in the treaty. The organizations have diverse missions; nevertheless they demonstrated solidarity in their quest to utilize international human rights standards at the local level to make gender equality further realized.

However, the coalition's quest may not have culminated in the CEDAW ordinance without the existence and co-leadership of San Francisco's permanently staffed Commission on the Status of Women. The agency is unique from the nonprofit actors due to it being a department of the local municipality, yet it shares the mission to improve gender equality. Similar to WILD and Amnesty, it delineates that it "uses a human rights framework to guide its policies and programs" (City, 2013, Programs section, para. 1). This strategic wording signifies that as a government actor, the COSW looks to international human rights agreements to carry out its duties. Due to the Commission's mirrored goals with the coalition, the agency joined forces with the coalition to pass the CEDAW ordinance. Support for women's human rights in the local government as well as in its corresponding nonprofit sector

positioned San Francisco as a prime location to adopt a CEDAW ordinance (Shawki, 2011, p. 5, 7, 9). Once adopted, the ordinance was predicated on remaining ties to and input from nonprofit actors. WILD and Amnesty successfully lobbied the COSW to work with the CEDAW Task Force, which was established as the monitoring and implementation body of the ordinance; the Task Force was constructed of both nonprofit and government representatives (Lozner, 2004, p. 779, 797).

### **Investigating the Coalition’s Goals**

The following paragraphs will review the successes and failures of the coalition’s three main goals that drove the adoption of the ordinance. It answers: *did the coalition comprehensively draw attention to women’s human rights and influence local governments in the nation to implement similar policies? Was the adoption of the San Francisco ordinance a proactive approach to diminishing sexism? Was the coalition able to mainstream gender equality into city departments in the locality?* I argue that these goals were only partially realized, and determine that in many cases the efforts fail to address the needs of complex and intersectional identities.

#### **Goal One: Exhibit Model Behavior**

Patricia Chang, the chief executive officer and president of the Women’s Foundation commented, “we decided to take a local-to-national strategy rather than waiting for the treaty to be adopted by the Senate and filter down to the local level” (Vesely, 2002, UN Women’s Treaty section, para. 5). Mayor Willie Brown Jr., who signed the ordinance into action, reported, “the United States is the only industrialized country in the world that has yet to ratify CEDAW.... We want to set an example for the rest of the nation because it is long overdue” (Sidhu, 1998, San Francisco section, para. 3). Krishanti Dharmaraj, who is the director of WILD rationalized, “we couldn’t just keep waiting for the federal government.... We need to educate ourselves about treaties like



this one, and then go out and act on them” (Sidhu, 1998, San Francisco section, para. 17). Was San Francisco’s goal to become a model for the rest of the nation realized? The answer is more convoluted than simply declaring yes or no. Following San Francisco’s exemplification, in the United States, forty-one cities, fifteen counties, and sixteen states passed legislation and/or resolutions based on the multilateral agreement (see table 1) (Roskos, 2003, p. 22; Milani, 2001, p. 41-2). Clearly the coalition’s goal to set a trend was incredibly successful.

Table 1  
Cities, Counties, and States that Passed CEDAW Based Legislation and/or Resolutions after San Francisco

Source: Milani, L. (2001). *Human rights for all—CEDAW: Working for women at home and around the world*. Retrieved from <http://www.jwi.org/document.doc?id=282>.

<b>Cities</b>	<b>Counties</b>	<b>States</b>
<b>CA:</b> Auburn, Los Angeles, Redlands, Roseville, San Bernadino, San Diego, San Jose, Santa Rosa, West Hollywood <b>IA:</b> Iowa City <b>IL:</b> Chicago, Evanston, Highland Park <b>KY:</b> Louisville <b>ME:</b> Portland <b>NY:</b> New York City <b>OH:</b> Bay Village, Berea, Brook Park,	<b>CA:</b> Los Angeles, Marin, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Ventura <b>FL:</b> Dade <b>IL:</b> Cook <b>KY:</b> Fayette/Lexington, Jefferson <b>OH:</b> Cuyahoga <b>WA:</b> Spokane <b>WI:</b> Dane, Milwaukee	California Connecticut Florida Hawaii Illinois Iowa Maine Massachusetts New Hampshire New York North Carolina RhodeIsland South Dakota Vermont Wisconsin Territory of Guam

Cleveland Hts., East Cleveland, Fairview Park, Independence, Lakewood, Mayfield Hts., Middleburg Hts., N. Olmsted, Parma Hts., Rocky River, Shaker Hts., Strongsville, University Hts., Westlake <b>PA:</b> Philadelphia, Pittsburgh <b>VT:</b> Burlington, Montpelier <b>WA:</b> Spokane <b>WI:</b> Fond du Lac, Madison, Milwaukee		
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Nevertheless, the universalist human rights approach is inexplicably linked to essentialism. This essentializing approach tends to leave unquestioned the exclusion of intersectional identities in the framing and/or enforcement of such rights (which is buttressed by institutionalized structures of domination) (hooks, 1994, p. 82-3). When marginalized groups “employ essentialism as a way to dominate in institutional settings, they are often imitating paradigms for asserting subjectivity that are part of the controlling apparatus in structures of domination” (hooks, 1994, p. 81). The framing and enforcement of ordinances in the past have tended to create racial and class hierarchies based on “naturalized structures of thought and action...” (Crenshaw, 2011, p. 1307). It is critical to address “the institutional, structural, and ideological reproduction of racial hierarchy” at the same time legislation about

gender equality is constructed (Crenshaw, 2011, p. 1262). When local governments utilize the universalist human rights approach to advance gender equality by adopting a CEDAW ordinance, they should operationalize their ordinance while taking measures to combat three shortcomings of the approach: first, its capabilities are limited, second, it has a tendency to marginalize and/or render groups invisible, and third, it will be implemented in a society that is rife with racial and class biases.

Regardless of these shortcomings, the municipalities' adoption of CEDAW norms informs the federal government as well as other localities that they expect the nation to support globally constructed women's human rights standards even though they are proven to conflict with feminist strategies that are conscious of intersectional identities. "Feminism lives variously... alternatively and collectively... feminism will never be identical across the domains of its production" (Wiegman, 2010, p. 84). "What feminism does, what it thinks, and what it wants is... a mere obsession with the individual, the arcane, the ephemeral, the mundane" (Wiegman, 2010, p. 80). However presently the human rights community is not prepared to mainstream such a complex notion of human beings into its framework. This is because human rights discourse strives to homogenize people cross culturally in order to build a global community that internalizes comradery transnationally (based on the perception of a shared inherent human identity). In contrast, feminism works to deconstruct stereotypes, generalizations, and the concept of an unquestionably unified transnational culture.

Yet, in order to gain recognition in the present day human rights field, women's rights must be premised on unified transnational women's needs, despite the great differences in women's needs for rights based on their complex identities. Although it is less than ideal to homogenize women's needs cross culturally into a statute, CEDAW is a tool that feminists can utilize to deconstruct the male centered rights framework and to introduce new conceptualizations of rights methods. Examining gender inequality from a human rights framework can mobilize greater

resources to support gender equality initiatives and broaden the base of supporters for those initiatives (Balchin, 2011, p. 83, 102). It also invites men to support, advocate for, and be a part of agendas to advance gender equality (Balchin, 2011, p. 89).

### **Goal Two: Proactively Counter Sexism through Collaboration**

The coalition’s second goal, as described by WILD, was to foster “a proactive strategy to promote change, rather than a reactionary one” (Lozner, 2005, p. 778). The ordinance is designed to surpass normative protection of women’s rights by engaging government members and community organization representatives. The formal collaborative relationship is beneficial because government actors and nonprofit representatives have unique expertise, skills, and ties to their communities, thus if they act autonomously they lose specialized abilities, knowledge, and connections (Lozner, 2005, p. 777).

Nonprofit representatives generally “organize on the basis of self-activity, set their own goals, and decide their own forms of organization and struggle...” (Htun & Weldon, 2012, p. 554). Although the representatives work in collaboration with the government, their mission is predominantly realized autonomously from their partners’ expectations. Nonprofits engage with the municipality to use its resources to advance and institutionalize gender equality in the locality, yet their mission is also to identify and mobilize against flaws in the local government. The collaboration gains resources for women’s rights activism by accessing powerful government research capabilities and institutional support for the coalition, which in turn can boost future activist influence on the government (Htun & Weldon, 2012, p. 553).

The Task Force also conducts surveys and executes public hearings that welcomes input about the ordinance from citizens unaffiliated with any of the three nonprofits or local government (Lozner, 2005, p. 799). In this sense, the ordinance provides participating nonprofits with a more expansive platform to engage

with community members about gender issues. Correspondingly, WILD holds community forums in order to solicit feedback from the local community about their views on implementation of the ordinance to assure measures conducted are most effective (Sidhu, 1998, San Francisco section, para. 15). The information gathering process for the ordinance is also accompanied by information sharing with staff members of city departments that provides “an opportunity to educate staff members on human rights and gender equity” and to solicit recommendations for change (Roskos, 2003, p. 23). Involving unaffiliated citizens, city workers, and nonprofit representatives in the implementation process allows for greater monitoring of the ordinance. While government accountability is greater regulated, transparency is also fostered (Roskos, 2003, p. 23). This enlightened approach acknowledges that governments, nonprofits, and unaffiliated citizens, must engage with each other to advance women’s socio-economic positioning. The bodies must work together in order to be more effective in reaching their goals.

The outcome of the collaborative approach is that in 2000 the ordinance was amended to reflect principles of the Convention on the Elimination of all Forms of Racial Discrimination, which the US sanctioned in 1995 (Lozner, 2004, p. 777). Due to this comprehensive approach to combatting gender inequalities, information was gathered that revealed that race and gender should not be compartmentalized while being analyzed because race is a core element of how women experience discrimination. The monitoring body conducts what it refers to as a “gender analysis” that includes “demographic characteristics that are inextricably linked to gender, such as race, disability, immigration status, and sexual orientation.... The ultimate aim of [the] gender analysis is to institutionalize new ways of thinking about the equitable distribution of government resources and to uphold the human rights of all people” (Newsom & Murase, 2010, p. 3). The analysis is intended to identify systemic and institutionalized racist, sexist, and prejudiced practices, such as unfair use of funds and resources, to recommend remedies for the injustices, and to create timelines to generate the remedies (Newsom & Murase, 2010, p. 3).

### **Goal Three: Mainstream Gender Equality into City Departments**

The coalition’s third goal was to mainstream gender equality into city departments. The Women’s Foundation’s president Patricia Chang recalls “girls’ needs were considered something extra.... By changing the standard from boys to both boys and girls we [are] able to move to more of a true notion of equity in city services” (Vesely, 2002, *Profound Changes* section, para. 4). Executive Director Dharmaraj of WILD asserted, “making populations visible is one key component” of the ordinance (Vesely, 2002, *Profound Changes* section, para. 11). Implementation definitely increased attention devoted to women’s needs; yet, the level of attention mobilized was extremely limited. The remaining paragraphs prove this by examining the implementation of Article 11.2.c that mandates, “in order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work,” members to the treaty are required “to encourage the provision 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.” The treaty’s norms were operationalized by making revisions to policies and practices of six city departments, which included the San Francisco Rent Board, the Arts Commission, the Department of the Environment, the Adult Probation Department, the Juvenile Probation Department, and the Department of Public Works.

In response to the Article, the Arts Commission revised the San Francisco Street Artist Program that lotteries off spaces where vendors can sell their work. It began allowing people to send a representative in their place to be considered in the lottery (Newsom & Murase, 2010, p. 6). The revision was premised on the awareness that many parents could not be physically present when the lottery occurs at 8:30 AM, a time that often conflicts with meeting parental obligations. This revision may have permitted

some women to be considered in the lottery who would not have otherwise, however, it also produced hardships for working parents, for they must solicit someone else to appear in their place, which may be economically and/or socially costly. In this strategy, the outcome of the Article was minimal and did not consider how the solution may produce further difficulties.

The Adult Probation Department's approach was of similar caliber. The agency's employees expressed their need for greater flexibility in meeting their occupational duties so they could more easily complete their familial obligations. In response, the Department formed a telecommuting option that allowed employees to work from their home when needed. Eventually, it was found that the unit that offered the option became the most productive out of all other units (Newsom & Murase, 2010, p. 5). While this strategy was incredibly beneficial for the agency, and while it allowed working parents to better fulfill their assigned duties, it did little to address structural issues that produce gender inequalities in the first place. In fact, scholarship finds that telecommuting positions are "linked to contingent work status, lower pay, the loss of benefits, less job security, and fewer training and advancement opportunities" (Travis, 2003, p. 265). At the same time, the approach frequently exacerbates "women's work/family conflicts, as women end up taking on even more carework and domestic tasks" (Travis, 2003, p. 265-6). The strategy is designed to enable women to be more productive workers, yet it further stabilizes women's positioning as the nation's primary unpaid laborers and as employees awarded less pay and prestige than men.

The Department of Public Work's strategy was more expansive but still failed to produce structural societal changes. Acknowledging how "service delivery impacts women and men differently," the Department allocated approximately fifteen thousand dollars to train the agency's Bureau of Architecture staff to be gender sensitive when designing infrastructure (Newsom & Murase, 2010, p. 5; Department of Public Works, n.d., Delivery of Services section, para. 7). This approach certainly drew attention

to women’s needs, but there was no mechanism in place that assured employees used the intellect gained during the training when conducting their work. Also, in response to its nighttime employees’ assertion that they face difficulties finding childcare, the agency provided a list of various caregivers who are remunerated either “daily, weekly or monthly from \$57/day to \$225/week and up to \$975/month” (Department of Public Works, 2006, Delivery of Services section, para. 9). The provision aided employees in finding childcare, but it did not raise attention about normative thinking in the US that frames children as individual responsibilities that should have their needs met with minimal state intervention (Rothman, 1985, p. 191). Parents must either directly provide the care or allocate funds to buy the care privately.

Next, the Department of Public Works implemented the article by responding to employees’ request to make their workplace more family friendly. It began offering “part-time, flex-time, and compressed work week schedules to employees...” (Department of Public Works, 2001, Family Friendly Work Policies section, para. 1). The Department of Environment also began permitting more flexibility in meeting workplace duties. Employees are now able to work eight nine hour days and one eight hour day within two weeks so they can have the tenth day off, and they can begin their workday anytime between 6:30 AM and 9:30 AM. It was found “that these various scheduling options have increased employee productivity” (Newsom & Murase, 2010, p. 8). The Task Force recognized that little revisions were being made by the Department of Juvenile Probation, and thus the monitoring body suggested that, like the other departments, it “produce more flexible work schedules” and make provisions to address “the lack of childcare, helping with referrals and resources and otherwise creating a meaningful family friendly environment” (Department of Juvenile, 1999, Overview section, para. 8). In this approach, similar to the Adult Probation Department’s implementation strategy, women are offered options to become more competitive and productive workers. Exploitative appropriation of women as the dominant unpaid laborers has not



been addressed. Therefore, the implementation strategy did not address structural issues that produce gender inequality.

The Public Works Department also began monitoring leaves of absences that are taken under the federally mandated Family and Medical Leave Act (FMLA). While the initiative allows the organization to more efficiently track when and why leaves are taken, it does not address that under the FMLA, otherwise known as statute 29 USC, women are not provided the right to receive pay while on leave. Likewise, the statute only protects a small fraction of employees, which requires that, to be protected, employees must have worked for at least one thousand two hundred fifty hours for the same employer for twelve months, and must have worked for an employer with at least fifty employees within a seventy-five mile radius of the candidates work site. Therefore, the scope of this tracking is limited, it does not produce completely accurate data about who is taking the leaves and why, and it does not draw attention to the lack of provision of pay during the leaves. Similarly, the Rent Board chose to regularly accommodate, without financial compensation, employees who request an absence (Rent Board, 2003, Employment section, para. 4).

Finally, the Department of Environment initiated the “Emergency Ride Home” program, which transports women in need of a safe ride home (Newsom & Murase, 2010, p. 8). The approach was unique from the other departments’ revisions discussed in this article because it eventually spread to private sector employers upon request. This is the only initiative that directly impacted women not employed by one of the six city departments. However, in line with the other approaches, it does not address cultural sexism that requires women to need safe rides home in the first place. Also, employers must request the service, which means if they do not know about the program or do not find it valuable they will not offer it. Due to the gender analysis that the Task Force conducts, by 2009, the Department also increased the percentage of women in its professional positions from thirty three percent to sixty nine percent, and the number of people of

color in the positions from one person to thirty nine percent of its professional employees (Newsom & Murase, 2010, p. 7). However, the 2009 gender analysis update does not inform what percentage of the employed people of color are women (Department of Environment, 1999). This demonstrates an area where the gender analysis is not intersectionality conscious.

While all of the provisions discussed in this section in some way raised awareness about gender issues, the initiatives predominantly reached a small pool of women: women who are employed by one of the noted departments. The initiatives also failed to interrogate what produces structural gender inequality and how it relates to other structural prejudices. What is striking about most of the initiatives is that they singularly pursue gender equality without taking into account the complex identities of women. Identity traits such as race, ethnicity, immigration status, disability status, age, class, sexuality, and gender performance are made invisible in the strategies to improve gender equality. This begs the question, why wasn't the intersectionality conscious data that was gathered in the gender analysis utilized when designing the implementation strategies? Will future strategies take into account that being a *woman* is not a universal experience, but is instead experienced differently depending on a person's intricate identity? What measures can be mapped out to assure such invisibilizations do not occur in future years?

### **Conclusion**

As shown in this article, allied community actors have great potential to mobilize around common goals and to produce tangible outcomes if the social and political climate is receptive to its quest. The San Francisco case is a prime example of this. However, the coalition's goals were only partially realized. The adoption inspired local governments across the nation to implement legislation and/or resolutions based on CEDAW. The coalition developed a proactive initiative to minimize sexism by involving the local government, nonprofits, and unaffiliated citizens in participatory efforts to combat gender inequality.

Through this initiative the coalition accessed the unique skill set, intellect, and ties to the community that each actor is equipped with. The coalition was also able to collect data about intersectional identities, but it foregrounded gender in its analysis.

While the noted improvements materialized, incredible failures also occurred. The implementation did not address structural occurrences that lead to gender discrimination. It did not challenge the concept that children should in dominance have their needs privately met through their parents' personal resources. It did not combat the reality that merely being a woman jeopardizes a person's safety and makes her fearful of traveling alone (Bunch, 1990, p. 490). Neither did it address women's appropriation as dominant unpaid laborers for their families. Next, only a fragment of the county's residents benefited from the implementation. Most importantly, the implementation did not utilize the data gathered in the gender analysis to ensure that implementation strategies were conscious of women's intersectional identities. Such utilization would prove that being a *woman* is not a universal experience but is instead experienced differently depending on each person's intricate identity. The adoption failed to interrogate the shortcomings of a universalist/essentialist approach to rights.

For these reasons, analysts must look to the case study to identify its strengths as well as its flaws. Based on knowledge generated, future activism must be constructed in a manner that utilizes the productive aspects of the San Francisco experiment, and at the same time the activism must perfect the county's approach to address more long-term and effective societal transformation. Benefits must reach a greater pool of people, they must combat larger cultural issues that generate inequalities, and they must most efficiently cater to diverse people. Only then will far reaching structural changes be observed. Only then can that profound and pervasive change transform structural inequalities.

## References

Family and Medical Leave Act, 29 USC § 2611.

Balchin, C. (2011). *Towards a future without fundamentalism: Analyzing religious fundamentalist strategies and feminist responses*. Retrieved from [http://www.awid.org/Media/Files/Toward-a-Future\\_ENG\\_March2012](http://www.awid.org/Media/Files/Toward-a-Future_ENG_March2012)

Bunch, C. (1995). Transforming human rights from a feminist perspective. In J. Peters & A. Wolper (Eds.), *Women's rights, human rights: International feminist perspectives* (pp.11-7). New York: Routledge.

Bunch, C. (1990). Women's rights as human rights: Toward a revision of human rights. *Human Rights Quarterly*, 12(4), 486-98.

Cawthorne, A. (2008). *The straight facts on women in poverty*. Retrieved from [http://cdn.americanprogress.org/wp-content/uploads/issues/2008/10/pdf/women\\_poverty.pdf](http://cdn.americanprogress.org/wp-content/uploads/issues/2008/10/pdf/women_poverty.pdf)

City and County of San Francisco: Department on the Status of Women. (2013). Retrieved from <http://sfgov.org/dosw/commission-0>.

Crenshaw, K. (2011). Twenty years of critical race theory: Looking back to move forward. *Connecticut Law Review*, 43(5), 1253-1352. Retrieved from <http://connecticutlawreview.org>.

Department of Environment. (2009). *2009 gender analysis updates*. Retrieved from <http://sfgov.org/dosw/department-environment-2009-gender-analysis-updates>.

- Department of Juvenile Probation. (1999). Retrieved from <http://sfgov.org/dosw/department-juvenile-probation>.
- Department of Public Works. (n.d.). Retrieved from <http://sfgov.org/dosw/department-public-works>.
- Department of Public Works. (2001). *2001 gender analysis updates*. Retrieved from <http://sfgov.org/dosw/department-public-works-2001-gender-analysis-updates>.
- Department of Public Works. (2006). *2006 gender analysis updates*. Retrieved from <http://sfgov.org/dosw/department-public-works-2006-gender-analysis-updates>.
- Federici, S. (2012). *Revolution at point zero: Housework, reproduction, and feminist struggle*. Oakland: PM Press.
- Forsythe, D. (2002). US foreign policy and human rights. *Journal of Human Rights*, 1(4), 501-21. doi: 10.1080/1475483021000031353
- hooks, b. (1994). *Teaching to transgress: Education as the practice of freedom*. New York: Routledge.
- Htun, M., & Weldon, L. (2012). The civic origins of progressive policy change: Combatting violence against women in global perspective: 1975-2005. *American Political Science Review*, 106(3), 548-69. doi: 10.1017/S0003055412000226
- Ignatieff, M. (2005). *American exceptionalism and human rights*. New Jersey: Princeton University Press.
- Lozner, S. (2004). Diffusion of local regulatory innovations: The San Francisco CEDAW ordinance and the New York City

- human rights initiative. *Columbia Law Review*, 104(768), 768-800. Retrieved from <http://home.heinonline.org>.
- Merry, S. (2006). *Human rights and gender violence: Translating international law into local justice*. Chicago: The University of Chicago Press.
- Milani, L. (2001). *Human rights for all—CEDAW: Working for women at home and around the world*. Retrieved from <http://www.jwi.org/document.doc?id=282>.
- Moravcsik, A. (2005). The paradox of US human rights policy. In M. Ignatieff (Ed.), *American exceptionalism and human rights* (pp. 147-97). New Jersey: Princeton University Press.
- Newsom, G., & Murase, E. (2001). *CEDAW in action: Local implementation in the city and county of San Francisco*. <http://www.sfgov3.org/Modules/ShowDocument.aspx?documentid=314>.
- Peach, L. (2001). Are women human? The promise and perils of “women’s rights as human rights.” In L. Bell, A. Nathan, & I. Peleg (Eds.), *Negotiating culture and human rights* (pp. 153-96). New York Chichester: Columbia University Press.
- Reilly, N. (2009). *Women’s Human Rights*. Malden: Polity Press.
- Rent Board. (2003). Retrieved from <http://sfgov.org/dosw/rent-board>.
- Roskos, L. (2003). *International law, national sovereignty, and local norms: What’s to become of CEDAW in the US? Working paper no. 103*. Retrieved from [http://genderandsecurity.org/sites/default/files/international\\_la\\_w\\_national\\_sovereignty\\_and\\_local\\_norms-whats\\_to\\_become\\_of\\_cedaw\\_in\\_the\\_u.s\\_0.pdf](http://genderandsecurity.org/sites/default/files/international_la_w_national_sovereignty_and_local_norms-whats_to_become_of_cedaw_in_the_u.s_0.pdf).

- Rothman, B. (1985). The products of conception: The social context of reproductive choices. *Journal of Medical Ethics*, 11(1), 188-92. Retrieved from <http://jme.bmj.com>.
- The Women's Foundation of California. (n.d.) Retrieved from <https://owl.english.purdue.edu/owl/resource/560/03/>.
- Travis, M. (2003). Telecommuting: The Escher stairway of work/family conflict. *Maine Law Review*, 55(1), 262-88. Retrieved from <http://home.heinonline.org>.
- WILD for Human Rights. (n.d.) Retrieved from <https://www.law.berkeley.edu/8227.htm>.
- Shawki, N. (2011). Global norms, local implementation—How are global norms translated into local practice? *Global Studies Journal: Global History, Society, Civilization*, 26(1), 1-13. Retrieved from <https://gsj.stonybrook.edu/wp-content/uploads/2011/09/0026Shawki.pdf>.
- Shestack, J. (1998). The philosophic foundations of human rights. *Human Rights Quarterly*, 20(2), 201-34. Retrieved from <http://muse.jhu.edu>.
- Sidhu, G. (Aug. 2, 1998) San Francisco plunges ahead in adopting a CEDAW treaty of its own. *Chicago Tribune*. Retrieved from [http://articles.chicagotribune.com/1998-08-02/features/9808020347\\_1\\_cedaw-discrimination-city-agencies](http://articles.chicagotribune.com/1998-08-02/features/9808020347_1_cedaw-discrimination-city-agencies).
- Simmons, B. (2009). *Mobilizing for human rights*. New York: Cambridge University Press.

Vesely, R. (July 25, 2002). UN women’s treaty molds San Francisco government. *International Policy/United Nations*. Retrieved from <http://womensenews.org/story/international-policyunited-nations/020725/un-womens-treaty-molds-san-francisco-government#.Vlyckkutods>.

Wiegman, R. (2010). The intimacy of critique: Ruminations on feminism as a living thing. *Feminist Theory*, 11(1), 79-84. doi 10.1177/1464700109355215.

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