Vernacularization of CEDAW in the United States: Localization Process and Sustainability of CEDAW Instruments to Prevent and Combat Violence against Women

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ABSTRACT

Since 1998, six cities in the United States have adopted legally binding CEDAW ordinances and more than twenty other localities have adopted non-binding resolutions in support of CEDAW. Human rights advocates in the United States are increasingly turning to local implementation of international human rights to specifically remedy the absence of adequate federal policies to comprehensively combat and prevent violence against women. This research identifies the process of translating and adopting CEDAW at the local level in the United States to combat and prevent violence against women, as well as the sustainability and viability of these instruments.

To ensure proper translation, adopting international human rights law at the local level requires laborious and time-consuming trainings and education, which are not executed consistently in many of these local contexts. Additionally, lacking forms of local institutionalization, important actors in the vernacularization of CEDAW are unstable at the local level, exacerbated by vertical hierarchies that characterize CEDAW advocacy. Finally, a review of implementation attempts by local governments suggests that, as they exist today, CEDAW ordinances are not sustainable; current methods and measures operate under the assumption that the adoption of an ordinance and the establishment of an oversight body are enough to ensure effective and monitored implementation. However, through modified approaches to adopting and implementing local CEDAW ordinances, human rights have the potential to be realized in a concrete manner.
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INTRODUCTION

Seventy years have passed since the Universal Declaration of Human Rights was adopted, planting the seed for the international human rights system of today. Since then, the international human rights system has blossomed into a robust legal and normative framework which includes nine major international treaties, copious oversight bodies, independent experts, world conferences, and State reporting procedures — all predicated upon universally understood conceptions of human rights.\(^1\) While this normative framework is robust, it is not an effective system for realizing human rights on the ground. As a result, local actors are increasingly engaging with the human rights system directly in place of national governments when States fail to ratify and implement treaties.

Specific to the context of the United States, local actors are using human rights to curate sub-federal entities as sites of domestic resistance against sweeping conservative national policies. In 2017, the Trump Administration withdrew from the Paris Agreement on climate change and in response, 386 mayors in the United States proclaimed their continued commitment to the international agreement, establishing a national network known as the Climate Mayors.\(^2\) After the passage of Executive Order 13769,\(^3\) several cities instituted a series of local resolutions in order to declare their statuses as “sanctuary cities”. Undermining the authority of federal

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3 Executive Order 13769, commonly referred to the “Muslim Ban”, was an order signed by the Trump Administration in 2017. The Order introduces strict immigration restrictions on predominantly Muslim States, and is widely criticized for codifying islamophobia and xenophobia. Full text of the Order may be found here: https://www.whitehouse.gov/presidential-actions/executive-order-protecting-nation-foreign-terrorist-entry-united-states/.
immigration policies, sanctuary city legislation served to invalidate xenophobic regulation sweeping the country.\textsuperscript{4} Additionally, the US Conference of Mayors has adopted several resolutions in recognition of human rights standards and international treaties,\textsuperscript{5} of which one focuses on gender equality.\textsuperscript{6}

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is the primary international human rights treaty developed to specifically address the issue of gender equality. Though it has been over thirty-five years since the convention entered into force, the United States has nonetheless failed to ratify it.\textsuperscript{7} Additionally, the current Trump Administration has demonstrated reluctance to proactively address violence against women,\textsuperscript{8} aggravated by the fact that existing federal standards around violence against women have failed to adopt a rights-based approach for survivors of violence.\textsuperscript{9} Meanwhile, social media campaigns such as the #MeToo movement have demanded national attention to the persistent and widespread prevalence of sexual violence against women in the United States.\textsuperscript{10} Thus, in the absence of adequate federal policies to combat and prevent violence against women, local

\textsuperscript{8}At time of writing, the Administration has failed to appoint staff persons to the Office on Violence Against Women and the Department of Justice has experienced financial instability. Information about the Office available at: https://www.justice.gov/ovw/about-office.
\textsuperscript{10}“Me Too,” available at: https://metoomvmt.org/.
implementation of international human rights legal norms such as CEDAW has great potential to defend the human dignity of all persons.

**Objective**

Efforts to implement human rights at the local level are increasing, but evaluations of their efficacy and sustainability are few and far between. This thesis aims to explore the process of translating CEDAW to the local level in a way that is contextually relevant. More specifically, this research asks: what is the process for adopting CEDAW at the local level, and is it a viable and sustainable approach to preventing and combating violence against women? Within several local contexts, the research aims to identify both successful strategies as well as challenges to adopting human rights at the local level. This investigation explores if advocates are able to use this local implementation to further their work to combat and prevent violence against women in their communities. It is imperative to evaluate the viability and sustainability of these efforts, as local human rights advocacy has the potential to ensure women’s rights in an era of eroding, substantive federal policies.

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BACKGROUND AND CONTEXT

Adopting international human rights at the local level requires command of several key frameworks. This section aims to provide a summary of existing frameworks that situate the process of localizing human rights in specific communities across the United States. The international human rights framework for women’s rights and the United States national framework for the prevention and punishment of violence against women are explored to establish existing normative legal frameworks around violence against women. Additionally, existing methods of localizing human rights in the United States as well as the substantive content of existing CEDAW implementation at the local level are explained below to contextualize localization of international human rights legal standards.

CEDAW and the International Human Rights Framework for Women’s Rights

The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is the first international, legally binding treaty that addresses the specific needs and rights of women. To date, only seven Member States of the United Nations (including the United States) have failed to ratify CEDAW. The 1981 passage of CEDAW was revolutionary for several reasons, but was particularly impactful due to its simultaneous emphasis on not only civil and political, but also economic, social, and cultural rights. The treaty addresses discrimination that occurs both in the public and private spheres, and provides a

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gender-sensitive rights-based approach to human rights violations.\textsuperscript{15} Despite some contestations of CEDAW’s definitions and substance,\textsuperscript{16} the treaty remains authoritative on a symbolic level; the vast majority of States accept the general provisions of women’s rights as human rights, bringing into sharp and egregious relief the US’ failure to ratify the convention.

Ratification of an international human rights treaty means that Member States agree to implement the substantive content of the treaty as well as comply with periodic reporting procedures.\textsuperscript{17} Although CEDAW’s substantive content is robust in addressing women’s human rights, the treaty lacks an explicit freedom from violence as a human right for women. It is noteworthy that this omission was not due to lack of political will by Member States, but rather was because understandings of violence against women at the time CEDAW entered into force were not as comprehensive as in the current day.\textsuperscript{18} The international violence against women movement emerged primarily in the context of domestic and family violence during the latter end of the UN Decade for Women (1975-1985),\textsuperscript{19} and only later was the violence against women

\textsuperscript{19} Ibid., 445.
international movement expanded to include institutional/structural violence, due diligence obligations, and intersectionality within its frameworks.\textsuperscript{20}

In response to civil society’s development of a larger, more inclusive movement, the international human rights regime followed suit. As the oversight body for CEDAW, the Committee on the Elimination of Discrimination against Women (CEDAW Committee), monitors country reporting procedures, receives individual complaints, and issues authoritative interpretations of the treaty text that contributes to the development of an international normative framework.\textsuperscript{21} In response to the growing international network around violence against women, the CEDAW Committee issued General Recommendation No. 12 (1989), which formally recognized the need for State Parties to CEDAW to include violence against women in their periodic reports, and General Recommendation No. 19 (1992), which notes the “full implementation of the Convention required States to take positive measures to eliminate all forms of violence against women”.\textsuperscript{22} In 2000, the UN General Assembly adopted an Optional Protocol to CEDAW that allows an individual complaints process, which has 109 parties to date.\textsuperscript{23} Additionally, the General Assembly adopted the Declaration on the Elimination of Violence against Women in 1993,\textsuperscript{24} and established the mandate of the Special Rapporteur on

\textsuperscript{20} Ibid., 446.
\textsuperscript{24} UN General Assembly, Declaration on the Elimination of Violence against Women, A/RES48/104, 20 December 1993.
Violence against Women in 1994. Though initial United Nations conversations around this issue developed slowly, the Fourth World Conference in Beijing deliberately addressed violence against women as a specific theme. As a result, the Beijing Platform for Action legitimized violence against women as a global phenomenon. Additionally, the UN Special Rapporteur on violence against women has been influential in the development of due diligence standards for State obligations to prosecute and prevent violence through both institutions and third-party perpetrators.

The Organization of American States (OAS), a regional human rights organization, has also addressed violence against women in the human rights context. In 1994 the OAS adopted the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para), which the United States has also failed to sign or ratify. In 2011, the Inter-American Commission for Human Rights ruled that despite failing to ratify, the United States is still internationally obligated to prevent and provide remedies in instances of violence against women. Regardless of this ruling, the federal government has yet

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to acknowledge and validate its obligations. As such, avenues for redress at the international and regional level are severely limited for advocates and survivors of violence in the United States.\textsuperscript{30}

**Violence against Women in the United States**

While boasting at the international level regarding its achievements in women’s rights,\textsuperscript{31} the US federal government lacks a comprehensive legislative framework to adequately address violence against women. Acts of interpersonal as well as structural violence are staggeringly prevalent in the United States: the Centers for Disease Control estimates that more than one in three women will experience intimate partner violence during their lifetime and almost one in five women experience rape or sexual assault during their lifetime.\textsuperscript{32} What is more, the statistical probabilities for interpersonal and structural violence against women fluctuate along multiple axes of intersecting identity. Estimations for the prevalence of physical violence, stalking, sexual assault, and rape are heightened for women who are of color, identify within a sexual orientation minority, or have immigrated across borders.\textsuperscript{33}

The Violence against Women Act (VAWA) of 1994 (and its subsequent reauthorizations in 2000, 2005, and 2013) is the primary legislation that is specifically targeted toward addressing

\textsuperscript{30}The United States is not a State Party to CEDAW or its Optional Protocol, nor does it have standing invitations with UN Special Rapporteurs. Occasionally, the United States permits Special Rapporteurs to enter the country, however, this it is on an ad-hoc basis. For more information on the Optional Protocol to CEDAW, see \url{http://www.un.org/womenwatch/daw/cedaw/protocol/}. For more information on standing invitations, see \url{http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/StandingInvitations.aspx}.


\textsuperscript{32}“Prevalence and Characteristics of Sexual Violence, Stalking, and Intimate Partner Violence Victimization – National Intimate Partner and Sexual Violence Survey (NVISVS), 2011,” Centers for Disease Control and Prevention, updated September 5, 2014. \url{https://www.cdc.gov/mmwr/preview/mmwrhtml/ss6308a1.htm?_s_cid=ss6308a1_e}.

\textsuperscript{33}Ibid.
violence against women in federal criminal law.\textsuperscript{34} The passage of VAWA lead to the creation of the Office on Violence against Women, initiated federal funding for perpetrator prosecution, strengthened inter-state restraining order protections, and has allowed temporary visas granted to undocumented survivors.\textsuperscript{35} However, the criminal justice response to violence against women has waned in its strength by consistently failing to provide adequate protection and redress to survivors, evident in devastating Supreme Court rulings such as \textit{United States v. Morrison},\textsuperscript{36} \textit{Town of Castle Rock v. Gonzales},\textsuperscript{37} and \textit{DeShaney v. Winnebago Department of Social Services}.\textsuperscript{38} In 2011, the UN Special Rapporteur on violence against women, Rashida Manjoo, issued a report on the status of women in the United States that noted, “[a]lthough VAWA’s intentions are laudable there is little in terms of actual Federal substantive protection or prevention for domestic violence”\textsuperscript{39}

By prioritizing prosecution over preventative measures, VAWA does not encompass a rights-based approach, often leaving economic, social, and cultural rights inaccessible for survivors. The Family Violence Prevention and Support Services Act (FVPSSA) of 1984

\textsuperscript{35} Ibid.
\textsuperscript{36} \textit{United States v. Morrison}, 529 U.S. 598 (2000). \textit{United States v. Morrison} struck down the federal civil remedy clause in the Violence Against Women Act, finding that Congress lacked authority to enact statutes under the Fourteenth Amendment or the Commerce Clause. This case ultimately removed suing perpetrators of violence as a means of redress for survivors in the court.
\textsuperscript{37} \textit{Town of Castle Rock v. Gonzales}, 545 U.S. 748 (2005). \textit{Town of Castle Rock v. Gonzales} held that Jessica Lenahan Gonzalez did not have a constitutional right under the Due Process Clause to have her restraining order against her abusive husband enforced by local police authorities. The decision undermined the authority of restraining orders, which are a common civil remedy to preventing and combatting violence and abuse.
\textsuperscript{38} \textit{DeShaney v. Winnebago City Department of Social Services}, 489 U.S. 189 (1989). \textit{DeShaney v. Winnebago City Department of Social Services} (1989) held that the Due Process Clause does not impose obligations upon the State to provide protective in cases of child abuse.
provides federal funds for emergency shelter services, a national domestic violence hotline, and violence prevention programs. Critics of the legislation note that services are critically underfunded and understaffed, leaving gaps in service accessibility for survivors. In their 2016 national summary, the National Network to End Domestic Violence noted that 12,000 requests for services went unanswered and 1,200 staff positions for service providers were eliminated due to a lack of adequate funding. Between the shortcomings of both VAWA and FVPSSA, violence against women persists in the United States at alarming rates, with few proactive measures prioritized by the federal government.

**Localizing Human Rights in the United States**

The absence of adequate or deliberate national policies instituted to respect, protect, and fulfill human rights has led to increasing localization of international human rights norms and legal standards by human rights advocates. The Human Rights Council Advisory Committee defines a local government as “the lowest tier of public administration within a given State” and further recognizes that,

> [l]ocal government aims at bringing government to the grass roots and enabling citizens to participate effectively in the making of decisions affecting their daily lives. As the level closest to the citizens, local government is, in principle, in a much better position than central government to deal with matters that require local knowledge and regulation on the basis of local needs and priorities.

Approaches to implement human rights at the local level vary, whether through resolutions reaffirming international human rights principles including respect for human dignity and

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41. Ibid., 26.
nondiscrimination, or more targeted approaches on specific rights or freedoms. For example, Eugene, Oregon’s, Triple Bottom Line Framework aims to incorporate general human rights principles enshrined in the UDHR into all governmental actions, whereas Chicago adopted a local resolution on the UN Convention on the Rights of the Child, and Madison, Wisconsin, has similarly declared support for realizing the human right to housing.

Many of these resolutions and ordinances are in direct response to federal reluctance to comply with international human rights standards. Over 25 cities, counties, and municipal governments adopted resolutions proclaiming Freedom from Domestic Abuse as a Human Right in the wake of *Jessica Lenahan v. United States* decision by the Inter-American Commission for Human Rights. What is more, other cities have passed local legislation reflecting and supporting human rights principles enshrined in the Universal Declaration of Human Rights, creating a global movement of self-declared “Human Rights Cities”, eleven of which are in the United States. Thus, localizing CEDAW is but only one facet of a larger trend towards localization of international human rights treaties and norms.

Violence against women is an issue that benefits particularly from localization because the vast majority of the immediate needs of survivors are met at the municipal and local level, such as healthcare services and emergency housing. For the purposes of this research, of

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43 Ibid., 390.
particular interest are the six cities and twenty-plus counties, cities, and states that have passed ordinances and resolutions, respectively, in support of CEDAW. CEDAW ordinances are legally binding, municipal intragovernmental instruments, whereas CEDAW resolutions and proclamations are legally nonbinding and represent a more symbolic political climate that generally supports human rights.  

Although these resolutions are legally non-binding, some advocates assert that they may be seen as precursors to legally binding ordinances as they serve as a “formal commitment to use CEDAW principles in local law and policy” and to “commit to, and raise awareness of, human rights.” The ordinances do not include a private right of action, meaning that individuals may not use the ordinances to claim rights violations in local courts. Rather, they mandate internal reform of governmental agencies, departments, policies and financing structures and are commonly used as a platform to engage local governments in gender equality initiatives.

San Francisco was the first city in the world to pass a CEDAW ordinance at the local level in 1998, and in succession Los Angeles (2004), Berkeley (2012), Miami-Dade County (2015), Honolulu (2015), and Pittsburgh (2016) each adopted CEDAW. Twenty-two other sub-federal governments have adopted legally nonbinding resolutions and proclamations in favor

47 Davis, et. al, Human rights advocacy in the United States, 391.
51 City of Los Angeles, Ordinance No. 175735, §1(B)-(F), 8 February 2004.
52 City of Berkeley, California, Ordinance No. 7,224-N.S. §13.20, 31 January 2012.
53 Miami-Dade County, Florida, Ordinance No. 15-87 §2-271, 1 September 2015.
54 City and County of Honolulu, Hawaii, Ordinance 1990 §1-11.3, 27 August 2015.
of CEDAW and women’s human rights principles more generally. These ordinances, resolutions and proclamations have been supported by a growing network of advocates through a campaign known as Cities for CEDAW, which calls for the localization and implementation of CEDAW across the country. The ordinances differ only slightly from each other; they are primarily consistent in their approach to target three major sources of gender inequality at the municipal level: gender-based violence, disparities in access to healthcare, and economic injustice evident in pay discrepancies between men and women.

Although twenty years have passed since the first CEDAW ordinance was adopted in the United States, women’s human rights are not mainstreamed into the majority of US policies and normative legal framework. Only five additional cities have adopted legally binding CEDAW instruments at the local level, and most CEDAW engagement is in the form of informal, nonbinding commitments and declarations. The following chapter provides a review of the existing conversations at the local, national, and global levels on violence against women and the adoption of human rights legal standards.

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56 Local governments with CEDAW resolutions are: Ashland, Oregon; Cincinnati, Ohio; Daly City, California; Durham County, North Carolina; Edina, Minnesota; Lafayette, Colorado; Laguna Woods, California; Long Beach, California; Louisville, Colorado; Louisville, Kentucky; Minneapolis, Minnesota; Mount Vernon, New York; New Orleans, Louisiana; Kansas City, Missouri; the state of Kentucky; Salt Lake City, Utah; Santa Monica, California; St. Paul, Minnesota, St. Petersburg, Florida; Tampa, Florida; University City, Missouri; West Hollywood, California. Local governments with CEDAW proclamations are: the state of Oregon; Eugene, Oregon, Portland, Oregon. For more information, see Cities for CEDAW at [http://citiesforcedaw.org/resources/](http://citiesforcedaw.org/resources/) and Columbia Law School, “Gender Equity Through Human Rights: Local Efforts to Advance the Status of Women and Girls in the United States,” (2017).


LITERATURE REVIEW

Cities have increasingly become sites of international human rights adoption due to globalization, rising urban populations, as well as a shift in the international human rights community from standard setting to implementation.\textsuperscript{59} National ratification of international human rights treaties occurs at the federal level and is traditionally disseminated to the local through top-down approaches. While state and local governments cannot ratify a treaty at the international level, they can play a role in standard setting and implementation of international human rights instruments by incorporating human rights into local policies, budgets, and municipal codes.

Notions of US exceptionalism and dualism in human rights treaty implementation provide the backdrop to this discussion, where the political and historical context of the US’ complicated human rights compliance plays an important role in why advocates choose to engage local systems for applying international norms.\textsuperscript{60} Legal scholar Catherine Powell supports one essential remedy to these inconsistencies in her argument for “dialogic federalism”, where intergovernmental negotiations “…envision a process of translation of international to national”,\textsuperscript{61} which can be challenged further to translate from the international to the local. Along this line of thought, Stacy Laira Lozner explores local CEDAW implementation as a means of “participatory problem solving” that not only engages intergovernmental bodies, but also

\textsuperscript{60} Ignatieff, American exceptionalism and human rights and Joanna Kalb, “The Persistence of Dualism in Human Rights Treaty Implementation.”
constituents of the locality as well, reflecting broader human rights standards for participation.\textsuperscript{62}

For anthropologist Sally Engle Merry, vernacularization is an analytical framework through which human rights language is “extracted from the universal and adapted to national and local communities.”\textsuperscript{63}

By opting for what some have delegated as a “bottom-up” approach, cities may disrupt the traditional roles assumed by different entities and overcome the obstacles that federalism installs when advocating and adopting human rights.\textsuperscript{64} In the case of New York City’s CEDAW implementation efforts, Merry has contended that the approach was neither top-down nor bottom up.\textsuperscript{65} Grassroots organizations collaborated with elites who had access to knowledge on international law as well as the legal and political authority to develop the legislation. Due to the nature of this approach, the legislation adopted in New York City ultimately focused on the governance of the city rather than the substantive content of the treaties or human rights values and principles. While establishing practices for proper governance are essential to implementation processes, scholars such as Tine Destrooper and Sally Merry indicate that “bottom-up” and participatory-based legislation efforts have great potential in human rights norm-setting.\textsuperscript{66}

Specific to the context of violence against women, Merry and Jessica Shimmin argue that


\textsuperscript{64} Tine Destrooper, “Uprooting the curious grapevine?: The transformative potential of reverse standard-setting in the field of human rights.” \textit{Journal of Human Rights}, 14, no. 3 (2016).


\textsuperscript{66} Destrooper, “Uprooting the curious grapevine?: The transformative potential of reverse standard-setting in the field of human rights,” and Sally Engle Merry, “Transnational Human Rights and Local Activism: Mapping the Middle.”
the issue of domestic violence in the US has faced substantial resistance in qualifying as a violation of fundamental human rights. This resistance can be accredited to “…ideas of personal responsibility and independence replac[ing] critiques of power and social structure as the domestic violence movement has become established and institutionalized in a neoliberal economic and political context”. Among the legal standards, scholars have also documented several other aspects of violence against women in the United States. This list includes (but is not limited to): the economic burden of violence against women as imposing structural violence and impoverishment of survivors, identity politics of minority groups mobilizing and strengthening a national anti-violence campaign, as well as the nearly universal continued prevalence of interpersonal violence in households across the United States.

The international human rights framework around violence against women is historically reviewed in the literature as a moral debate between universal human rights ideals and cultural relativism. Employing what anthropologist Ulf Dahre refers to as relative universalism, that is,

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the integration of universalism and cultural relativism “instead of trying to find a middle
ground,” 72 this research proceeds with the understanding that universal human rights and cultural
nuances are not mutually exclusive. In fact, they coexist, and efforts to address violence against
women in local law and policy rooted in international human rights must leave room for cultural
interpretations, understandings, and social structures that vary among contexts.

Bearing in mind “relative universalism” and cultural considerations in universal human
rights, anthropologist Sally Engle Merry proposes vernacularization as an analytic framework to
“map” the translation process of international human rights to the local level. She identifies local
advocates as “translators” as they “refashion global rights agendas for local contexts and reframe
local grievances in terms of global human rights principles and activities.” 73 According to
Merry’s logic, mapping translators, their networks, and subsequent mobilization is essential to
the vernacularization processes as they inform and shape the resulting legislation or instrument.
Keck and Sikkink documented the mobilization of advocates and “translators” at international
conferences as the origins of networks of women’s human rights advocates. 74 They note that,
“[i]nternational conferences did not create women’s networks, but they legitimized the issues
and brought together unprecedented numbers of women from around the world”. 75

International conferences for women’s human rights and global networks of advocates
are relatively new to human rights advocacy, while local human rights implementation is an even
more contemporary phenomenon. Nonetheless, there exists robust literature on utilizing

72 Ulf Johansson Dahre, “Searching for a middle ground: anthropologists and the debate on the
universalism and the cultural relativism of human rights,” 613.
73 Sally Engle Merry, “Transnational Human Rights and Local Activism: Mapping the Middle.”
74 Margaret E. Keck and Kathryn Sikkink, Activists Beyond Borders, (Ithaca: Cornell University
75 Ibid., 169.
localization of the international framework for advancing human rights realization. Urban scholar Benjamin Barber contends that city mayors are appropriately situated to implement human rights because they are able to “participate locally and cooperate globally”. As the ideological founder of the Global Parliament of Mayors, he has also indicated that cities not only are appropriate recipients of international laws, but they may also “bring local knowledge to the table and thus participate actively in global strategy debates, … underscore[ing] the need for practical, action-oriented solutions”. With regard to human rights implementation, he notes,

Without civic foundations to give mechanisms of enforcement weight, rights are […] just paper, parchment barriers offering little real protection against abuse. What we require are ways to act informally and piecemeal across borders that give substance to declarations of human rights…Piecemeal describes what is actually taking place, with results that are real if less than dramatic. Informal governance achieved is better than formal government unrealized. … whatever cities are willing voluntarily to do under the purview of states still able to constrain them is better than a world altogether without common aims or shared policies, a world in which international organizations try to represent the interests of a human family that actually is without an effective global advocate.

In the case of the United States, legal scholar Martha Davis problematizes the role of local governments in the international human rights reporting process. Per the federalist clauses made in the United States’ Reservations, Understandings, and Declarations (RUDs) when ratifying treaties, Davis notes that the federal government “observes that under the domestic legal system, primary responsibility for implementing some human rights norms falls to

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76 Benjamin Barber, *If Mayors Ruled the World: Dysfunctional Nations, Rising Cities*, 5.
subnational governmental entities”. However, the international human rights system ultimately confers that national governments are tasked with full accountability in reporting processes to implement human rights laws. Davis then poses the question of how localities of federalist States, such as the United States, may engage with the United Nations human rights system when the UN has failed to adequately define the responsibilities of local government in human rights implementation. For scholars such as Joann Kamuf Ward, local human rights commissions and oversight bodies supplement the lack of opportunities for international engagement for these cities. Local commissions, among other things, are discussed in the results chapter as a potential site for accountability and monitoring at the local level for human rights implementation. The following section defines the methodological framework for this thesis, as well as the process for qualitative data collection.

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80 Ibid., 30.
METHODOLOGY

Vernacularization and Structural Challenges to Localizing Human Rights

This thesis utilizes a vernacularization framework when examining the process of passing CEDAW at the local level. Vernacularization is the “process of appropriation and local adoption of globally generated ideas and strategies”, 82 or in other words, how international human rights, principles, laws, and values are translated and adapted to local contexts. For Merry, vernacularization is appropriately situated to examine violence against women because this violence exists globally, yet is not grounded in any one specific location. She notes,

[the challenge is to study placeless phenomena in a place, to find small interstices in global processes in which critical decisions are made, to track the information flows that constitute global discourses, and to mark the points at which competing discourses intersect in the myriad links between global and local conceptions and institutions]. 83

With the potential for exposing challenges in adopting human rights locally, tracking serves as a tool for considering not only outcomes of policy and instances of violence against women, but also the information flows between international human rights instruments, local governments, civil society, and other key “translators”.

From a different perspective, legal scholar Martha Davis discusses three “design challenges” to the local implementation of human rights, in particular in human rights cities: the challenge of hierarchy, the challenge of unity, and the challenge of balance. 84 Though cities that have adopted CEDAW ordinances are not explicitly “human rights cities”, they do establish local

82 Sally Engle Merry and Peggy Levitt, “Vernacularization on the ground: local uses of global women’s rights in Peru, China, India and the United States.” Global Networks 9, no. 4 (2009): 441.
support for the international human rights framework. What is more, for the purposes of this thesis, the challenges faced by human rights cities may also be applied to cities with CEDAW ordinances. For Davis, the challenge of hierarchy represents the informal and thus, ambiguous, vertical relationship between local governments and the international human rights system. Through local action, local governments are creating their own relationships to the international system, disrupting a framework that envisions trickle-down human rights law through national governments. The challenge of unity represents the horizontal relationships between human rights cities, and how the sharing of lessons learned and best practices may be disseminated through national coalitions of municipal entities.\(^8^5\) The final challenge, the challenge of balance, indicates the local struggle between stakeholders’ participation in both the design and implementation of local human rights law.\(^8^6\)

While vernacularization will provide the main theoretical framework for this research, Davis’ structural critique will guide and shape the analysis of institutions, actors, and channels through which information is translated, shared, and appropriated through global, national, and local spheres. These processes occasionally indicate a degree of success or failure; however, vernacularization offers the opportunity to reflect on the ways in which these ordinances connect to local cultural norms instead of opting to try to quantify prevalence of interpersonal and structural violence. Both vernacularization and design challenges are essential to evaluating sustainability of CEDAW ordinances, because as these legislative efforts increase, we need to intercept the processes.

Impact assessments of anti-violence legislation must surpass simply quantifying rates of domestic violence or amount of funding awarded to violence prevention services. CEDAW

\(^{8^5}\)Ibid.  
\(^{8^6}\)Ibid.
instruments themselves do not alter political or cultural norms, especially in the case of
internalized and institutionalized misogyny and patriarchy. The impact of CEDAW should be
determined upon many criteria, beginning with whether or not the policy translates to local
constituents. Does the instrument make sense to grassroots actors? Are instruments embedded
and institutionalized in local governments so that they cannot be undone with the swipe of a pen?
Is there enough capacity to carry on the torch of this kind of work when the founders and leaders
are no longer involved? Otherwise, these localization initiatives will be both short-lived and
ineffective for women experiencing violence.

Data Collection

Drawing on Gaby Oré Aguilar’s proposed methodological considerations for studying
localization of human rights, data collected for this research primarily utilized qualitative
methods, including semi-structured interviews as well as a desk review of local CEDAW
ordinances, national and international policies and reports on violence against women. While this
study specifically evaluates vernacularization and process-driven legislative reform, an impact
assessment on the sustainability of local CEDAW instruments is interwoven into key points in
the translation process. Aguilar notes,

While the main objective when assessing human rights impact is to measure the gap
between the defined human rights framework and the people’s realities and needs, the
localisation strategy’s objective is to understand the relevance of such a framework for
resolving the needs and problems of local people and, moreover, to understand whether
the perspectives and expectations they express when framing their claims in human rights
language differ from the normative contents of human rights law.

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87 Gaby Oré Aguilar, “The local relevance of human rights: A methodological approach,” in The
Local Relevance of Human Rights, ed. Koen De Feyter, Stephan Parmentier, Christiane
Timmerman, & George Ulrich, European Inter-University Centre for Human Rights and
88 Ibid., 115.
Using vernacularization to understand the relevance of CEDAW legislation, in many ways, does provide an impact assessment of localizing human rights. She also proposes the use of case studies in qualitative data collection for localizing human rights. Based on the limited amount of publically accessible data and resource and time restrictions for data collection, case studies will not be provided in depth. Rather, experiences and explicit references to situated contexts for CEDAW ordinances and resolutions will provide crucial information to substantiate challenges and successful strategies in the localization of women’s human rights. For Gaby Oré Aguilar, case studies and relevant stakeholders are intertwined as she notes,

> [f]rom a localisation perspective, one of the most critical lessons that can be observed in these processes is the increasing ability of human rights activists and local groups to bridge local, regional and global levels – the presence of actors that navigate easily from one layer of influence to another.\(^8^9\)

As such, many of the participants navigate many levels. While the extent of this navigation varies, for some, it stretches from the local to the global, reflecting not only upon who is involved in localizing CEDAW, but also the small communities of people carrying out these missions and intermingling in their work.

Participants for this study were identified through an initial desk review of existing literature on local human rights activism in the United States, as well as websites for organizations and actors associated with Cities for CEDAW. These individuals were initially contacted via an email request, explaining the nature of the research question at hand with an invitation for an interview. Participants were presented with consent forms prior to the interview, which indicated three levels of participation. The first option presented permitted the researcher to credit participants by name. The second option allowed the researcher to identify the participant as a grassroots activist, a member of a civil society organization, or an expert in the

\(^8^9\) Ibid., 123.
field of human rights, and the third option allowed the researcher to use the interview data anonymously for background information only. The majority of participants elected to be cited explicitly by name. This resulted in nine interviews with different stakeholders around Cities for CEDAW, CEDAW ordinances, and other forms of local human rights implementation.

Interviews were conducted in person, over the telephone, or over a Skype meeting and lasted approximately an hour. In some cases, these exchanges were broken up into multiple, shorter interviews with an individual. The interviews were then transcribed by the researcher and coded according to recurring themes.

A limitation of this study, due to time and resource restrictions, is the failure to successfully contact and comprehensively interview grassroots activists and local service providers related to gender-based violence outreach and prevention in the relevant cities. Due to the scope and depth of this research, it was not feasible to take an in-depth look at the structural processes and gain access to important stakeholders in each locality. Based on the absence of several critical voices in exploring stakeholder experiences, a point of further inquiry is to examine grassroots engagement with local legislative reform.
RESULTS AND DISCUSSION

To evaluate the process of adopting CEDAW and determining the sustainability of these instruments, this research draws upon interviews conducted with actors associated with localizing CEDAW as well as a desk review of literature, local reports, and CEDAW instruments themselves. Section I explores initial approaches to introducing CEDAW at the local level and primarily focuses on the use of CEDAW trainings by advocates in San Francisco in the late 1990s. Trainings were demanding of both learners and trainers and spanned over the course of several years. While the nature of this engagement was laborious, it was essential to vernacularization as it ensured comprehensive translation for all stakeholders. Unfortunately, these initiatives have not been maintained, and furthermore, subsequent CEDAW vernacularization has not paralleled initial efforts made in San Francisco, resulting in fragmented translations of international women’s human rights. The section concludes by recommending that local education and trainings for CEDAW must be carried out in a consistent and thorough manner in order to ensure sustainable engagement with the international treaty.

Section II discusses relevant actors identified in this research as well as the adoption process of local CEDAW instruments. Three primary tiers of actors associated with localizing CEDAW are international networks that emerged as a result of the Fourth World Conference on Women in Beijing, national coalitions such as Cities for CEDAW that advocate specifically in the United States, and individual “champions” at the local level. Local “champions” are often affiliated with the international or national coalitions, and due to the large geographic area of the United States and the relatively small membership in the coalitions, they are also often isolated. Local actors also primarily serve on a volunteer-basis, and as a result, the champions often represent an unstable role at the local level, posing a challenge to the sustainability of CEDAW
instruments. This section argues that institutionalization of local actors would remedy the precarity of the roles of these advocates and contribute to the viability of local CEDAW instruments.

Similar to CEDAW trainings and education, the framing of the CEDAW ordinance is highly dependent upon the local context. This section also considers the political and cultural contexts in which localized CEDAW is adopted, and local legal structures that pose challenges to implementation. Finally, the section critiques assertions that localizing CEDAW is a “bottom-up” approach to human rights implementation, arguing that non-localized CEDAW instruments are adopted in many localities as a result of inadequate or nonexistent political and cultural analyses of local contexts.

Section III reviews implementation and strategies for establishing accountability at the local level, as well as the methods by which local actors are collecting data. This section argues that based on the laborious trainings and institutionalized actors, implementation has been relatively successful and sustainable in San Francisco; however, this is not the case of every city with a CEDAW ordinance. Additionally, there are few cases of cities that have engaged with CEDAW without having codified a local CEDAW instrument, indicating that the adoption of the instrument is not as important as the education and implementation efforts in addressing women’s substantive equality. The chapter concludes with a discussion on how vernacularization may be institutionalized to a degree through capacity building of educators, trainers, and engaged city governments at the local level. Though adopting CEDAW has the potential be a sustainable, powerful and meaningful means through which to assume a rights-based approach to address violence against women, it is not a self-executing process, and should not be treated as such.
I. Bringing Human Rights to the Local: CEDAW Trainings and Education

The Fourth World Conference on Women took place in 1995 and produced two major documents: the Beijing Declaration and the Beijing Platform for Action. Of the several substantive issues discussed at the conference, violence against women emerged as a dominant theme. The Platform reinforces State obligations to implement preventative education and training on women’s human rights for governmental employees and persons in positions of power such as police officers. Particular populations of women, including migrant women, trafficked women, sex workers, and women of color are highlighted as populations who experience disproportionate rates of violence against women, and the Platform further encourages an adoption of enhanced data collection on the prevalence of violence against women. Addressing topical threats to women’s human rights brought together multiple stakeholders during the conference and provided a fertile landscape for international networking among advocates. Not only did these international networks aid in the creation of the international human rights framework, many advocates involved in early efforts to adopt CEDAW at the local level developed close networks during the Beijing conference.

CEDAW was introduced as a local initiative in the United States immediately following the Fourth World Conference at Beijing. Krishanti Dhamaraj is one of many prominent leaders in the United States women’s human rights network that coalesced at Beijing, and was foundational to the adoption of the first CEDAW ordinance in San Francisco in 1998. As current

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91 Ibid.
93 Ibid.
94 Keck and Sikkink, Activists Without Borders.
Executive Director of the Rutgers University Center for Women’s Global Leadership,95

Dhamaraj co-founded the Women’s Institute for Leadership and Development (WILD) for Human Rights in San Francisco post-Beijing in response to the lack of formalized mobilization of the women’s human rights network in the United States. At the expense of lacking a common agenda and specific demands for the federal government, Dhamaraj reflected;

I decided to start WILD for Human Rights, to say that: if there was another world conference, how would we organize women to have a national agenda that’s rights-based? And how would we work with women from outside the country, what’s the common way of us doing the work? So it really got started to look at using human rights within the US borders to move a feminist agenda forward. And, although we got started and the question that most women had, (predominantly we were bringing women of color into the conversation) is saying “how is this relevant to us?”96

**Case Study: San Francisco and CEDAW Trainings**

In order to determine the relevance of CEDAW, Dhamaraj and WILD for Human Rights created a series of training modules based on human rights education standards for local women and government officials.97 These trainings brought together a host of women working on different issue areas for women’s empowerment, contributing to the sustainability of local

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96 Krishanti Dhamaraj (Executive Director, Center for Women’s Leadership at Rutgers, the State University of New Jersey and former Director of WILD for Human Rights) in discussion with the author, 21 November 2017.
governmental reform, as women’s issues are typically separated by issue area.\textsuperscript{98} Dhamaraj explained that the United States is an “identity-based culture”, in which “human rights allows you to kind of transcend the one single identity approach that we have”.\textsuperscript{99} Having a collaborating entity such as CEDAW that binds the different facets of women’s rights together legitimates women’s human rights as an interrelated and interdisciplinary matter. As a result, this approach has the potential to lead to sustainable funding for projects associated with a variety of women’s issues. In this way, CEDAW and the human rights framework imposes a kind of intersectionality onto not only identity, but also onto how we even define women’s issues and determine those who need to have a seat at the table in making decisions about the lives of women.

According to Dhamaraj, CEDAW training and education in the case of San Francisco manifested in the form of four different modules for translating human rights law into the context of the county.\textsuperscript{100} The first training implemented by WILD for Human Rights targeted grassroots organizations dedicated to many substantive women’s issues, including violence against women service providers and advocacy organizations, among others. The training was structured to “introduc[e] a rights –based approach to domestic organizing and movement building… really looking to critique and engage in figuring out whether we could use the human rights framework”.\textsuperscript{101} As the most informal of all four trainings, this session developed the foundation upon which advocates decided to engage with CEDAW, establishing the first step in the vernacularization process. This initial groundwork provided the support and structure for women’s networks in San Francisco to begin organizing and developing an advocacy agenda for

\textsuperscript{98} Krishanti Dhamaraj (Executive Director, Center for Women’s Leadership at Rutgers, the State University of New Jersey and former Director of WILD for Human Rights) in discussion with the author, 21 November 2017.
\textsuperscript{99} Ibid.
\textsuperscript{100} Ibid.
\textsuperscript{101} Ibid.
San Francisco.

The second set of trainings by WILD for Human Rights were repetitive four-hour sessions for local women “catered to purely understanding the relevance of CEDAW.” Dhamaraj reflected,

It’s an incredibly beautiful document, because it talks about the right to work as a fundamental human right. It talks about access to bank loans; it talks about the right to have or not to have children. It talks about education, it talks about access to political participation, and being in leadership. So, all types of women were able to pick and choose, in a way, and look at the relevance to their lives and their communities within the document.

Sessions were facilitated once a month for eighteen months, and demanded active participation from civil society, ultimately informing the relationship that advocates in San Francisco had to CEDAW. Co-facilitated by Nancy Flowers, a pioneer in the field of developing and implementing human rights education, sessions aimed to empower local women’s organizations by not only disseminating information about CEDAW but also encouraging women to engage proactively with the human rights framework.

Flowers indicated that the first exercise used during these trainings instructed trainees to identify both a time in which they were discriminated against, and how they chose to stand up for themselves. The activity roots the act of discrimination in the local context, instituting a direct connection to the “overall context of its historical, social, political, and economic

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102 Ibid.
103 Ibid.
105 Nancy Flowers (Consultant on human rights education) in discussion with the author, 16 December 2017.
circumstances”.\textsuperscript{106} These linkages are essential to vernacularization, as they ground CEDAW in lived experiences and link human rights to a concept of empowerment, not victimization. Human rights education and training, especially in the United States, provides valuable knowledge and aims to empower learners, often highlighting that they “didn’t know that they didn’t know” about human rights.\textsuperscript{107}

These four-hour sessions also included pathways to further advocacy, in which participants were able to choose an option at the commencement of the trainings that best suited the capacity of their organizations. Participants could elect to simply sign up in support of the initiative, an option that was often popular among very small organizations that did not have the ability to take on leadership in the CEDAW campaign. They also had the option of joining the Task Force, which “…meant that their name was there, but if they had limited time, but part of being on the Task Force was that they would inform their constituencies about CEDAW by doing a brown-bag lunch and get other organizations to sign up”.\textsuperscript{108} A third option for participants was to sit on the Task Force and “figure out either from a language standpoint, what the ordinance ought to look like or the public hearing, who should testify, so it was a very active body”.\textsuperscript{109} Regardless of whichever option the organization elected, all participants signed on to engage with localizing CEDAW in the capacity that they could, ultimately leading to a strong

\begin{footnotesize}
\textsuperscript{107} Nancy Flowers (Consultant on human rights education) in discussion with the author, 16 December 2017.
\textsuperscript{108} Krishanti Dhamaraj (Executive Director, Center for Women’s Leadership at Rutgers, the State University of New Jersey and former Director of WILD for Human Rights) in discussion with the author, 21 November 2017.
\textsuperscript{109} Ibid.
\end{footnotesize}
coalition of civil society made up of members who were all in agreement surrounding their understanding of the treaty.

Taking a radically different form, the third training was facilitated by the women associated with the Task Force at the hearing to adopt the CEDAW ordinance before the County of San Francisco Board of Supervisors. Efforts to institute the training involved a series of tactics. Dhamraj details the nature of these initiatives, explaining,

“…for each article we had somebody testify… For example, if you’re talking about the right to education of a girl, we were able to have a young woman from a school who is a teacher’s aide come speak to it. If you’re talking about sexual violence, we had somebody testifying. And within a two-hour time period, the entire city council knew exactly what CEDAW meant”.  

This fourth training series was essential to the vernacularization of CEDAW, not only because it was designed specifically for policymakers, but also it was developed around local women’s definitions of CEDAW provisions. In the case of San Francisco, CEDAW provisions were interpreted and translated directly by constituents, grounding international norms in the needs of local women and issues. What is more, the additional training was also inward looking for officials, going so far as to directly implicate and involve them on a more personal level. In this sense, the training sessions were designed with the hopes of making officials “really understand what it means to integrate such a policy, and how they were going to be affected”. In the words of Dhamraj, this “meant that we had to really show how it benefitted them”.  

Vernacularization occurs organizationally through waves of mobilization, as well as linguistically through the translation of CEDAW provisions to local contexts. The vernacularization began by organizing efforts according to what the city had decided it wanted to do with CEDAW, after which legislators would elect an ordinance and train advocates according

\[\text{\textsuperscript{110}}\text{Ibid.}\]

\[\text{\textsuperscript{111}}\text{Ibid.}\]
to an agenda that properly reflected the elected ordinance. This initiative was carried out with hopes of positioning actors to best determine which approaches were most appropriate to their needs. The third phase of vernacularization depended upon the actual substance of the treaty and the identifying actors who embodied these articles in San Francisco. The final stage for vernacularization in passing CEDAW involved actually translating this material to the city legislators, increasing public pressure on the government to adopt and implement CEDAW based on the lived experiences of local women. As a means of establishing accountability within departments, as well as bridging gaps between administrative and technical positions, these trainings included two members from each city department. While vernacularization in this instance appears rigorous and labor intensive, it was generally effective in the case of San Francisco.

The laborious nature of the trainings, however, may affect the potential sustainability of CEDAW ordinances, making them difficult to replicate due to the extensive resources and time needed to actualize thorough training and education. Although members of the national Cities for CEDAW campaign, as well as Dhamaraj and Flowers, have been invited to facilitate CEDAW trainings for other municipal governments across the United States, it is important to emphasize the importance of locating this stage of vernacularization within the specific context of each locality.112 In other words, external actors cannot “prescribe” a local city a CEDAW ordinance, because, keeping in mind the first San Francisco training that established how the local community even wanted to engage with CEDAW, ordinances should be determined according to the individual needs of the specific community in question. Varying among diverse political

112 Based on interviews with Krishanti Dhamaraj, Nancy Flowers, and Emily Murase.
contexts in the United States, these trainings may take the shape of providing technical support to local communities.

While it is important to recognize the labor of tailoring trainings to local contexts, it is also critical to note that these trainings should not only be utilized in initial campaigning for the passage of the local legislation, but also must be consistently updated to sustain not only the relevance of the ordinance, but also the networks among grassroots and local governmental actors. For Flowers, a common challenge to using human rights education is consistency, as these efforts are often implemented in “spurts” as a temporary measure to address isolated incidents. They are not prioritized more generally, approached as an attainable educational outcome in the community, such as in contexts of the public school system. Additionally, holding consistent trainings for CEDAW ensures that the legislation stays relevant as local politics and normative cultural values change. What is more, a confluence of factors threatens the sustained relevance of the elected ordinance to grassroots organizations and local actors. Such factors are varied, but many are situated in the fragility of NGO operations, i.e. constant changes in leadership, the waxing and waning of priority issue areas, and inconsistent funding. The impermanent nature of legislative and political bodies also poses a threat to ordinance relevance, exemplified in temporary leadership in governments for elected officials. As a result, relationships among service providers and between the grassroots actors and the local government must also be maintained in efforts to vernacularize any CEDAW ordinance.

**Framing CEDAW Introductions According to Political and Cultural Contexts**

It is important to note that vernacularization occurs in situated spaces and times, and cultural and political contexts are dynamic and subject to local, national and global forces. While

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113 Nancy Flowers (Consultant on human rights education) in discussion with the author, 16 December 2017.
the aforementioned process of translating CEDAW to San Francisco was laborious, it was supported by an underlying political context in which human rights are generally supported. For other localities in the United States, international standards for human rights are not always encouraged, if not actually actively discouraged. The current Director of the San Francisco Department on the Status of Women, Emily Murase, recalls a training she facilitated in Fulton County, Alabama, where she was not permitted to mention gender or human rights specifically. To overcome this challenge, she framed the training as a “good governance” approach.114 Advocates have not only had to tailor their trainings, but also the language of the instruments themselves to make sense to local constituents and each political context. In reference to an upcoming CEDAW resolution, one city commissioner notes, “it’s hard to imagine that anybody would be opposed to a proposal like this”.115 Conversely, however, for another advocate, speaking with government officials about women’s rights is not an “attractive subject”.116 A review of the ways in which advocates have framed the instrument is continued in the following section, however, what is evident is that general acceptance of international human rights is not consistent across the United States, indicating another essential area of “translation”.

Touching upon another point for vernacularization and sustainability of translating CEDAW to the local community, Flowers highlighted the need to be strategic not only in the construction of the training modules, but also in who compromises the team of trainers. Educating trainers is an essential step in this phase of vernacularization, as it engages local actors and utilizes local knowledge to tailor trainings so that they may make sense to the community. In

114 Emily Murase (Executive Director, San Francisco Department on the Status of Women) in discussion with the author, 8 November 2017.
115 Emmaline Campbell (Chair, Berkeley Commission on the Status of Women) in discussion with the author, 10 November 2017.
116 Beth Dehghan (Founder and President of Women NC and the North Carolina Committee for CEDAW/CSW) in discussion with the author, 19 October 2017.
addition to preparing individuals, this step simultaneously helps create local momentum by structuring the source of CEDAW as rooted in the local community. This is exemplified through the use of the second training modules for local women’s organizations, so women are ultimately empowered to train governmental officials on their exact interpretation of CEDAW. According to Flowers, a main pedagogical component to human rights education is that, “[t]o create an empowering learning environment, facilitators need to establish a…balance between introducing external, ‘expert’ information and honoring the first-hand knowledge of participants”. ¹¹⁷ Recalling Davis’ challenge of balance, localizing human rights must first and foremost be an empowering experience for local residents, incorporating all relevant stakeholders at the local level. This is, in its simplest form, a conceptual issue. Both phrases such as “local action, global change”¹¹⁸ and Merry’s notion of “placeless phenomena in a place”¹¹⁹ underscore the importance of context in these situations. They emphasize the conceptual understanding of the ways in which local engagement around a specific issue can have global implications.

II. Important Actors and the Adoption Process of Local CEDAW Instruments

The previous section identified Dhamaraj, Flowers, and Murase as three essential actors in the process of translating CEDAW in the United States; however, there are many more actors involved in the vernacularization of CEDAW. Aside from education and training, networks proximal to the local, national, and global level are increasingly relevant to the local adoption of CEDAW. While San Francisco’s ordinance was born of grassroots mobilization, a national

¹¹⁸ This terminology is taken from the title of Flowers’ CEDAW training manual, titled Local Action/Global Change.
¹¹⁹ Sally Engle Merry, Human Rights and Gender Violence: Translating International Law into Local Justice.
campaign has emerged to support other local CEDAW initiatives. This national campaign, Cities for CEDAW, is closely tied to the international human rights framework, serving as a bridge between local advocates and global entities.\footnote{120} This chapter aims to identify key actors that shape the localization of CEDAW and the ways in which they became involved in such work. This chapter also will confront the specific challenges that each actor has faced not only at the national level, but also in their efforts to institute CEDAW within their local contexts.

**International and National Coalitions**

The UN Women’s Commission on the Status of Women (CSW) stands out as an international body that is an essential actor in providing the stage for localizing CEDAW processes. The CSW holds an annual two-week session in New York City to “discuss progress and gaps in the implementation of the 1995 Beijing Declaration and Platform for Action”.\footnote{121} This session covers thematic issues each year; celebrating the 20\textsuperscript{th} anniversary of the Beijing Platform for Action, the CSW thematic topic for 2015 was “Beijing+20”.\footnote{122} The program from the 2015 conference identified cities as a specific site for human rights implementation, noting “[w]ith increasing urbanization, cities have a special responsibility to ‘make the global – local’ by implementing the Beijing Platform for Action and CEDAW at the local level”.\footnote{123}

she aided in the creation of the national Cities for CEDAW coalition. NGO CSW/NY holds UN consultative status, while also organizing the NGO CSW Forum. Hosting side events parallel to the CSW annual conference, the forum grants local advocates an opportunity to present on specific issue areas, as well as lobby and advocate on a global level. The organization “supports the work of the United Nations Commission on the Status of Women and UN Women…[and] represents more than 100 member organizations and individuals concerned about the status of women and girls”. The annual CSW session presents an opportunity for women’s rights advocates to meet and discuss the continuance of pushing forward the agenda established in Beijing. Recalling the lack of cohesive mobilization of advocates for Beijing and the complications faced in formulating specific goals and demands, coalition organizations have emerged as a national force, bringing together women across the country and aids the development of a national agenda.

According to Yoon, NGO CSW/NY contacted San Francisco’s Mayor Edwin Lee and the Department on the Status of Women in 2014, and they agreed to coordinate efforts around CEDAW mobilization. At the CSW in 2014, the San Francisco Department on the Status of Women, Women’s Intercultural Network (WIN), the Human Rights Institute at Columbia University Law School, the NGO CSW/NY, and other advocates launched the national Cities for CEDAW campaign. The campaign called for 100 cities to ratify CEDAW within 100 days, however, nearly four years later, only an additional three CEDAW ordinances and several non-

124 Ibid.
126 Soon Young Yoon (Chair of the Board, Women’s Environment and Development Organization) in discussion with the author, 6 October 2017.
binding resolutions have been adopted. Because Cities for CEDAW resulted from informal advocacy around CSW and CSW side events, the actors associated with the movement represent a unique coalition of people with access to sufficient resources and social status to engage the CSW. These coalitions made up of elite actors are similar to the select women who were able to attend the Fourth World Conference in Beijing. Coalitions and mobilization that occurs at the international level requires a specific degree of privilege commonly embodied by white, upper class women, and can serve to alienate human rights from less privileged populations.

The United Nations Association of the United States of America (UNA-USA) has also adopted a national campaign for Cities for CEDAW. National campaigns for grassroots movements appear to be relatively uninvolved with the localization process, and rather, they provide resources and technical support for local advocates. While UNA-USA presents Cities for CEDAW as a national initiative into which local chapters may opt, some advocates wish that national campaigns were even more involved in the local advocacy. Without dominating the local conversations, national campaigns must navigate floating between the local and the global. While one advocate expressed that she believed that local actors wished for national campaigns to be more involved in the local work, a national actor expressed that becoming involved at the local level was not in the interest of the national campaign, nor should it be.

128 Ibid.
129 Krishanti Dhamaraj (Executive Director, Center for Women’s Leadership at Rutgers, the State University of New Jersey and former Director of WILD for Human Rights) in discussion with the author, 21 November 2017.
131 June Zeitlin (Director of Human Rights Policy, Leadership Conference on Civil and Human Rights) in discussion with the author, 13 November 2017.; Malliga Och (Co-Chair, Denver for CEDAW) in discussion with the author, 15 October 2017.
132 Ibid.
Through creating and maintaining the Cities for CEDAW website, The Leadership Conference on Civil and Human Rights, a national organization that primarily advocates at the federal level, provides tools and access to relevant resources for local advocates. In this effort, The Leadership Conference plays an authoritative role in bridging the gap between local human rights actors in the United States and the CEDAW at the UN level. June Zeitlin, the Human Rights Policy Director at the Leadership Conference, reflects on how she initially became involved with Cities for CEDAW. She explains that through,

> gradually working very closely with WIN, we realized that as a larger and better organization, we had more capacity to take on the website, and updating resources and being a point of technical assistance along with others. So really, our role was as a facilitator and coordinator with others.\(^{134}\)

Advocates use national conference calls as ways to share best practices and learn from each other’s experiences in lobbying for and implementing CEDAW ordinances and resolutions.\(^{135}\) These conference calls, facilitated by national entities such as the Leadership Conference and NGO CSW/NY, include sharing of best practices, significant barriers, and information sessions across local contexts.\(^{136}\) Historically having been very engaged with national movements behind encouraging Senate ratification of CEDAW, The Leadership Conference became a natural ally to the Cities for CEDAW campaign.\(^ {137}\) Though efforts were curbed due to an unfavorable political climate, in 2009, a large constituency push for Senate ratification of CEDAW utilized sub-national governmental “pressure from below”.

Zeitlin made sure to note that while national efforts to ratify CEDAW and localization of

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134 June Zeitlin (Director of Human Rights Policy, Leadership Conference on Civil and Human Rights) in discussion with the author, 13 November 2017.
135 Based on interviews with Malliga Och, Beth Dehghan, June Zeitlin, Soon Young Yoon.
136 Based on interviews with Malliga Och, Ceth Dehghan, June Zeitlin, Soon-Young Yoon.
137 June Zeitlin (Director of Human Rights Policy, Leadership Conference on Civil and Human Rights) in discussion with the author, 13 November 2017.
CEDAW are two distinct processes, advocates behind both initiatives often exist within both spheres.\textsuperscript{138} Upon national ratification of CEDAW, civil society would be able to mobilize and submit stakeholder reports to the UN, heightening international attention and pressure upon the US to comply with reporting processes. At the local level, this matter it is not just about having an official document on record, because there are no pre-existing oversight bodies to apply consistent pressure on implementation. For this reason, simply shifting target officials from federal to local cannot produce “complete” vernacularization because localizing CEDAW is much more about restructuring internal government. Perhaps this could explain gaps in translation processes, as national and local adoption of a treaty represent vastly different processes. Zeitlin notes,

I think that’s part of an ongoing challenge, and there’s a lot of enthusiasm and activism and movement building, which is positive but, in terms of actual results, I think we’re still in a very early stage… even in places where there’s just a resolution, like Salt Lake City, that have been doing active outreach to women in that community and it’s actually a much more diverse community than one would think, and they try to get at that as well. So, there are some results to point to, but I’m always kind of careful about that because like I said, it’s a work in progress.\textsuperscript{139}

The use of these national coalition strategies contributes to the potential sustainability of CEDAW ordinances, as the Cities for CEDAW mobilization has remained strong through the usage of CSW and conference calls. However, this strength lies only within the network of Cities for CEDAW.

**Local Actors as “Champions”**

Through the development of the aforementioned national and international avenues of coalition building, the resulting local actors are seemingly isolated and spread across the country. Along this vein, my research identified manifestations of local “champions” in three forms:

\textsuperscript{138} Ibid.
\textsuperscript{139} Ibid.
Cities for CEDAW advocates in the context of their communities, local academics, and local commissions. Each entity exists on an ad hoc basis, which will nuance my analysis of institutionalization, explored more at length in the following section.

Beth Dehghan is a long-time attendee of the CSW, and has participated in the Cities for CEDAW movement since its inception.140 In 2009, Dehghan founded WomenNC, a local advocacy organization with the mission to “lead North Carolina’s young adults in the elimination of injustice against women and girls…and honors women’s human rights”.141 Inspired by what she saw at CSW session, she recalled “coming from the fact that whenever I was at the CSW meeting, I saw [sic] the missing of younger generations present at the sessions, and I wanted to do something that and also to bring that global information and education to the North Carolina Community”.142 When Cities for CEDAW formally began at CSW in 2014, Dehghan recalled “…since I was the only NGO from North Carolina in that conversation and I already had CEDAW on our agenda as one of our programs, I agreed to take the idea to North Carolina. So that’s how Cities for CEDAW…started in North Carolina”.143

Malliga Och, co-Chair of a local initiative in Denver, Colorado to adopt CEDAW, is another local advocate associated with a national coalition. Despite the fact that she began engaging with localizing CEDAW through her local chapter of UNA-USA, she also coexists in the academic context as a professor of international affairs. Emmaline Campbell, on the other hand, represents a different stakeholder group in adopting CEDAW as Chair of the Berkeley

140 Beth Dehghan (Founder and President of Women NC and the North Carolina Committee for CEDAW/CSW) in discussion with the author, 19 October 2017.
142 Ibid.
143 Ibid.
Commission on the Status of Women. As semi-institutionalized municipal bodies, local commissions for women or human rights can be funded or unfunded; they can also have elected officials or citizen participation.\textsuperscript{144} The Berkeley commission “seeks to improve the conditions of all women and advocates to the City Council on policies affecting women”.\textsuperscript{145} Although Berkeley Commissions are unfunded citizen commissions, Campbell explained that they are best suited within the city to champion CEDAW because they are semi-institutionalized. She argued,

And so, some of the larger projects you see in a city like San Francisco or New York, are not really sustainable in a smaller city. We don’t have a single person that’s employed by the city that’s in charge of women’s issues. Because we’re too small of a city to able to afford a budget for that kind of position. And so what that means, as a practical outcome, is that projects that do not fall under the umbrella of somebody's work, if somebody isn’t championing them, that’s why citizen commissions, which is what my commission is, are so important.\textsuperscript{146}

Each local actor represents a different phase of CEDAW localization: Dehghan has been foundational to the resolution passed in Durham County, North Carolina in 2017, Och is currently conducting a political analysis of Denver to launch a CEDAW initiative, and Campbell serves on the women’s commission in Berkeley where CEDAW was adopted in 2012. However, there are also other actors operating in these spheres. For example, Campbell mentioned the Association of California Commissions for Women as a place in which commissioners discuss


\textsuperscript{146} Emmaline Campbell (Chair, Berkeley Commission on the Status of Women) in discussion with the author, 10 November 2017.
topical issues, one of which is CEDAW. There is also a national Association of Commissions for Women that passed a resolution in 2002 in “recognition of CEDAW/CERD Principles in City, County & State Laws Resolution”.  

Despite the use of these conference calls and yearly meetings at CSW, the women involved with Cities for CEDAW or associated with local commissions are primarily volunteer-oriented, thus creating an advocacy group comprised of more privileged women in their local communities. Despite this privilege, they may not be fully aware of the complexities of each location as compared to another, again reinforcing a “copy and paste” approach. One participant commented, noting,  

“…it is a handful of a few older ladies who are very passionate…Sometimes it’s just goodhearted citizens that believe in the mission and they somehow get it done and it’s amazing, but CEDAW doesn’t really play a part…”

For local actors, the choice to bring CEDAW to their localities seems to be actualized predominantly through links to these national campaigns. This issue is relevant for other citizen Commissions that may be influential in adopting CEDAW. The Berkeley Peace and Justice Commission, for example, was incredibly involved in the passage of CEDAW in 2003. However all of the Commission’s work was carried out through a single city staffer charged with organizing Commission activities. Having a city create permanent positions at the local level that are adequately funded would avoid the need for this initiative to be championed by volunteers, such as is the case of San Francisco where the women’s commission was expanded to become a

147 Ibid.
149 Malliga Och (Co-Chair, Denver for CEDAW) in discussion with the author, 15 October 2017.
150 Participant wished to remain anonymous.
Gaby Oré Aguilar notes that having actors who can not only transcend the local, national, and global spheres, but move between each with ease is essential to processes of localizing human rights. Och, for example, navigates national coalitions and organizations, as well as academic and scholarly fields. In the case of the Cities for CEDAW advocates, while these actors have some degree of access to the international national and local spheres, what is sorely lacking are local actors who are consistently able to communicate and strategize with grassroots efforts around violence against women. Additionally, situating the core meeting place for Cities or CEDAW at the international level restricts access for so many local organizations and service providers who may not enjoy certain resources or access to CSW.

With this analysis in mind, it is important to consider two further points. First and foremost, local colleges and universities are emerging as crucial local actors, increasingly partnering with local governments to collect data on the status of women in their localities. Secondly, those often best suited to drive and oversee vernacularization such as grassroots organizations around violence against women, have not been recognized as prominent local actors due to their volunteer basis. While this is problematic for several reasons, it requires deliberate critical consideration, as it determines those who do and do not have a seat at the table in overseeing implementation and establishing accountability for implementation.

**Framing CEDAW Instruments**

Local actors hold valuable knowledge about their local political and cultural contexts, a resource that is essential when framing the linguistics of CEDAW legislation. One prominent

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theme across several local contexts is the issue of how to frame local instruments that are sourced from international human rights, especially in the context of American exceptionalist attitudes. One benefit to the Cities for CEDAW advocates is that they are able to tap into a robust network of framing best practices which local grassroots organizations may not have access to. In order to make advocacy for a CEDAW resolution “friendlier” for constituents and Commissioners in North Carolina, Dehghan noted that the resolution was framed as “Counties for the Elimination of Discrimination against Women”, repurposing the CEDAW acronym to accommodate a local culture biased against human rights politics.153

The city of Cincinnati complicates even further for advocates the issue of framing. In 2015, Cincinnati adopted a CEDAW resolution. However, in the efforts to turn the resolution into a legally-binding document, there have been discussions of framing the ordinance without specifically referencing the international treaty.154 For Och this is a worthy compromise. She argues, “I think if we get everything we want from a CEDAW ordinance expect the name, it might be necessary to drop the name”.155 Removing any reference to international human rights removes the symbolic support for international human rights legal system, and reorients local priorities generally through human rights principles. For some CEDAW advocates, such as Och and Murase, removing reference to CEDAW is not contradictory to the end goals of adopting CEDAW.

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153 Beth Dehghan (Founder and President of Women NC and the North Carolina Committee for CEDAW/CSW) in discussion with the author, 19 October 2017.
155 Malliga Och (Co-Chair, Denver for CEDAW) in discussion with the author, 15 October 2017.
Murase argued, “[w]hether people recognize human rights or not, it’s about pushing the needle forward”.\textsuperscript{156} While her point is well taken, I think it is essential to understand human rights in order to push the needle forward. Human rights is intersectional, interrelated, participatory and transparent – each characteristics of which is essential to having local legislation that pushes the needle forward. While some may contend that the principles of human rights can exist separate from the term “human rights”, I argue that the intention behind using this language is central in recognizing human rights.

Additionally, in response to US resistance to international human rights, it is also important to evaluate the impact of the translation. For example, local human rights has also been approached as a governance issue. When Emily Murase carried out this approach in Alabama, she noted that her logic was to appeal to a larger constituency by asking questions like, “where are your taxes going?”\textsuperscript{157} She noted, “It doesn’t matter how you position it, as long as you use the framework to advance the welfare of marginalized communities”.\textsuperscript{158} For Sally Merry, the governance framework was also employed in New York City; however, the instrument was not successfully adopted into local legislation because its focus shifted from CEDAW treaty provisions to mainly issues of governance and oversight. For Merry, though talking about governance was not a challenge, ultimately the conversation moved away from exploring what was to be implemented, compromising efforts to answer the question of how do we implement.

Adopting CEDAW to local contexts and normative municipal legal structures is also hindered by a number of local policies, many of which are born of culture that are resistant to

\textsuperscript{156} Emily Murase (Executive Director, San Francisco Department on the Status of Women) in discussion with the author, 8 November 2017.  
\textsuperscript{157} Ibid.  
\textsuperscript{158} Ibid.
human rights. For Krishanti Dhamaraj and other advocates involved in passing the CEDAW ordinance in San Francisco, local policies worked in favor of advocacy strategies in San Francisco’s political climate. In the mid 1990’s, the California State Legislature adopted several conservative policies disproportionately affecting minority populations, including a xenophobic ballot initiative aimed at restricting voter eligibility in migrant communities and a bill to end affirmative action public colleges and universities. Coupled with the increased vulnerability for low-income households engendered by the Clinton Administration’s 1996 welfare reform, the conservative political climate fostered a community of resistance among advocates in San Francisco. Dhamaraj recalls that undertaking a human rights framework was an appropriate choice given the state of national and local policies because it “…transcended identity and it was a cross-constituency, multi-issue organizing strategy” that brought together advocates working on variety of topical women’s issues. Another key factor to the successful adoption of a CEDAW ordinance in San Francisco was the makeup of municipal bodies, such as the San Francisco Women’s Commission and the Board of Supervisors, who understood and prioritized eliminating violence against women.

For advocates in North Carolina, the Public Facilities Privacy & Security Act (widely known as the transphobic “Bathroom Bill”) poses a unique challenge to implementing municipal laws. The bill “…prohibits localities in the state from adopting ordinances that impose non-

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162 Krishanti Dhamaraj (Executive Director, Center for Women’s Leadership at Rutgers, the State University of New Jersey and former Director of WILD for Human Rights) in discussion with the author, 21 November 2017.
163 Ibid.
discrimination requirements on employers and places of public accommodation which are not also imposed by state law, and overrides existing ordinances to this effect”.\textsuperscript{164} Because of the restrictions on local ordinances, Beth Dehghan and other CEDAW advocates were unable to adopt a CEDAW ordinance, thus utilizing a legally non-binding resolution in Durham County.

Despite the variety of nuances across CEDAW ordinances, many of the ordinances borrow language directly from other ordinances, including more problematic sections such as defining discrimination on the basis of sex. Many of the ordinances seem to “copy and paste” provisions found in San Francisco’s ordinance, which is not only dangerous in terms of lacking a real “localized” feature, but it also may be ineffective as these initiatives must be specified to address each issue both directly and intersectionally within each locality. In fact, this method of ordinance sharing is encouraged by the national Cities for CEDAW campaign, as their website offers a “model” CEDAW ordinance for local advocates. The model is a prewritten ordinance with a “fill-in-the-blank” approach for advocates to present to local governmental officials.\textsuperscript{165}

There are many ways in which the language of these resolutions has evolved, one of which is around the idea of intersectionality. When asked about the San Francisco Ordinance, intersectionality, and the evolution of the language of the CEDAW ordinances, Krishanti Dharmaraj responded:

“If you look at San Francisco leadership and the consciousness and who’s impacted, you will be able to really specifically, even though the language is not there, see how immigrant women are impacted positively. I don’t know, although the language is there for Pittsburgh, whether they can say that they do it. It depends on who is leading the charge and what the consciousness is. And if you actually take into account the concept of privilege. So that, and language is important, I don’t want to underestimate that by any

\textsuperscript{164} Christy Mallory & Brad Sears, Williams Institute at the University of California School of Law, Discrimination, Diversity, and Development: The Legal and Economic Implication of North Carolina’s HB2 (2016).
\textsuperscript{165} “Resources,” Cities for CEDAW, updated 2017, \url{http://citiesforcedaw.org/resources/}.  

means. But the difference is that, from WILD for Human Rights’ standpoint, our basic stance was that human rights are about constructing conditions in society where people can be fully human. That means those whose humanity is threatened must decide what it means to be fully human. And that policy was drafted based on that fundamental value/framework.”

For many of the advocates involved in local CEDAW passage and implementation, there is a stark difference between the text of the ordinance itself and the de facto implementation. For Dharmaraj, the language is important, however, the contextual impact and the actors responsible for the passage of the ordinance reflect its intersectional approach.

**CEDAW Instruments as “Bottom-up”?**

Several advocates involved with the localization of CEDAW asserted that CEDAW represents a “bottom-up” approach to advocacy. Based on the Dhamaraj’s notions of intersectionality in vernacularizing CEDAW in San Francisco, intersectionality was implicit thanks to the direct link between grassroots organizations and advocates’ engagement with the international human rights framework, concepts, and legal structures. However, due to the nature of vernacularization, exacerbated by the “copy and paste approach”, implementing CEDAW at the local level in a legally binding mechanism is not entirely a “bottom up” process, though it is nuanced by some “bottom up” characteristics.

Most notably, CEDAW is introduced at the local level by actors that are, in some way or another, associated with the international human rights context. While the case of San Francisco did have actors such as Dhamaraj introducing CEDAW at the local level, it is a unique example of “law from below” because local women were able to define and shape the ordinance based on their understanding of and relation to the treaty. For scholar Koen de Feyte, the existence of networks does not guarantee, “that human rights will be built from below. A bottom-up approach requires that the human rights experiences of communities set the agenda for the entire
network”. Merry notes, “the source of global ideas and institutions is usually another locality that has developed an idea or practice that is translated into a form that circulates globally and is then transplanted into another locality”. As such, localities that have adopted a more “copy and paste” approach embody less of a bottom up approach, because the substance of the local CEDAW instrument is not rooted in local cultural understandings.

Och nuances the understanding of the definition of “law from below”, as she notes the process “is bottom up, but with an inverted looking strategy”. Merry and Destrooper also highlight that systemic power dynamics in local contexts have complicated local advocacy efforts, in which initiatives may bypass local engagement and hover over the community at the governmental level. Going back to the UN definition of a “local government”, it is important to distinguish and clarify our understandings of “localization” – does it occur at the community and constituent level? Does it reflect what grassroots organizations and advocates have demanded from their government? Or does it reflect the local political context and speak to initiatives that exist among municipal agencies?

In Los Angeles, Mayor Garcetti’s Executive Directive is a prime example of municipal governments acting in place of the local community. While it was a noble initiative to demand accountability, it redirects us back to the conversation on governance in local cities. In places like LA and New York, CEDAW advocates are attempting to create a new system of governance.

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168 Malliga Och (Co-Chair, Denver for CEDAW) in discussion with the author, 15 October 2017.
169 Sally Engle Merry and Peggy Levitt, “Vernacularization on the ground: local uses of global women's rights in Peru, China, India and the United States”; and Tine Destrooper, “Uprooting the curious grapevine?: The transformative potential of reverse standard-setting in the field of human rights.”
while simultaneously implementing human rights treaty provisions. Young notes that actors in Los Angeles “realized that you can’t bring city governance by executive order. And you can’t require reporting when people don’t understand what they’re reporting”. Additionally, there is the added element that some of these local initiatives are mimicked by local governments as a way of competition between liberal cities, especially under the Trump administration. Among cities, this competition serves to completely disregard input from the local community, becoming a battle to have better policy on record, in turn making the idea of “law from below” futile in those instances.

Identifying key actors and stakeholder groups in local CEDAW adoption is an essential factor in the sustainability of CEDAW ordinances. Though the creation of networks and incorporating new stakeholders may be beneficial in theory, these tactics also pose specific challenges to maintaining longevity in political commitments to the legislation for mobilization around CEDAW. This question leads to a larger discussion on localized human rights advocacy more generally, bringing into question the ways in which we are developing the capacity for oversight and accountability at the local level, regardless of the human rights in question. Davis notes,

> I think with the issue of, what we’ve seen with some of the human rights cities is that there isn’t, even the city has passed an ordinance or a resolution or a statement, there’s nobody within the city who’s responsible for ensuring that anything happens. So all of the activities happened externally. And then the only mechanism for accountability is external as well. Which is much harder to get results… And so without any structure that the city has created itself, then it’s unlikely for anything much to happen.

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170 Soon Young Yoon (Chair of the Board, Women’s Environment and Development Organization) in discussion with the author, 6 October 2017.  
171 Soon Young Yoon noted that she believes that LA Mayor Garetti supported CEDAW, in part, in competition with San Francisco.  
172 Martha Davis (Professor of Law and Associate Dean for Experiential Education, Northeastern University School of Law) in discussion with the author, 8 November 2017.
III. Implementation & Accountability: Gender Audits, Data Collection, and Monitoring

Returning to the international human rights framework, several international agreements emphasize the importance of accurate data collection on violence against women, in which many instruct States to report to various international bodies on the prevalence of this issue. The San Francisco Department on the Status of Women has noted, “[t]he only way to know if women are disproportionately affected by policy decisions is through the systematic collection of demographic data, disaggregated by gender, race, age, and other social characteristics”. Despite this emphasis on empirical evidence for validating structural and interpersonal violence, this section argues that data collection remains an area in need of further development. The initial stage of data collection begins with the gender audit mandated by the ordinance. Though other nonbinding documents, such as resolutions, may sometimes state intentions to complete a gender audit, there is nothing legally binding about these documents that may be enforced.

Gender Audits at the Local Level

As mentioned in the background note of this research, among other requirements, CEDAW ordinances mandate a gender audit within governmental agencies. Though this gender audit is the first step in implementation for ordinances, it has not been initiated in every city with a CEDAW ordinance. What is more, it is important to note that implementation does not have to look exactly the same in each city. Implementation is about action, and, recalling the principles of vernacularization, implementation and oversight should follow whatever the localization

173 See General Recommendation No. 12 (CEDAW Committee), General Recommendation No. 19 (CEDAW Committee), Article 4(k) of the UN Declaration on the Elimination of Violence against Women, and Action 129(a) of the Beijing Platform for Action.

process produces, in whichever form the local community decides to engage with CEDAW.
Including city or country-wide action plans, each ordinance mandates intra-governmental gender audits of each local agency and department. Despite this fact, only the San Francisco County government has completed a gender audit.

Additionally, some localities in the United States lacking CEDAW instruments have implemented gender audits expressly aligned with CEDAW principles. The Salt Lake City Mayor’s Office on Diversity and Human Rights, for example, began hosting “community dialogues” with city residents and government officials, which resulted in increased attention to gender inequalities and discrimination.\textsuperscript{175} The Office then created a Committee on Women “to focus on implementing CEDAW principles within city policy”.\textsuperscript{176} It was not until almost four years later in 2016 that Salt Lake City adopted a resolution in favor of CEDAW. Similar to San Francisco, Salt Lake City has partnered with local organizations and service providers of emergency services and education programs on sexual violence against women.

Trainings by WILD for Human Rights demanded accountability from each department and agency by asking two members from each entity to attend a training session that included administrative and management staff.\textsuperscript{177} The impact of the implementation of CEDAW in San Francisco has provided one potential model for consideration, as the ordinance reaffirms a local grant system, now totaling six million dollars, for organizations providing services to survivors.


\textsuperscript{176} Ibid.

\textsuperscript{177} Krishanti Dhamaraj (Executive Director, Center for Women’s Leadership at Rutgers, the State University of New Jersey and former Director of WILD for Human Rights) in discussion with the author, 21 November 2017.
of domestic violence.\textsuperscript{178} The San Francisco gender audit has also been successful in altering
government hiring initiatives for women and installing public services that assist female
domestic workers, such as improved sidewalks and better streetlights with hopes of ensuring
safety.\textsuperscript{179}

Mentioned earlier, universities and colleges are also increasingly assuming the
responsibility for the gender audit on behalf of local governments. The Los Angeles city
government has outsourced quantitative data collection on the status of women in LA to Mount
St Mary’s University,\textsuperscript{180} Durham County, North Carolina has partnered with the University of
North Carolina Chapel Hill,\textsuperscript{181} and Miami-Dade County partnered with Florida International
University Metropolitan Center.\textsuperscript{182} As a result of this new partnership, local governments are
evading responsibility for prioritizing the implementation of CEDAW by passing off data
collection duties to academic institutions. Though these institutions cannot implement the gender
audit, as it must be conducted by and for each city agency and department, they have contributed
to a large number of reports on the status of women in these local communities.\textsuperscript{183}

\textsuperscript{178} Emily Murase (Executive Director, San Francisco Department on the Status of Women) in
discussion with the author, 8 November 2017.
\textsuperscript{179} Department on the Status of Women, City and County of San Francisco, \textit{Human Rights in
Action: San Francisco’s Local Implementation of the United Nations’ Women’s Treaty
(CEDAW)} (2010).
\textsuperscript{180} “Report on the Status of Women and Girls,” City of Los Angeles, updated 2015,
\url{https://www.lamayor.org/report-status-women-girls-los-angeles}.
\textsuperscript{181} Beth Dehghan (Founder and President of Women NC and the North Carolina Committee for
CEDAW/CSW) in discussion with the author, 19 October 2017.
\textsuperscript{182} “The Status of Women in Miami-Dade County,” FIU Metropolitan Center, updated 2016,
\url{http://www.miamidade.gov/advocacy/library/2016-status-of-women-report.pdf}.
\textsuperscript{183} “Violence Against Women.” San Francisco Department on the Status of Women, updated
2017, \url{http://sfgov.org/dosw/violence-against-women-2}. 
Data collection pertaining to violence against women

Aside from the initial gender audit, the San Francisco Department on the Status of Women also publishes annual reports on their violence against women grants program. Despite a widely universal appreciation for quantitative data collection,\textsuperscript{184} it cannot be overemphasized that precise data collection regarding the prevalence of violence against women can often be compromised by a variety of factors. Underreporting can result of structural barriers to services, gender-based discrimination, cultural stigmas and taboos, often making accurate “prevalence estimates” an impossible goal.

San Francisco has an institutionalized Violence Against Women (VAW) Prevention and Intervention Grants Program, which identifies community partners that “provide essential violence prevention and intervention services to the community”. These “essential services” are defined as emergency shelter, transitional housing, crisis lines, intervention and advocacy, legal services, and prevention and education.\textsuperscript{185} The San Francisco Department on the Status of Women “produces a year-end performance evaluation each fiscal year to provide information on the amount of funding that Partner Agencies receive and analyzes the impact they make in the community”.\textsuperscript{186} The data seems to represent that increase in funding allotted to these programs is directly correlated with the number of people accessing services, implying that if less individuals are seeking community services then violence must be decreasing.\textsuperscript{187} However, especially

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\textsuperscript{184} See General Recommendation No. 12 (CEDAW Committee), General Recommendation No. 19 (CEDAW Committee), Article 4(k) of the UN Declaration on the Elimination of Violence against Women, and Action 129(a) of the Beijing Platform for Action.

\textsuperscript{185} “Violence Against Women.” San Francisco Department on the Status of Women, updated 2017, \url{http://sfgov.org/dosw/violence-against-women-2}.

\textsuperscript{186} Ibid.

\textsuperscript{187} “2014 Violence against Women Community Needs Assessment: Final Report,” City and County of San Francisco Department on the Status of Women, updated 2014,
around stigmatized issues such as violence against women, considerations of access to services can influence the number of individuals that seek emergency and prevention services.

Despite enjoying funding for full-time staff at the Department on the Status of Women, the quantitative analysis on violence against women in San Francisco is conducted by policy interns.\textsuperscript{188} There is a need for better and more efficient data collection and analysis on the status of women, especially as it pertains to violence. The data in San Francisco’s Summary Report on the VAW grant program is not clear regarding whether or not individuals seeking services are double-counted, which could explain why the rate of individuals accessing services halved between 2009 and 2014.\textsuperscript{189} In other words, it is unclear if this data represents all instances in which services were accessed, or rather if it represents only collected demographic data on a singular person, in which the “population served” is actually reflective of new individuals seeking services. It is also unclear as to how this data was collected – were individuals self-identifying? Did organizations provide this data with institutionalized procedures for ensuring confidentiality?

\textbf{Local Oversight Bodies and Accountability}

For monitoring of implementation, most CEDAW ordinances mandate the establishment of an institutionalized oversight mechanism. Five out of the six ordinances establish an oversight body to monitor the implementation of CEDAW ordinances at the local level.\textsuperscript{190} Berkeley has

\textsuperscript{188} Emmaline Campbell (Chair, Berkeley Commission on the Status of Women) in discussion with the author, 10 November 2017.

\textsuperscript{189} Ibid.

\textsuperscript{190} City of Los Angeles, Ordinance No. 175735, §1(B)-(F), 8 February 2004; City of Berkeley, California, Ordinance No. 7,224-N.S. §13.20, 31 January 2012; Miami-Dade County, Florida, Ordinance No. 15-87 §2-271, 1 September 2015; City and County of Honolulu, Hawaii, Ordinance 1990 §1-11.3, 27 August 2015; City of Pittsburgh, Pennsylvania. Ordinance No.
the only ordinance that does not establish any kind of oversight mechanism. Some ordinances also establish Task Forces to oversee the gender audit portion of the ordinance. For example, San Francisco had a CEDAW Task Force that monitored the gender audit in 1998, dissolving after five years into the government’s Department on the Status of Women. San Francisco is the only city that has a city department serving as a formalized oversight body with consistent funding. Though monitoring and accountability at the local level may also be achieved through the development of citywide action plans, the Los Angeles, Berkeley, and Miami-Dade County ordinances fail to establish such an initiative. Additionally, San Francisco and Los Angeles are the only two cities with ordinances that have been funded by their respective municipal governments.

Implementation of these ordinances is not self-executing upon the passage of the legislation. Similarly, just because an ordinance or resolution mandates the creation of an oversight body, unless there is political will to support the mandate and enforce compliance, these “oversight bodies” run the risk of existing only on paper. Though Los Angeles adopted CEDAW in 2003, due to a lack of local action in the years to follow, Mayor Eric Garcetti passed an Executive Directive in 2015 mandating city departments and agencies to complete gender

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193 City of Berkeley, Ordinance No. 7,224 - N.S.; City of Los Angeles Ordinance No. 175735; Miami-Dade Country, Florida. Ordinance No. 15-87.
audits and establish a Gender Equity Coalition.\textsuperscript{195} One clarification that this research aims to make is a clear distinction between adoption and implementation of local CEDAW resolutions and ordinances. For Och, she emphasized that, “[w]e have seen adoption of CEDAW ordinances, but we haven’t really seen implementation yet. Most cities except San Francisco haven’t really implemented it”.\textsuperscript{196} Similarly, Zeitlin expressed comparable sentiments, explaining, “in terms of actual results, I think we’re still in a very early stage”.\textsuperscript{197}

A challenge to ratification of human rights law that exists both at the global and local level is the adoption versus implementation of the substantive content of the legislation. Just under thirty states, counties, municipalities, and cities have adopted and signed local legislation supporting CEDAW.\textsuperscript{198} This is highly symbolic in providing national support for CEDAW and its provisions in particular, and for international human rights in general. Once the resolution or ordinance has been signed, only ordinances are subject to mandatory implementation. However, even then, the ordinance requires significant political will by locally elected officials to begin that process.

The question is not whether or not you adopt it, right? The question is what do you do with it? Do you adopt it so you can pat yourself on the back and say; we did it, and then not talk about women’s issues for the next ten years? Or do you adopt it and then use that as a launching pad off of which to create all of these other subsequent policy ideas.\textsuperscript{199}

\textsuperscript{196} Malliga Och (Co-Chair, Denver for CEDAW) in discussion with the author, 15 October 2017.
\textsuperscript{197} June Zeitlin (Director of Human Rights Policy, Leadership Conference on Civil and Human Rights) in discussion with the author, 13 November 2017.
\textsuperscript{199} Emmaline Campbell (Chair, Berkeley Commission on the Status of Women) in discussion with the author, 10 November 2017.
For Campbell, these subsequent policy ideas included a new initiative based on Berkeley’s existing ordinance to promote a resolution establishing a formal relationship with local violence against women service providers. However, this policy idea was initiated at the Commission level, and has yet to work directly with service providers on their relationship to CEDAW and how they can use this legislation/define terms in a way that makes sense to them. While this resolution may look good on paper, it appears to mirror San Francisco’s VAW grants program closely and initially did not require any demands on behalf of the city. Only upon collaborating with the Peace and Justice Commission did the Women’s Commission include a demand for data collection on violence against women in Berkeley. Again, in theory, subsequent policy based on CEDAW instruments seems like a good idea, but without an oversight body to enforce it and without having acted on the original CEDAW ordinance, it seems to be another example in a trend of adopting local instruments that are never fully realized.

One example of a strong political commitment to the legislation is governmental funding, which has not been secured for four of the six ordinances. For Dhamaraj, political support for CEDAW ordinances is contingent upon securing funding. She notes,

If we are real about human rights being a part and reality for all women, then we have to make sure that there’s money for the implementation of such a powerful piece of legislation…politicians, always find money for what they want. I never agree to the statement that there’s political will but not enough money. That means to me that there’s not enough political will… If there's going to be legislation, it has to have money attached to it. I don't think, as women, and women in leadership and women who are politically savvy, I don't think we should ever compromise that for other women. …We do not want a piece of paper. We need to be really strong in the working group or the coalition to not let them underestimate you. So part of it is, what you think we are really worth, and I think, it’s always the case for us to be critical of leadership as to why they

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200 Ibid.
201 Ibid.
are doing what they are doing. Is it because it looks good for our organization, or is it really going to change the lives of women?\textsuperscript{202}

Universities also complicate this question of funding, because on the one hand – it can be beneficial to making vernacularization more participatory-based if students and academics are engaging with local politics in a constructive, rather than deconstructive, way. However, by passing off responsibly to local colleges and universities, local governments completely skirt responsibilities of mainstreaming gender. Local governments cannot position themselves as being on the forefront of mainstreaming gender without actually prioritizing mainstreaming efforts into the local budget.

**Accountability at the International Level**

Though cities and municipal governments in the United States have also engaged with the United Nations reporting processes, due to the limited number of instruments the US has ratified, these efforts to date are limited to very few monitoring mechanisms, including the Universal Periodic Review (UPR), the International Covenant on Civil and Political Rights (ICCPR), the International Convention against Torture and Other Cruel and Inhumane Treatment (CAT), and the International Convention on the Elimination of Racial Discrimination (CERD).\textsuperscript{203}

Two cities with CEDAW ordinances have participated directly in the international human rights reporting system. However, the vast majority of cities with resolutions and proclamations in favor of human rights principals and treaties have not. In 2009, the city of Berkeley submitted a shadow report to the CERD Committee and in 2014, the San Francisco Department on the

\footnote{Krishanti Dhamaraj (Executive Director, Center for Women’s Leadership at Rutgers, the State University of New Jersey and former Director of WILD for Human Rights) in discussion with the author, 21 November 2017.}

\footnote{Available at: \url{http://indicators.ohchr.org}.}
Status of Women submitted a joint shadow report with the American Association of University Women of San Francisco to the US review before the ICCPR Committee.\textsuperscript{204} While the reports took radically different approaches,\textsuperscript{205} neither seemed to encourage legitimization of local human rights implementation in the United Nations in compliance with reporting mechanisms.

For Davis, the structural component for actualizing localized CEDAW begins at the global level. As impact and compliance with the current UN treaty body system is currently being called into question, she notes that the UN must work to formalize a role for cities at the United Nations.\textsuperscript{206} If local engagement mirrors the approach of global actors, and there are complications in determining compliance with treaty bodies and Nation States at the global level, this issue may replicate itself throughout the vernacularization process. To prevent issues with accountability, monitoring and compliance, Davis asserts that human rights cities must be granted a legitimized voice at the UN.

Young, meanwhile, notes one of the primary reasons to adopt a CEDAW instrument at the local level, explaining

\ldots if someone asks me, why should we do CEDAW rather than some human rights law that we already have? Why connect with the UN? My answer to all lawyers and activists is: then because you have access to the [CEDAW] Committee. And you have access to the knowledge, I’m not a lawyer, but the jurisprudence and precedents set by their judgments. So they are judges and they are doing the general recommendations, which outlines what CEDAW means for implementation, and you’re connected to that standard.

\textsuperscript{204} Martha Davis, \textit{Global Urban Justice}, 32-33.
\textsuperscript{205} In her article, Davis contends that Berkeley submit a shadow report on local human rights efforts in order to encourage federal participation in UN reporting processes, while San Francisco’s Department on the Status of Women submit a report criticizing the national status of ICCPR implementation, \ldots challenging fundamental notions of federalism and nation responsibility for foreign affairs”. For more information, see Martha Davis, \textit{Global Urban Justice} (Cambridge: UK, 2016), 33.
\textsuperscript{206} Martha Davis (Professor of Law and Associate Dean for Experiential Education, Northeastern University School of Law) in discussion with the author, 8 November 2017.
That’s an international standard, which applies to every country that ratified. So without that, you don’t know where to start, right?\textsuperscript{207}

While many of the advocates associated with Cities for CEDAW do have access to international human rights bodies through the NGO CSW/NY, it is not ensured that all local advocates have access to the CEDAW Committee. Since the United States is not a State Party to CEDAW, nor has it signed the Optional Protocol which permits the individual complaints function, advocates cannot directly contact the Committee without significant political influence and networking. Additionally, the entire process of vernacularization requires that localizing human rights does not begin with the international framework, but rather at the local level. Localizing CEDAW must start at the grassroots level and determine the local relevance of CEDAW instead of appropriating CEDAW translations from other local contexts. Additionally, without formal recognition of city or local authority at the UN, this kind of reporting and monitoring is only sustainable where in cases in which there is consistent funding, dependent upon “champions” researching and submitting voluntary reports.

The power in localizing human rights lies in the ability to replicate international oversight mechanisms at the immediate level, in turn actualizing a rights-based approach. To date, however, this potential has not been realized because cities are mirroring each other instead of international mechanisms. By passing CEDAW ordinances that are, quite literally, copied and pasted from San Francisco, cities are bypassing, if not neglecting a large chunk of the vernacularization process of CEDAW. This reality may in part explain why there does not exist consistent funding and political motivation for whole-hearted implementation. For Sally Merry, one of the most important critiques of the international human rights treaty body system is the

\textsuperscript{207} Soon Young Yoon (Chair of the Board, Women’s Environment and Development Organization) in discussion with the author, 6 October 2017.
lack of capacity for robust cultural sensitivity to ensure understanding of true local contexts.\textsuperscript{208} These localized monitoring bodies at the city level can remedy inadequacies at the international level by providing oversight and compliance that is rooted in and comprised of a deep understanding of local cultural norms. Again, this need extends back to the issue of funding and political will. Unless there is a specific person who is tasked with overseeing implementation, it will fall heavily upon civil society advocacy to continue to pressure the local government to act on these ordinances. Unless the ordinance and implementation strategies and goals are institutionalized within the local government, and unless local governments are given a formalized role in the international human rights sphere, implementation will remain fragmented, ambiguous and ineffective and these initiatives will never garner their needed political will and funding.

CONCLUSION

This research has sought to identify the process of localizing CEDAW, as well as the sustainability of this localization for future advocacy. Do these efforts have the potential? – My answer is yes. We have seen successful vernacularization in San Francisco. However, the sustainability of the instrument is dependent upon consistent training and education, as well as institutionalized actors and oversight that apply consistent pressure for prioritizing gender-mainstreaming initiatives. As of the current moment, however, these efforts do not seem sustainable as they are not funded, nor do local governments prioritize them. This problematic could certainly be due to gaps in vernacularization – the most labor intensive trainings have not been conducted with vigor on par with that of San Francisco, resulting in a disconnect between local communities and local governments. If residents are not demanding this advocacy, and if there is no pressure from below, it only makes sense that governments are not going to implement these measures because resources are scarce and these governments are already are part of a “progressive minority” by adopting CEDAW in the first place.

Benjamin Barber once argued, “informal governance achieved is better than formal government unrealized”.

In the case of localizing human rights, neither an informal nor a formal government unrealized is an acceptable option. CEDAW instruments currently represent informal governance unrealized, and thus, are not a sustainable approach to combatting and preventing violence against women. These approaches are far too volatile, dependent upon informal actors, and compromised by a lack of proper vernacularization, adequate funding, and formalized oversight bodies. Twenty years have passed since the first CEDAW ordinance was

209 Benjamin Barber, If Mayors Ruled the World: Dysfunctional Nations, Rising Cities, 21-22.
adopted in San Francisco, and yet CEDAW instruments have not garnered the support that advocates in Cities for CEDAW have demanded.

As for the adoption process – if implementation is not prioritized, is the adoption of an ordinance an opportunity for local governments to “pat themselves on the back”? Are these instruments still being adopted with an end result of federal ratification of CEDAW in mind?

CEDAW instruments also have introduced a new means of treaty implementation. The treaty reporting process for national governments is dependent upon full State participation, and many States fail to report consistently. Localizing human rights presents an opportunity to implement international human rights treaties even in the case of State ratification, as it would formalize human rights as a domestic legislative initiative. By doing so, localization of human rights would extend to not only CEDAW, but also to other treaties and international human rights principles and legal norms.

As argued in this research, the purpose of localizing CEDAW is the vernacularization process, as exemplified by the labor-intensive trainings conducted by WILD for Human Rights. Human rights training and education ensures translation to the local level that is not dependent upon political will of municipal governments: instead it grounds understandings of human rights in local culture and language. Martha Davis challenged the concept of localization beyond CEDAW instruments, “can a city be working towards achieving these goals, that’s safe and inclusive and provide equality and access to services and so on, and would it be a human rights city because it had embraced all of those goals”? More symbolically, what does it mean to “do” human rights at the local level? What about the cities that “achieve” these goals without use

210 Emmaline Campbell (Chair, Berkeley Commission on the Status of Women) in discussion with the author, 10 November 2017.
211 Martha Davis (Professor of Law and Associate Dean for Experiential Education, Northeastern University School of Law) in discussion with the author, 8 November 2017.
of the specific human rights language? While this research does not specifically speak to these questions, they can nuance our understanding of what a human rights or a CEDAW city is, and what it is not.

I look forward to seeing if cities are formalized, both locally and at the international level, to be held accountable and to lead in standard setting and implementation of international human rights. Localizing human rights is a cyclical process that makes global frameworks relevant at the local level, and then uses local priorities to inform the shifting global framework. By making the global local, and local global, human rights may be realized fully for not only survivors of violence, but also the global community.
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