

State and Local Human Rights Agencies:

Recommendations for Advancing Opportunity and Equality Through an International Human Rights Framework

Columbia Law School, Human Rights Institute
International Association of Official Human Rights Agencies

UNDER THE AUSPICES OF
The Campaign for a New Domestic Human Rights Agenda

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INTRODUCTION:

Why Human Rights?

Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.

—*Eleanor Roosevelt*¹

International human rights law and standards provide a powerful framework for ensuring the respect and protection of dignity, well-being and equality for all people, by simple virtue of their humanity.

Human rights are central to American ideals of fairness and opportunity, and indeed the United States has a rich, if inconsistent, history of developing, supporting and nurturing the concept and substance of international human rights. Our country was founded on the ideals of equality and dignity; they are embedded in our Declaration of Independence and formed the inspiration and catalyst for the abolitionist movement and women's suffrage. Franklin Roosevelt articulated the importance of ensuring the full range of civil, political, economic and social rights in his Four Freedoms Speech to Congress in 1941, and the United States, under the leadership of Eleanor Roosevelt, played a critical role in developing and drafting the Universal Declaration of Human Rights (UDHR), the foundational human rights document.²

There is currently broad support for human rights by the American public. A majority of Americans, 80%, believe that “every person has basic rights regardless of whether their government recognizes those rights or not.”³ Most Americans agree that many social justice issues can be viewed through a human rights lens: there is significant support for framing guarantees related to equal opportunity, non-discrimination and freedom from abuse by law enforcement as human rights guarantees, as well as substantive rights, such as access to health care, fair pay and the right to live in a clean environment.⁴

More than eight in ten Americans “strongly agree” that the following are human rights:

- Equal opportunities regardless of gender (86%);
- Equal opportunities regardless of race (85%);
- Being treated fairly in the criminal justice system (83%);
- Freedom from discrimination (83%);
- Freedom from torture or abuse by law enforcement (83%); and
- Equal access to quality public education (82%).

Majorities also “strongly” believe meeting people’s basic needs are human rights, including:

- Access to health care (72%);
- Living in a clean environment (68%);
- Fair pay for workers to meet the basic needs for food and housing (68%); and
- Keeping personal behavior and choices private (60%).

Source: The Opportunity Agenda, “Human Rights in the U.S.: Opinion Research with Advocates, Journalists, and the General Public” 3-4 (2007), available at http://opportunityagenda.org/files/field_file/Human%20Rights%20Report%20-%202007%20public%20opinion.pdf.

A basic tenet of the human rights framework is that human rights must start at home, and must involve and reflect the needs and expertise of local communities. Realization of human rights requires local decision-making, as well as strong cooperation and collaboration between local, state and fed-

eral government, and between government and civil society.⁵ Moreover, state and local implementation of human rights can eventually help to influence national policy and broader acceptance of international human rights norms.⁶

State and local human rights agencies can play a critical role in promoting and protecting human rights close to home. State and local human rights and human relations commissions *already* operate every day to prevent and eliminate discrimination. These institutions have multiple functions that include enforcing anti-discrimination laws, engaging in community education and training and advocacy. Central to their mission is encouraging and facilitating institutional change to eradicate discrimination and promote equal opportunity. Thus, advancing human rights protections intersects with and, in fact, supports the work of state and local human rights and human relations commissions to encourage and ensure fairness and opportunity locally.

This report highlights ways in which an international human rights framework can advance the critical work of state and local human rights and human relations commissions and other state and local agencies, and recommends reforms at the national level that would result in more effective articulation between local, state and federal efforts.

What Are Human Rights?

Human rights are internationally recognized and accepted norms and values that recognize and promote dignity, fairness and opportunity for all people and enable individuals to meet their basic needs. These norms recognize the inherent interrelationship between civil, political, social, economic and cultural rights. Furthermore, a human rights framework places an affirmative obligation on governments to respect, protect and fulfill these rights.

Duty to Respect

The duty to respect is the most basic and traditional governmental duty regarding rights. The duty to respect means that governments must not take an action that interferes with or curtails a person's enjoyment of his or her rights.

Duty to Protect

To effectively protect human rights, governments must protect individuals and groups against human rights abuses by third parties.

Duty to Fulfill

The duty to fulfill requires governments to take positive action to realize a person's enjoyment of his or her human rights.

Duty to Not Discriminate

The duty of equality and non-discrimination means that governments must promote equality and not discriminate on the basis of a list of categories such as sex, race, color, property, etc.

These obligations require that the government: refrain from action that interferes with or curtails a person's enjoyment of her or his rights; protect individuals and groups from human rights abuses by third parties; and take positive steps to realize the enjoyment of an individual's human rights. A human rights framework also calls upon the government to promote equality and non-discrimination on the basis of categories such as sex, race, color, language, religion and property.

By recognizing the interdependence of civil, political, economic and social rights, the human rights framework also underscores that in order to achieve dignity, equality and freedom, every person must be able to meet his or her basic needs. The human rights framework thus obligates the government to progressively create conditions under which individuals' basic needs can be met, guaranteeing certain rights—including the right to health, the right to housing and the right to education—that may not be guaranteed under the federal constitution, although in some cases they may be guaranteed under state constitutions.

Thus, an international human rights framework articulates governments' responsibility for taking measured, concerted steps to respond to a full range of issues facing local communities, including race discrimination, poverty, hunger, disease, unemployment and other socioeconomic crises.

In pursuing these aims, a human rights framework emphasizes the need to ensure transparency, accountability and participation in government through mechanisms including human rights education, and monitoring, documenting and reporting human rights abuses. Finally, a human rights framework calls for mechanisms to enforce human rights norms, including complaint procedures and private rights of action, among others.

Overview of Human Rights System

Human rights principles are derived from a set of international documents, including charters and treaties, and are clarified, monitored and enforced by a number of committees, experts, commissions and courts. This section provides an introduction to the framework of treaties and monitoring bodies that form key components of the international human rights system.

International Human Rights Treaties

The United States has ratified three of the core international human rights treaties:

- the International Covenant on Civil and Political Rights (ICCPR), which protects most traditional civil rights, including voting, speech and religion;
- the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which protects against racial discrimination in both civil and political, as well as economic and social rights, such as education, housing and healthcare; and
- the Convention Against Torture (CAT), which prohibits torture as well as other cruel, inhuman or degrading treatment or punishment.

The U.S. has signed but not ratified other treaties, including the Convention on the Rights of the Child (CRC), the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of Persons with Disabilities (CRPD).

Treaties that the United States has ratified are binding under the Supremacy Clause,⁷ but their provisions are not always directly enforceable in United States courts.⁸ The United States has international obligations with respect to a treaty it has signed, but not ratified, even though such a treaty is not domestic law.⁹

The chart opposite sets forth a non-exhaustive list of human rights charters and treaties and the United States' relation to each.

International and Regional Monitoring Bodies

Many human rights treaties establish permanent bodies made up of independent experts charged with monitoring countries' compliance with their human rights treaty obligations. Countries are required to periodically report to these monitoring bodies. Civil society also has an opportunity to provide an assessment of compliance with treaty obligations. Ultimately, the treaty body issues Concluding Observations, summarizing concerns and recommendations that it feels the country under review should address.

In addition, the United Nations Human Rights Council¹⁰ reviews the human rights records of all 192 United Nations Member States once every four years through the Universal Periodic Review process.¹¹ This mechanism, created in 2006, is meant to provide an opportunity for each country to discuss what actions it has taken to fulfill its human rights obligations and presents non-governmental organizations with an opportunity to advocate for greater protection or publicize human rights violations. The United States comes up for review by the Council for the first time in 2010.

In addition to the UN system described above, the United States participates in the Inter-American Human Rights System through its membership in the Organization of American States (OAS). In this system, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights operate to promote and protect human rights. The Court is based in San José, Costa Rica; the Commission is based in Washington, D.C.¹² The Inter-American Court does not have jurisdiction to hear individual complaints brought against the United States, as the United States has not ratified the American Convention on Human Rights and the Optional Protocol granting the court jurisdiction. The Inter-American Commission, however, can hear individual complaints brought against the United States—an advocacy avenue increasingly pursued by American advocates.

Treaty or Declaration	Description	Signed by U.S. President	Ratified by U.S. Senate
Universal Declaration of Human Rights (UDHR) ¹³	Adopted in 1948, the UDHR is the oldest international human rights charter. The Universal Declaration, which recognizes civil liberties and socioeconomic rights, serves as a joint charter from which the twin international covenants, below, were born. The UDHR is a declaration, and not a binding treaty. Nevertheless, many of its provisions may be considered customary international law. The United States supported—indeed, was instrumental in—drafting the UDHR.	N/A	N/A
International Covenant on Economic, Social, and Cultural Rights (ICESCR) ¹⁴	The ICESCR is the principal human rights treaty regarding economic and social rights, and protects the rights to housing, work, social security, the highest attainable standard of health and the continuous improvement of living conditions. The ICESCR prohibits all forms of discrimination in the enjoyment of these rights.	✓	
International Covenant on Civil and Political Rights (ICCPR) ¹⁵	The ICCPR protects a broad range of civil and political rights, including the right to life, freedom of association, the right to be free from torture and slavery, non-discrimination, and certain fair trial rights.	✓	✓
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) ¹⁶	ICERD is the principal human rights treaty on racial discrimination, and the United States is a party to ICERD. The treaty specifically prohibits discrimination in the areas of voting, education, health, housing, property, social security, and employment, among others.	✓	✓
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) ¹⁷	CEDAW is the principal human rights treaty on sex discrimination, which provides for women's equal access to—and equal opportunities in—private, political and public life. As of March 2009, 185 nations were parties to CEDAW. ¹⁸	✓	
Convention on the Rights of the Child (CRC) ¹⁹	The CRC is the principal human rights treaty on the rights of children. The United States is one of only three countries not to have ratified the Convention, making the CRC one of the most widely ratified treaties in the international human rights system. ²⁰	✓	
Convention on the Rights of Persons with Disabilities (CRPD) ²¹	The CRPD promotes the rights of disabled persons to equal protection, equal participation and accessibility, and provides special protection for women and children with disabilities. It entered into force in March 2008. As of July 2009, the Convention had been signed by 140 countries and ratified by 62.	✓	
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) ²²	The CAT prohibits torture and requires signatories to ensure that all acts of torture constitute an offense under their criminal law. It also prohibits extradition to another country where there are substantial grounds for believing that the person would be in danger of being subjected to torture there. The CAT was implemented in the U.S. through the Torture Victim Protection Act of 1991. ²³	✓	✓
International Convention for the Protection of All Persons from Enforced Disappearances ²⁴	The Convention Against Enforced Disappearances prohibits governments from engaging in abduction and secret detention of any individual and affirms the rights of victims to know the truth about the circumstances and fate of disappeared persons. It was adopted by the UN General Assembly on December 20, 2006, and has not yet entered into force.		
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families ²⁵	The Migrant Workers Convention promotes the human rights of migrant workers and their families, stressing, importantly, the fundamental rights of both documented and undocumented migrants. It has been ratified by 41 countries.		
Charter of the Organization of American States (OAS Charter) ²⁶	The OAS Charter and the American Declaration together create obligations to guarantee a broad range of civil, political, economic and social rights. As an OAS member state, the United States is bound by the Charter; however, the American Declaration on Human Rights is not a treaty, and is therefore not a direct source of binding law. But the U.S. is arguably bound by the provisions of the American Declaration through its ratification of the Charter. ²⁸	✓	✓
American Declaration on the Rights and Duties of Man ²⁷		N/A	N/A
American Convention on Human Rights (American Convention) ²⁹	The American Convention codifies the OAS Charter. The Convention focuses primarily on civil and political rights, and also imposes a duty on countries to undertake to progressively realize economic and social rights.	✓	

The Role of State and Local Agencies in Ensuring Human Rights Compliance

State and local human rights and human relations commissions can play a key role in ensuring broad human rights compliance within the United States. There are over 150 state and local government commissions or agencies mandated by state, county or city governments to enforce human and civil rights, and/or to conduct research, training and public education and issue policy recommendations on human intergroup relations and civil and human rights.³⁰ Many are longstanding, created prior to the 1960s civil rights movement. Most are organized into non-profit associations that are international (*e.g.*, International Association of Official Human Rights Agencies, or IAOHRA),³¹ national (*e.g.*, National Association of Human Rights Workers, or NAHRW),³² or state-wide (*e.g.*, California Association of Human Relations Organizations, or CAHRO)³³ in scope. Along with their state and local partner agencies and community-based non-profits and non-governmental organizations (NGOs), these institutions and associations provide an established infrastructure that can serve as a resource in developing a national network of state and local human rights agencies to effectively advance the implementation of international human rights principles and standards close to home.

Such state and local involvement in human rights protection and promotion is entirely consistent with our federal system. Under Article VI(2) of the U.S. Constitution, ratified treaties are the “Supreme Law of the Land; and the judges in every State shall be bound thereby.” Moreover, in consenting to each of the treaties the U.S. has ratified, the United States Senate has noted that in light of our federal system, human rights treaty obligations will be implemented by state and local governments to the extent that they exercise jurisdiction over such matters.³⁴ In fact, an examination of the text of the treaties reveals that they cover much of what state and local human rights and human relations commissions already deal with every day—including addressing police brutality and discrimination in housing and employment, and promoting freedom of religion.

Indeed, human rights treaties are intended to be implemented at the local level, with a great deal of democratic input. For example, these treaties provide mechanisms and

opportunities for reporting on conditions within communities (both positive and negative); training government officials and agencies as well as the community to promote equality and non-discrimination; conducting hearings to explore and examine the relevance of findings by international treaty bodies; and issuing recommendations for future action. They also provide a set of standards that local governments should adhere to in administering their own laws and policies.

Thus, state and local human rights and human relations commissions and other agencies can serve as appropriate and effective sites for local implementation of international human rights treaty obligations and norms.³⁵ Specifically, they can:

- collect information and report on human rights compliance at the state and local level;
- assess local policy and practice in light of international standards;
- educate the public and state and local agencies and officials about international human rights standards;
- incorporate human rights principles into advocacy efforts;
- investigate human rights complaints; and
- issue recommendations and guidance encouraging, permitting or requiring governmental agencies to consider and integrate human rights principles and standards when creating new policies and legislation.

State and local commissions and other agencies may also provide a critical avenue for the federal government to communicate effectively with states and municipalities regarding their human rights treaty obligations.

Case Studies

A number of state and local human rights and human relations commissions and other state and local government entities are currently incorporating international human rights standards and strategies to advance their work. This section highlights a number of recent examples.

Portland, Oregon

In March 2008, the City of Portland created a Human Rights Commission that explicitly incorporates a human rights framework. The Commission, created in conjunction with an Office of Human Relations, is guided by international human rights principles.³⁶ Article II of its bylaws states:

The Human Rights Commission shall work to eliminate discrimination and bigotry, to strengthen inter-group relationships and to foster greater understanding, inclusion and justice for those who live, work, study, worship, travel and play in the City of Portland. In doing so, the Human Rights Commission shall be guided by the principles embodied in the United Nations Universal Declaration of Human Rights.³⁷

Guided by the UDHR principles, the Commission has created a complaint mechanism that engages in documenting and reporting a wide range of potential human rights violations, including abuse to the integrity of the person, denial of education, abuse of civil rights and liberties, incidents of bias, trafficking in persons and abuse of workers' rights.³⁸ The

Commission refers complainants to attorneys or supportive organizations whenever possible.³⁹

The Human Rights Commission is also engaged in broad education and outreach efforts. It declared 2009 as a year of Human Rights Learning and committed itself to raising awareness about the UDHR and what the rights covered by the Declaration mean in practice to the residents of Portland.⁴⁰ The Commission's website includes a link to the text of the UDHR, as well as links to relevant pages of the United Nations Office of the High Commissioner for Human Rights.⁴¹

The Commission is also engaged in a project to establish a Truth and Reconciliation Commission (TRC) to address issues of racism and racial tension. Borrowing from conceptions of international transitional justice, the TRC would offer a framework and forum for facilitated dialogue, information sharing and apology.⁴² As part of its efforts, the Commission recently hosted Archbishop Desmond Tutu, the chair of the South African Truth and Reconciliation Commission and winner of the Nobel Peace Prize for his work defending human rights in South Africa and around the world, to speak about the transformative effect of reconciliation.

Washington State

The Washington State Human Rights Commission, which is charged with enforcing the state's human rights statute, engages a human rights framework through public education and advocacy. In conjunction with the 60th Anniversary of the UDHR, the Commission drafted a Proclamation for the Governor's signature, declaring December 10, 2008, as Human Rights Day.

The Commission has also integrated human rights standards into its advocacy work.⁴³ For example, in 2007, the Commission embarked on a project to document, analyze and address the severe lack of housing for farm workers in the state. The Commission primarily explored the issue through the lens of discrimination against farm workers on the bases

of race and national origin, drawing on its mandate to enforce prohibitions against such discrimination contained in the state's anti-discrimination statute and federal fair housing laws. In a report detailing its findings and recommendations for resolving the housing crisis, the Commission discusses the relevant domestic legal standards and also draws on international human rights principles.⁴⁴ Specifically, the report highlights Article 25 of the UDHR:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

San Francisco, California

The San Francisco Commission on the Status of Women was instrumental in enacting and implementing a local ordinance that directly incorporates international human rights principles into the city's functioning, resulting in real policy changes that positively impact women and girls.

Beginning in 1997, a number of citizens' groups worked with the San Francisco Commission on the Status of Women to hold hearings and engage in public education around human rights, particularly as they apply to women and girls in San Francisco. Following this educational process, the Commission worked with citizens' groups to develop a local ordinance implementing the human rights principles of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) into local law.⁴⁵ In April 1998, the San Francisco Board of Supervisors passed municipal ordinance 128-98, requiring the government agencies and departments in San Francisco to implement the standards of CEDAW.⁴⁶

The San Francisco ordinance requires the city to “integrate gender equity and human rights principles into all of its operations” and contains a more expansive definition of discrimination than previously recognized. Specifically, it defines discrimination against women to:

include, but not be limited to, any distinction, exclusion or restriction made on the basis of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

The ordinance requires the city to eradicate all policies that discriminate, including those that have a discriminatory impact, and to proactively identify barriers to the exercise of human rights. The ordinance also calls for human rights education for city departments and employees.

The ordinance designates the Commission on the Status of Women as the implementing agency and requires that the Commission conduct gender analyses on the budget, services

and employment practices of selected city departments to identify barriers and discrimination against women.⁴⁷

As a result of the gender analyses, the Commission identified myriad discriminatory practices, leading to policy changes that benefit both women and men. For example, the Commission discovered that certain jobs were overwhelmingly held by men. They found that many jobs—trash collection and jobs within the Department of the Environment, for instance—required starting early in the morning, before childcare was available. To address this inequity, the Department instituted more flexible work policies that, after a few years, resulted in more women accessing these jobs.⁴⁸ Other departments instituted other changes, including establishing emergency ride home programs, making child care available to employees during non-traditional hours, allowing for telecommuting and actively recruiting women for non-traditional jobs.⁴⁹

Overall, the gender analysis required by the CEDAW ordinance resulted in an understanding that issues of work-life balance needed attention in *all* city agencies.⁵⁰ Beginning in 2001, the Commission on the Status of Women conducted a city-wide gender analysis of work-life balance in thirty-nine different city departments to identify any unintended consequences that their policies and practices had on female employees. It catalyzed attention to the issue city-wide and facilitated specific policy changes within individual city agencies. The information collected through the work-life balance study also helped support the paid parental leave legislation that was passed in 2002.⁵¹

In addition, some departments also found that their services had a discriminatory impact on city residents. For example, the Department of Public Works considered street lighting and noted in their gender analysis report that “a woman, in particular, may fear sexual assault, making her feel more vulnerable than a man.” The Department concluded that improving lighting in dark streets, parking lots and public facilities “creates a more equitable outcome: both women and men feel safe walking down a street at night.”⁵²

The CEDAW ordinance was amended in 2000 to include the requirement that agencies take account of the effect of various policies on racial and ethnic minorities.

Chicago, Illinois

The City of Chicago recently adopted a resolution in support of the United Nations Convention on the Rights of the Child (CRC).⁵³ Specifically, the resolution calls for the city to “advance policies and practices that are in harmony with the principles of the Convention on the Rights of the Child in all city agencies and organizations that address issues directly affecting the City’s children.” Although non-binding in nature, the resolution contains strong language pledging the city to support the CRC principles and committing the city to promote policies and practices that are consistent with the principles and rights in the CRC. The guiding principle of the Convention is doing what is in the best interests of the child.⁵⁴

Sparked by a diverse coalition of advocates led by Northwestern University Law School’s Center for International

Human Rights and its Children and Family Justice Center, Chicago’s Mayor introduced the resolution into the City Council with the support of the Commissioner of the Department of Family and Support Services.

Although the city’s Human Rights Commission was not involved in passing the resolution, it, or a separately created ad hoc commission, could play a critical role in its implementation. For example, now that the resolution requires the city to promote the well-being of children through its policies and practices, a commission could monitor city agencies’ compliance, and potentially accept and investigate complaints of non-compliance. A critical next step in implementing the resolution is raising public awareness of its existence and mandate so that individuals can secure the rights that it promotes. A commission could engage in this public education work, giving the resolution teeth.⁵⁵

Eugene, Oregon

Eugene’s Human Rights Commission has recently dedicated itself to promoting international human rights. In 2006, the Commission adopted as part of its work plan a “Human Rights City” Project, dedicated to exploring ways in which the city government can implement international human rights standards and principles in its overall operations. Specifically, the goals of the Project are: (1) ongoing research on initiatives being undertaken in other municipalities; (2) opening up conversations with elected city officials, city managers and staff and community members; and (3) proposing action for the City Council that could include eventual revision of the City of Eugene’s Human Rights Ordinance.⁵⁶

Thus far, the Commission has engaged in robust community education and outreach efforts, raising awareness about the potential for an international human rights framework to advance the equality and dignity of local residents. After researching local implementation of human rights and actively networking with advocacy organizations, the Project created an informational web site, www.humanrightscity.com, which includes resources on local implementation efforts in the United States and in the City of Eugene. The Project has facilitated informal presentations to small groups of city employees and managers from various city departments and inter-departmental committees to acquaint them with international human rights principles and the Human Rights City concept and to convey the mes-

sage that, in many instances, city staff are already engaged in human rights work.

The Project has also engaged in a series of symposiums and summits to educate the community and local officials about international human rights principles. For example, in 2008, the Human Rights City Subcommittee of the Human Rights Commission provided training to commission members and volunteers focusing on international human rights standards and principles.⁵⁷ The Human Rights Commission also co-sponsored and supported a celebration of the 60th anniversary of the UDHR. In conjunction with the celebration, community groups joined to create a Community Coalition for Advancement of Human Rights and highlighted ways in which their work addressed human rights. The event included an address by a Human Rights Commissioner and an official city proclamation by the mayor, expressing Eugene’s commitment to international human rights and local implementation.⁵⁸

A critical next step in this effort is building support for a City Council resolution committing the city’s government to progressive implementation of the principles contained in the UDHR, embracing the full range of civil, political, economic, social and cultural rights. Once such a resolution is passed by the Council, the Human Rights Commission can play an important role in advising and assisting the City Manager and city staff on how to implement the resolution in ways that are sensitive to the city’s most important human rights needs and issues.⁵⁹

Los Angeles, California

The Los Angeles County Human Relations Commission, one of the nation's oldest and largest human relations agencies, serves one of the largest and most diverse populations in the country and has a significant history of employing an international human rights framework.

The Commission has long engaged in documenting and reporting human rights violations. Since 1980, the Commission has compiled, analyzed and produced an annual report of hate crime data in LA County based on data provided by law enforcement agencies, school districts, universities and community organizations.⁶⁰ The Commission distributes the annual report to policy-makers, law enforcement agencies, educators and community groups throughout LA County and across the nation in an effort to raise awareness about the types, severity, location and content of hate crimes in LA County, and to improve efforts to prevent, detect, report, investigate and prosecute hate crimes. The Commission also uses information from the report to sponsor a number of ongoing programs related to combating hate crime. In 2002 and 2003, the Commission contributed to a report by Human Rights Watch on racial discrimination, providing its data on hate crimes targeting Muslims and individuals from the Middle East living in LA County.⁶¹

The Commission has also engaged in promoting human rights at the international level. In 2001, the Commission partnered with the U.S. State Department and local United Nations support groups to hold the only preparatory conference in the United States for the United Nations World Conference on Racism, Xenophobia and Other Forms of Intolerance (WCAR), which took place in South Africa in 2001.

The executive director of the Commission was invited to be part of the official U.S. Delegation to the Conference, prior to the U.S. Government canceling its involvement in the conference. Despite the U.S. cancellation, the Commission sent staff and commissioners to the conference to share information on the Commission's work against racism, xenophobia and other forms of discrimination, and to bring ideas and inspiration back to the community.⁶²

The Human Relations Commission also draws upon international human rights standards in its advocacy efforts. For example, the Commission cited human rights standards in its efforts to encourage the County Board of Supervisors to support a moratorium on the death penalty in California. The Commission has also recommended that the County Board of Supervisors support a federal bill to establish a commission to investigate and establish the facts on Latin Americans of Japanese descent interned by the U.S. Government during World War II. The Commission cited international human rights standards that were violated by policies allowing Japanese Americans to be detained and imprisoned without justification, uprooted and deported (regardless of citizenship status), and used for prisoner exchange.⁶³

Additionally, the Commission is embarking on a campaign to address rising violence against people who are homeless. Drawing on international human rights standards regarding shelter and housing, the campaign aims to raise awareness of mounting violence by encouraging law enforcement agencies to collect relevant data and engaging in public education through youth initiatives, informational materials, websites and curricula highlighting the fundamental human rights of the homeless that require attention and protection, such as the right to housing.⁶⁴

Best Practices and Recommended Actions

As described above, state and local institutions, including human rights and human relations commissions, already engage international human rights standards and strategies to promote equality, dignity and fairness close to home. Drawing on these and other examples, a number of best practices and recommendations for incorporating a human rights framework emerge. This section serves to distill these best practices, but it is by no means an exhaustive list. Rather, it is a starting point, highlighting some of the dynamic means that state and local agencies and commissions can use to advance their work.

Best practices and recommended actions include:

- Monitoring and documenting human rights issues;
- Assessing local policy and practice in light of international standards;
- Engaging in human rights education;
- Incorporating human rights principles into advocacy efforts;
- Investigating human rights complaints; and
- Coordinating and implementing local policy to integrate human rights principles.

Monitoring and Documenting Human Rights Issues

State and local human rights agencies can engage in international human rights compliance through the human rights treaty reporting process and other documentation efforts.

Monitoring and documenting human rights compliance is an effective and important means of ensuring the protection of human rights. For example, in the international system, the United States is obligated to report every few years on how it is fulfilling its obligations under the human rights treaties it has ratified. The UN committees that oversee the treaties then hold hearings based on the federal government's report and issue what are called Concluding Observations, highlighting areas of concern and providing recommendations for the government to improve treaty implementation.⁶⁵

State and local human rights and human relations commissions can play a critical role in this reporting process, ensuring that the federal government's reports accurately reflect what is happening at the state and local level—at home, where respect for human rights begins. Commissions can help inform and shape the federal report, highlighting the successes in their communities and the areas where they are working to improve equality and fairness.

For example, in February 2008, the UN CERD Committee reviewed U.S. compliance with the Race Convention (ICERD). While the U.S.'s official report was largely developed inside the State Department without much input from communities or state and local agencies, the Pennsylvania Human Rights Commission became involved in the reporting process. In conjunction with the CERD review, the Pennsylvania Commission provided information to the UN CERD Committee. Specifically, the Commission provided disaggregated data on cases involving race, color and national origin in employment, housing accommodation and education.⁶⁶

The City of Berkeley has engaged in similar reporting and is poised to commit itself to do so in the future. In 2007, the city sent a report to the UN CERD Committee providing “general information about the land and people, political and legal structure, and status of civil and human rights in the City of Berkeley, California.”⁶⁷ The City Council is currently considering a proposal from the Berkeley Peace & Justice Commission (the city's functional equivalent of a human rights or human relations commission) that would require the city to provide local statistical reports and information on local ordinances related to implementation of the three major human rights treaties ratified by the U.S. to the county, state, and federal governments, and to the UN treaty bodies.⁶⁸ The reports would correspond with the U.S. government's periodic treaty reporting obligations.⁶⁹

In addition to documenting and contributing information directly, state and local human rights and human relations agencies can help to facilitate visits of international human rights experts and officials. In recent years, UN officials such as the Special Rapporteur on Racism have come to visit the U.S. with the goal of observing the state of, in this case, racial relations in the United States, and to facilitate dialogues within communities about race and human rights. State and local human rights and human relations agencies can use such opportunities to engage their own communities in conversa-

tions on these issues, and also ensure that the UN experts and officials accurately report on the status of human rights in their communities.

Assessing Local Policy and Practice in Light of International Standards

Once an international treaty monitoring body or committee issues Concluding Observations on U.S. compliance with its obligations under a human rights treaty it has ratified, state and local agencies can hold hearings on the resulting observations and recommendations to assess state and local policy and practice in light of international human rights standards. State and local human rights and human relations commissions can then issue their own recommendations for legislation or administrative action at the state and local level, based on their assessment.

For example, in the Concluding Observations it issued this spring, the UN CERD Committee expressed concern with continuing racial segregation in the United States.⁷⁰ The Committee urged the government to develop public housing outside of segregated areas, to eliminate obstacles to affordable housing and to effectively implement legislation adopted at the state and federal level to combat discrimination in housing.⁷¹ State and local human rights agencies can use this opportunity to hold hearings and have conversations about state and local policies around affordable housing and lending, and to promote policies to affirmatively address the disparate racial impact of specific policies and practices at the local level.

Engaging in Human Rights Education

State and local human rights and human relations commissions can work with local citizen's groups to engage in education and outreach around the standards set forth in the various international human rights treaties, both those that the U.S. government has ratified and others that are ratified by other countries and serve as a source of international standards regarding many types of rights.

For example, in 2007, the Human Rights City Project of the Eugene Human Rights Commission organized a symposium on "Bringing Human Rights Home: Implementing International Human Rights in the United States" at the University of Oregon Law Center, followed by a community workshop focusing on local implementation of human rights standards in Eugene.⁷² The Project is currently plan-

ning a human rights summit, which would provide a forum for city staff and members of the appropriate city commissions to explore the applicability of a human rights framework to their work, and an opportunity for members of the community to learn about and exchange ideas on how to link local human rights challenges to international human rights treaties.⁷³

The Anchorage Equal Rights Commission in Alaska also engages in public education around human rights standards. On December 10, 2008, the 60th anniversary of the UDHR, the Commission sent an email to municipal employees and others announcing that the day marked International Human Rights Day and highlighting the basic principles contained in the UDHR, including the inherent dignity and equal and inalienable rights of all people. The email urged recipients to re-dedicate themselves to achieving equality and fairness for all.⁷⁴

In addition to educating the public and state and local officials about relevant human rights standards, state and local human rights and human relations agencies can provide an accessible clearinghouse of information for individuals who believe that their human rights have been violated. They can provide information on complaint mechanisms and local, national and international avenues for redress, including information on the international human rights system. For example, the recently re-established Milwaukee Equal Rights Commission is charged with providing a clearinghouse of information and publications related to human rights.⁷⁵ And the website of the Portland Office of Human Relations links to the website of the UN Office of the High Commissioner for Human Rights, which contains extensive information on human rights protection and promotion.⁷⁶

Incorporating Human Rights Principles Into Advocacy Efforts

State and local human rights and human relations commissions can incorporate human rights standards to frame their missions and orient their advocacy initiatives. Through the framework of human rights, state and local agencies can better understand and articulate the interrelated nature of rights. For example, agencies can address issues of economic and social rights through the lens of discrimination. The recently enacted ordinance re-establishing Milwaukee's Equal Rights Commission does this by charging the Commission with promoting social and economic equity for all city residents as

part of its objective of promoting equal rights, diversity and non-discrimination.⁷⁷

An international human rights framework also enables commissions to identify and articulate issues in accordance with internationally recognized standards. For example, the Washington State Human Rights Commission is able to articulate the human rights dimensions of the lack of housing for farm workers in the state. The Los Angeles County Human Relations Commission can place the issue of hate crimes into a human rights context, highlighting the international standards that prohibit such crimes. And the City of San Francisco is able to address ways in which certain employment policies and practices have a disparate, unintentionally adverse effect on women.

Investigating Human Rights Complaints

For state and local human rights and human relations commissions with authority to investigate individual complaints, a human rights framework can provide a set of standards for assessing whether a violation has occurred. For example, guided by the principles contained in the UDHR, the Portland, Oregon Human Rights Commission has designed its complaint form to address a broad range of potential rights violations that it might not otherwise consider. Even if an agency is not authorized to enforce prohibitions on human rights violations, using a human rights framework as a basis of a complaint system would enable state and local human rights and human relations commissions to engage in broader documenting and reporting efforts and raise awareness of human rights concerns within the community.

Coordinating and Implementing Local Policy to Integrate Human Rights Principles

By raising awareness, building public support and providing other expertise and resources, state and local human rights and human relations agencies can encourage and assist other government agencies to incorporate human rights principles and standards into local law. San Francisco's CEDAW Ordinance, the Chicago resolution encouraging incorporation of the principles of the Convention on the Rights of the Child and efforts to incorporate human rights principles into local law currently underway in Seattle and New York City are all examples of this work.

The Seattle Human Rights Commission is currently working with elected officials to develop and promote a proposed ordinance whereby the city would adopt provisions and standards of the Convention on the Rights of the Child, CEDAW, and the International Covenant on Economic, Social and Cultural Rights.⁷⁸

In New York City, the proposed New York City Human Rights in Government Operations Audit Law (Human Rights GOAL) seeks to integrate human rights principles of dignity and equality (based on CERD and CEDAW) into local policy and practice by requiring that the city train its personnel in human rights; undertake a human rights analysis of the operations of each city department, program and entity; and create action plans for how the city will integrate human rights principles. The bill would create a taskforce comprised of community and government representatives to oversee its implementation and would create avenues for meaningful community participation in the development of the human rights analysis and action plan.⁷⁹

Federal Reforms to Provide Enhanced Support for State and Local Human Rights Implementation

While states and localities can be effective sites for human rights incorporation, the federal government must maintain a critical role in coordinating and supporting their efforts to advance and implement human rights norms.

The federal government already plays an important role in facilitating and supporting state and local human rights and human relations commissions in their efforts to enforce and monitor compliance with federal anti-discrimination laws. Through its Fair Housing Initiatives Program, the Department of Housing and Urban Development (HUD) provides grants to state commissions to conduct fair housing education and outreach. The Equal Employment and Opportunities Commission (EEOC) contracts with state and local commissions to enforce federal anti-discrimination in employment laws at the local level. In these and other ways, the federal government should coordinate and support states and municipalities in their efforts to implement human rights treaty obligations, as well.

Two Key Reforms: Interagency Working Group on Human Rights and U.S. Civil and *Human* Rights Commission

Recent calls for a revived Interagency Working Group on Human Rights and a transformed and strengthened U.S. Civil and *Human* Rights Commission would go a long way towards ensuring that human rights are built into the baseline of government, and that the U.S. takes a coordinated and effective approach to human rights compliance.⁸⁰ These two mechanisms would support a coordinated approach in which the federal government works closely with states and localities, including through the work of their human rights and human relations commissions.

First, an Interagency Working Group on Human Rights would serve as a focal point within the federal government to ensure coordination among all of the federal agencies and departments around human rights issues. In 1998, former President Clinton created the Interagency Working Group on the Implementation of Human Rights Treaties to under-

take a range of functions to oversee domestic implementation of the various UN treaties ratified by the United States.⁸¹ The Interagency Working Group was essentially dismantled during the Bush administration.⁸² A revived Working Group could improve on the Clinton-era version by including more relevant agencies and departments, and expanding its mandate to require, *inter alia*, that it coordinate with state and local governments.⁸³

Second, reforming the current U.S. Civil Rights Commission by restructuring it and transforming it into a U.S. Civil and *Human* Rights Commission, would establish an independent and non-partisan entity that would include as part of its mandate an examination of the United States' compliance with international treaties and other international human rights obligations. National human rights commissions around the world monitor and promote governments' compliance with human rights obligations by: conducting research; drafting reports, opinions and recommendations; issuing proposals to harmonize legislation and policies with human rights obligations; engaging in human rights education work; contributing human rights reports to international and regional treaty bodies; and receiving complaints on possible human rights violations. While the complaint function may not necessarily be tied into a judicial process, it may uncover issues that deserve attention and study, and lead to recommendations for critically needed changes in the relevant laws, policies and practices.

Similarly, a U.S. Commission on Civil and Human Rights would improve on the current U.S. Civil Rights Commission by expanding its mandate to examine U.S. compliance with international treaties, in addition to its current mandate to examine compliance with legal obligations that affect civil rights. A reformed and strengthened U.S. Civil and Human Rights Commission would be empowered to: issue reports and recommendations to the executive branch and Congress; contribute to the reports the United States submits to international bodies; develop programs for teaching and training on human rights issues; and conduct investigations and hearings into human rights complaints.⁸⁴

Strategies for Successful Engagement of State and Local Human Rights and Human Relations Commissions

These structures—a reconstituted Interagency Working Group on Human Rights and a transformed U.S. Civil and Human Rights Commission—can provide critical support for human rights compliance at the state and local level. Indeed, to be effective, they must work in close coordination with, and indeed support the work of, state and local efforts to ensure broad civil and human rights compliance, through dedicated staff, education and training, and funding.

Dedicated Staff

First, federal implementing and monitoring bodies should have staff dedicated to liaising and coordinating with states and municipalities, specifically through their human rights and human relations commissions and other relevant state and local officials. For example, the U.S. Civil and Human Rights Commission should have dedicated staff charged with:⁸⁵

- receiving reports, suggestions and recommendations from state and local human rights and human relations commissions, and other relevant state and local officials, on matters falling within the jurisdiction of the U.S. Commission;
- soliciting input from and consulting with state and local human rights and human relations commissions and other relevant state and local agencies on reports to international and regional human rights bodies;
- initiating and forwarding advice and recommendations to state and local commissions and other relevant state and local officials on matters that the Commission has studied or on observations or reports received from international and regional human rights bodies;
- assisting the state and local commissions and other relevant state and local officials in their own efforts to:
 - collect information and report on human rights compliance at the state and local level, and analyze data to determine where compliance is strong, and where it needs improvement;
 - organize and hold hearings on issues of state and local concern, including state and local policy in light of the Commission’s own findings and/or Concluding Observations issued by international and regional human rights bodies;

- engage in educational efforts with the public and with state and local agencies to raise awareness of international human rights standards;
- identify best practices in other jurisdictions for human rights compliance and implementation;
- assist in drafting and/or supporting recommendations and guidance encouraging, permitting or requiring governmental agencies to take international human rights standards into account in creating new policies and legislation; and
- convene and work with key partners (police, schools, local NGOs and community members) to implement, via training, education and other means, the institutional changes recommended by the U.S. Commission or international bodies.

Education and Training

Through the Interagency Working Group on Human Rights and a U.S. Commission on Civil and Human Rights, the federal government should also mandate and offer guidance on training regarding civil and human rights, including governments’ obligations under civil rights statutes, human rights treaties ratified by the United States and relevant international, regional and national human rights mechanisms. Specifically, these institutions should provide training and guidance for key staff of state and local human rights commissions and other relevant agencies to help develop an understanding of the obligations that state and municipal governments are expected to undertake, to assist with data collection and analysis, and to facilitate dialogue with international and regional human rights bodies.⁸⁶

The U.S. Commission should facilitate ongoing transmittal of relevant policy changes to these agencies, including any changes in human rights obligations, any relevant decisions by monitoring bodies, the results of treaty review processes and changes in domestic legislation. Because most of the local agencies that would be best positioned to implement these changes in law, policy and practice are not under ongoing federal supervision, the Commission would play an important role in engaging those at the local level to effectuate needed changes. The U.S. Commission should also engage in ongoing discussions of the implications of these evolving norms in the work of local officials.

A U.S. Commission on Civil and Human Rights could also take a lead role, in conjunction with relevant federal agencies,

in working with state and local commissions and other state and local officials to help U.S. delegations prepare for international human rights conferences and disseminate the declarations or plans of action to the appropriate government bodies.

Likewise, the Commission could play a role in working with state and local commissions to prepare for official mission site visits from international and regional human rights experts. When UN officials such as the Special Rapporteur on Racism have come to visit the United States, state and local human rights commissions have had a very limited awareness of their visits and how they could be used to help engage communities on critical issues, missing important opportunities to advance human rights at home. The Commission should conduct education with the local commissions and other relevant agencies of state and local government before such visits and help them take full advantage of international experts' presence while they are in the United States. This will enable state and local human rights and human relations commissions to share their expertise about local challenges and initiatives, thereby amplifying and deepening knowledge that international experts and officials gain about best practices, and perhaps inspiring solutions elsewhere in the United States or around the world.

Funding

The federal government should also provide financial support for state and local governments to engage in civil and human rights implementation and compliance. Specifically, a U.S. Commission on Civil and Human Rights could be authorized and funded to distribute and oversee a federal grants program supporting state and local agencies and community based non-governmental agencies in their efforts to undertake

civil and human rights education, monitoring, reporting and enforcement efforts.

There are several models for such a grants program. The federal EEOC already contracts with state and local human rights and human relations commissions (Fair Employment Practice Agencies) to enforce federal anti-discrimination laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 and the Americans with Disabilities Act of 1990.⁸⁷ This enables state and local agencies to manage federal claims of discrimination through work sharing agreements with the federal government. A U.S. Commission on Civil and Human Rights could enter into similar contracts with state and local human rights and human relations commissions to engage in periodic monitoring, reporting and data analysis under the human rights treaties ratified by the United States.

Similarly, the Department of Housing and Urban Development Fair Housing Initiatives Program (FHIP) provides grants to state and local human rights commissions to conduct fair housing education and outreach.⁸⁸ A U.S. Commission on Civil and Human Rights could issue similar grants to state and local agencies to develop and engage in general human rights education and training for the public, as well as education of state and local officials. Such education and training would include information on relevant civil and international human rights standards, and international, regional and national human rights mechanisms that are set up to monitor and enforce human rights. Training would also focus on assisting staff within state and local commissions with collecting and analyzing data and reporting on how well their jurisdictions are complying with civil rights laws and human rights treaties.

The United States was founded on the idea that all people are endowed with inalienable rights, and that principle has allowed us to work to perfect our union at home while standing as a beacon of hope to the world. Today, that principle is embodied in agreements Americans helped forge—the Universal Declaration of Human Rights, the Geneva Conventions, and treaties against torture and genocide—and it unites us with people from every country and culture.

When the United States stands up for human rights, by example at home and by effort abroad, we align ourselves with men and women around the world who struggle for the right to speak their minds, to choose their leaders, and to be treated with dignity and respect. We also strengthen our security and well being, because the abuse of human rights can feed many of the global dangers that we confront—from armed conflict and humanitarian crises, to corruption and the spread of ideologies that promote hatred and violence.

—Statement of then President-elect Barack Obama on Human Rights Day, December 10, 2008.

Another potential model is the Safe Schools/Healthy Students Initiative Grants, a collaboration of the U.S. Departments of Education, Health and Human Services, and Justice.⁸⁹ The program is a discretionary grant program providing students, schools and communities with federal funding to implement comprehensive and integrated programs focusing on promoting healthy childhood development and preventing violence and alcohol and other drug use. The program, which requires coordination with community based organizations, promotes collaborative initiatives by encouraging key local educational agencies, local law enforcement agencies, public mental health authorities and juvenile justice agencies to apply jointly for federal funding to support a variety of activities and services. A U.S. Commission on Civil and Human Rights could similarly invite state and local human rights and human relations commissions and other state and local agencies to partner with community organizations and other members of civil society to create more integrated approaches to civil and human rights education and compliance.

An additional model, developed by Harvard Kennedy School's Christopher Stone, in conjunction with the Harvard Executive Sessions on Human Rights Commissions and Criminal Justice, would provide federal support to promote and strengthen human rights by developing relationships of mutual trust and respect between local residents and local police.⁹⁰ The proposal calls for establishing a new Office of Human Rights and Law Enforcement Partnerships within the U.S. Department of Justice. The Office would be tasked with providing funding to encourage and develop partnerships between local human rights commissions and law enforcement agencies, providing technical assistance and training, and developing national conferences and research on human rights partnerships.

These are just a few ways that the federal government can and should support the efforts and utilize the resources, relationships and expertise of state and local human rights and human relations commissions and other relevant state and local agencies as they seek to ensure broad civil and human rights compliance.

Conclusion

International human rights standards and strategies provide powerful tools for affirming and promoting the dignity and equality of all people and ensuring that everyone is able to fulfill his or her basic needs, as well as realize his or her full potential. These internationally recognized norms are central to the mission of state and local human rights and human relations agencies as they work to ensure opportunity and equality for everyone in their communities. Thus, with the necessary support, state and local agencies can play an instrumental role in ensuring that the human rights ideals that the United States was founded upon are reflected and realized at every level of government and accessible for all individuals.

Endnotes

- 1 Eleanor Roosevelt, Remarks to the United Nations Commission on Human Rights (Mar. 27, 1958).
- 2 For a detailed account and analysis of the history of human rights in the United States, see volumes one and two of *Bringing Human Rights Home* (Cynthia Soohoo, Catherine Albisa & Martha Davis eds., 2007).
- 3 The Opportunity Agenda, “Human Rights in the U.S.: Opinion Research with Advocates, Journalists, and the General Public” 3 (2007), available at http://www.opportunityagenda.org/files/field_file/Human%20Rights%20Report%20-%202007%20public%20opinion.pdf.
- 4 *Id.* at 3-4.
- 5 See generally Tara J. Melish, “From Paradox to Subsidiarity: The United States and Human Rights Treaty Bodies,” 34 *Yale J. Int’l L.* 389 (2009).
- 6 See Martha F. Davis, “Upstairs, Downstairs: Subnational Incorporation of International Human Rights Law at the End of an Era,” 77 *Fordham L. Rev.* 411, 436 (2008); Catherine Powell, “Dialogic Federalism: Constitutional Possibilities for Incorporation of Human Rights Law in the United States,” 150 *U. Pa. L. Rev.* 245, 249 (2001); Judith Resnik, “Law’s Migration: American Exceptionalism & Federalism’s Multiple Ports of Entry,” 115 *Yale L.J.* 1564, 1581 (2006); Cynthia Soohoo & Suzanne Stolz, “Bringing Human Rights Change Home,” 77 *Fordham L. Rev.* 459, 475 (2008).
- 7 U.S. Const. art. VI, cl. 2.
- 8 See *Medellin v. Texas*, 128 S. Ct. 1346 (2008). In *Medellin*, the U.S. Supreme Court held that judgments by the International Court of Justice (ICJ) are not directly enforceable in United States courts and that the President cannot direct states to comply with a United States treaty obligation under the Vienna Convention on Consular Relations by enforcing a decision of the ICJ. The Court noted, however, that “[w]e do not suggest that treaties can never afford binding domestic effect to international tribunal judgments—only that [these particular instruments] do not do so.” *Id.* at 1364-65. The full impact of the decision, and its applicability to other human rights treaty obligations, will be determined as it is interpreted by future courts. For an exploration of possible interpretations of the decision, see “Agora: *Medellin*,” 102 *Am. J. Int’l L.* 529 (2008).
- 9 Under the Vienna Convention on the Law of Treaties, a state that has signed a treaty has an obligation “to refrain from acts which would defeat the object and purpose of [the] treaty,” unless and until that state has expressed its intention not to become a party. Vienna Convention on the Law of Treaties art. 18, Jan. 27, 1980, 1155 U.N.T.S. 331. While the United States is not a party to the Vienna Convention, the U.S. recognizes that many of the Convention’s provisions have become customary international law.
- 10 The U.S. won a seat on the Human Rights Council in 2009. Seventeen other countries were also elected or re-elected in 2009 to three-year terms on the 47-seat council.
- 11 More information is available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>.
- 12 For more information on the Inter-American Commission, visit <http://www.cidh.org>.
- 13 Universal Declaration of Human Rights, G.A. Res. 217A, at 71, U.N. GAOR, 3d Sess., 1st plen. mtg., UN Doc. A/810 (Dec. 10, 1948), available at <http://www.un.org/en/documents/udhr/>.
- 14 International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3, available at <http://www2.ohchr.org/english/law/cescr.htm>.
- 15 International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171, available at <http://www2.ohchr.org/english/law/ccpr.htm>.
- 16 International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, 660 U.N.T.S. 195, available at <http://www2.ohchr.org/english/law/cerd.htm>.
- 17 Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13, available at <http://www2.ohchr.org/english/law/cedaw.htm>.
- 18 Ratification information available at http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en.
- 19 Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3, available at <http://www2.ohchr.org/english/law/crc.htm>. The U.S. has ratified the CRC’s optional protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.
- 20 Aside from the United States, St. Lucia and Somalia are the only other two countries that have not ratified the CRC. Ratification information available at http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en.
- 21 Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 46 I.L.M. 333, available at <http://www2.ohchr.org/english/law/disabilities-convention.htm>.
- 22 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, 1465 U.N.T.S. 85, available at <http://www2.ohchr.org/english/law/cat.htm>. The U.S. has not ratified the Optional Protocol to the Convention, which establishes a system of regular visits to places of detention carried out by independent national and international bodies.
- 23 Torture Victim Protection Act of 1991 (TVPA), 28 U.S.C. § 1350 (2000).

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- 24 International Convention for the Protection of All Persons from Enforced Disappearance, Dec. 20, 2006, U.N. Doc. A/RES/61/177, *available at* <http://www2.ohchr.org/english/law/disappearance-convention.htm>.
 - 25 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, Dec. 18, 1990, 2220 U.N.T.S. 93, *available at* <http://www2.ohchr.org/english/law/cmww.htm>.
 - 26 Charter of the Organization of American States, Apr. 30, 1948, 2 U.S.T. 2394, 119 U.N.T.S. 3, *available at* <http://www.oas.org/juridico/English/charter.html>.
 - 27 American Declaration of the Rights and Duties of Man, O.A.S. Res. XXX, OEA/ser.L./V./II.23, doc. 21 rev. 6 (May 2, 1948), *available at* <http://www.cidh.org/basicos/english/Basic2.American%20Declaration.htm>.
 - 28 See Advisory Opinion on the Juridical Condition and Rights of Undocumented Migrants, 2003 Inter-Am. Ct. H.R. (ser. A) No. 18/03 (Sept. 17, 2003), *available at* http://www1.umn.edu/humanrts/iachr/series_A.html.
 - 29 American Convention on Human Rights, Nov. 22, 1969, O.A.S.T.S. No. 36, 1144 U.N.T.S. 123, *available at* <http://www.oas.org/juridico/English/treaties/b-32.html>.
 - 30 Kenneth L. Saunders & Hyo Eun (April) Bang, "A Historical Perspective on U.S. Human Rights Commissions," Executive Session Papers: Human Rights Commissions and Criminal Justice (Marea L. Beeman ed., 2007), *available at* http://www.hrcj.org/pdfs/history_of_hrc.pdf. Because the figure includes Canadian agencies, the number of U.S. Commissions was also based on IAOHRA's lists.
 - 31 See International Association of Official Human Rights Agencies Home Page, <http://www.iaohra.org/>.
 - 32 See National Association of Human Rights Workers Home Page, <http://www.nahrw.org/>.
 - 33 See California Association of Human Relations Organizations Home Page, <http://www.cahro.org/>.
 - 34 138 Cong. Rec. 8071 (1992) (recognizing that state and local governments shall implement obligations under the ICCPR); 140 Cong. Rec. 14326 (1994) (same understanding regarding ICERD); 136 Cong. Rec. S17486 (daily ed. Oct. 27, 1990) (same understanding for CAT).
 - 35 In recognition of the role that state and local human rights and human relations commissions can play in implementing international human rights norms, Harvard University's Kennedy School of Government recently convened an Executive Session on Human Rights Commissions and Criminal Justice. Between 2006 and 2008, the Executive Session brought leaders of human rights and community relations commissions together with select police chiefs and human rights and civil rights experts to explore ways in which state and local human rights commissions can redress human rights violations that exist in the criminal justice system. The group specifically addressed issues of police misconduct, hate or bias crimes, recruitment diversity within law enforcement agencies and selective enforcement of immigration laws. For more information about the Executive Session and its recommendations and outcomes, see http://www.hrcj.org/about_project.html.
 - 36 Portland, Ore., Ordinance No. 181670 (City Council, Mar. 11, 2008), *available at* <http://www.portlandonline.com/humanrelations/index.cfm?c=50680&a=227365>.
 - 37 City of Portland, Oregon, Human Rights Commission, Bylaws (Jan. 7, 2009), *available at* <http://www.portlandonline.com/humanrelations/index.cfm?c=49504>.
 - 38 The Complaint form is available at <http://www.portlandonline.com/humanrelations/index.cfm?c=50684>.
 - 39 Though it does not have enforcement powers, the Commission is empowered to engage in education, research, advocacy and intervention through negotiation, mediation and facilitation.
 - 40 Telephone Interview by Joie Chowdhury with María Lisa Johnson, Director of the Office of Human Relations, Portland, Oregon (Feb. 20, 2009).
 - 41 City of Portland, Oregon, Office of Human Relations, Resources, <http://www.portlandonline.com/humanrelations/index.cfm?c=50684>.
 - 42 City of Portland, Oregon, Human Rights Commission, Meeting Notes (May 6, 2009), *available at* <http://www.portlandonline.com/humanrelations/index.cfm?c=49502&a=249872>.
 - 43 Telephone Interview by Sam Yospe with Marc Brenman, Former Executive Director, Washington State Human Rights Commission (Apr. 19, 2009).
 - 44 Washington State Human Rights Commission, "Farm Worker Housing and the Washington Law Against Discrimination" (2007), *available at* <http://content.knowledgeplex.org/kp2/cache/documents/17830/1783061.pdf>.
 - 45 For more information on the advocacy work leading up to the passage of the San Francisco resolution, see WILD for Human Rights, "Making Rights Real: A Workbook for Local Implementation" (2006), *available at* http://www.wildforhumanrights.org/documents/resources/making_rights_real.pdf.
 - 46 The full text of San Francisco's ordinance is provided in Appendix D-3.
 - 47 Telephone Interview by Erin Smith with Ann Lehman, Senior CEDAW Policy Analyst, San Francisco Department on the Status of Women (July 7, 2009); Telephone Interview by Erin Smith with Anu Menon, CEDAW Policy Analyst, San Francisco Department on the Status of Women (June 29, 2009).
 - 48 *Id.*
 - 49 For more analysis of the impact of the CEDAW ordinance, see WILD for Human Rights, "Respect, Protect, Fulfill: Raising the Bar on Women's Rights in San Francisco" (2008) [hereinafter WILD, Respect, Protect, Fulfill], *available at* <http://www.wildforhumanrights.org/documents/resources/respectprotect.pdf>.
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- 50 Interview with Ann Lehman, *supra* note 47.
- 51 *Id.*
- 52 WILD, Respect, Protect, Fulfill, *supra* note 49, at 7.
- 53 The full text of Chicago's resolution is provided in Appendix D-1. Chicago adopted the resolution on February 11, 2009. In doing so, Chicago joined ten other cities and five states that have passed resolutions in support of the Convention on the Rights of the Child. Cities include: Austin, TX; Cambridge, MA; Cleveland, OH; Detroit, MI; Grand Rapids, MI; Kansas City, MO; Minneapolis, MN; New York, NY; San Diego, CA and Savannah, GA. State governments include: Hawaii (2007), Rhode Island (2002), Vermont (1997), South Carolina (1992) and New York (1989). Email from Sandra Babcock, Clinical Director, Center for International Human Rights at Northwestern Law, to Erin Smith, Intern, Columbia Law School Human Rights Institute (July 21, 2009); Email from Jonathan Todres, Associate Professor of Law, Georgia State University College of Law, to Erin Smith, Intern, Columbia Law School Human Rights Institute (July 28, 2009). Eighteen states, nineteen counties and forty-seven cities have likewise passed resolutions in support of CEDAW, the Women's Convention. A full list of states, cities and counties is provided in Appendix C. Philadelphia's resolution in support of CEDAW is provided in Appendix D-2. Three cities—San Francisco, Berkeley and Los Angeles—have passed resolutions implementing the principles of CEDAW into local law.
- 54 Press Release, U.S. Human Rights Fund, "Chicago City Council Passed Resolution Supporting the Convention on the Rights for the Child" (Feb. 17, 2009), *available at* <http://www.ushumanrightsfund.org/news/chicago-city-council-passed-resolution-supporting->
- 55 Telephone Interview by Joie Chowdhury with Sandra Babcock, Clinical Director, Center for International Human Rights at Northwestern University Law School (Feb. 2009).
- 56 Telephone Interview by Joie Chowdhury with Ken Neubeck, Community Volunteer, Eugene Human Rights Commission (Feb. 23, 2009).
- 57 *Id.*
- 58 The City of Eugene's proclamation is provided in Appendix B.
- 59 Interview with Ken Neubeck, *supra* note 56.
- 60 See Los Angeles County Human Relations Commission, Hate Crime Reports, <http://lahumanrelations.org/hatecrime/hatecrimereport.htm>.
- 61 Telephone Interview by Joie Chowdhury with Robin Toma, Executive Director, LA County Human Relations Commission (Apr. 13, 2009).
- 62 *Id.*
- 63 For more information on the federal bill, the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act (H.R. 42 and S. 69), see <http://www.campaignforjusticejla.org/>. A petition was filed on behalf of Japanese Latin American former internees with the Inter-American Commission on Human Rights in June 2003, seeking remedies for the ongoing failure to provide redress for these war crimes and crimes against humanity committed during World War II. A decision by the IACHR is pending. See Campaign for Justice, What We Do: Litigation, <http://www.campaignforjusticejla.org/whatwedo/litigation.html>.
- 64 Interview with Robin Toma, *supra* note 61. Particularly applicable to the homeless is Article 25, paragraph 1 of the UDHR: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."
- 65 For more information on Concluding Observations, see Amnesty International, How to Follow Up to Treaty Body Recommendations, <http://www.amnesty.org/en/united-nations/treaty-bodies/role-of-civil-society/recommendations>.
- 66 Telephone Interview by Joie Chowdhury with Stephen Glassman, Executive Director, Pennsylvania Human Relations Commission (Feb. 25, 2009).
- 67 Report Submitted by the City of Berkeley Under Article 9 of the Convention, to the Committee on the Elimination of Racial Discrimination (June 2007).
- 68 Telephone Interview by Erin Smith with Ann Fagan Ginger, Executive Director, Meiklejohn Civil Liberties Institute (July 6, 2009); Telephone Interview by Erin Smith with Diana Bohn, Member, Berkeley Peace & Justice Commission (July 21, 2009).
- 69 Interview with Ann Fagan Ginger, *supra* note 68.
- 70 U.N. CERD Committee, Concluding Observations: United States of America, ¶ 16, U.N. Doc. CERD/C/USA/CO/6 (May 8, 2008) [hereinafter U.N. CERD Committee, Concluding Observations on the U.S.].
- 71 *Id.*
- 72 Interview with Ken Neubeck, *supra* note 56.
- 73 *Id.*
- 74 Telephone Interview by Sam Yospe with Barbara Jones, Director, Anchorage Equal Rights Commission (Apr. 6, 2009).
- 75 Telephone Interview by Joie Chowdhury with Rose Daitzman and Diane Lindsley, Co-Coordination of the Greater Milwaukee Human Rights Coalition (Feb. 22, 2009).
- 76 City of Portland, Oregon, Office of Human Relations, Resources, <http://www.portlandonline.com/humanrelations/index.cfm?c=50684>.

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- 77 Milwaukee Wis., Code of Ordinances, Volume 1, § 109-21, available at <http://cctv25.milwaukee.gov/code/volume1/ch109.pdf>; Interview with Rose Daitzman and Diane Lindsley, *supra* note 75.
- 78 Telephone Interview by Joie Chowdhury with Roslyn Solomon, Commissioner, Seattle Human Rights Commission, and Julie Nelson, Director, Seattle Office for Civil Rights (May 27, 2009).
- 79 New York, N.Y., Int. 0731-2008 (City Council, introduced Mar. 12, 2008), available at <http://webdocs.nycouncil.info/textfiles/Int%200731-2008.htm>. The bill was introduced to the New York City Council in March 2008, and assigned to the Civil Rights Committee. It currently has 26 sponsors. Email from Ejim Dike, Director, Human Rights Project, Urban Justice Center, to Risa Kaufman, Executive Director, Human Rights Institute, Columbia Law School (July 27, 2009).
- 80 See Catherine Powell, American Constitution Society for Law and Policy, “Human Rights at Home: A Domestic Policy Blueprint for the New Administration” (2008) [hereinafter *Blueprint*], available at <http://www.acslaw.org/files/C%20Powell%20Blueprint.pdf> (recommending that the new Administration “reconstitute and revitalize” the Interagency Working Group on Human Rights as a focal point for implementing human rights domestically, as well as create a monitoring body in the form of a national human rights commission). See also Leadership Conference on Civil Rights, “Restoring the Conscience of a Nation” (2009) [hereinafter *LCCR Report*], available at http://www.civilrights.org/publications/reports/commission/lccref_commission_report_march2009.pdf (recommending changing the name and mandate of the U.S. Civil Rights Commission to the U.S. Civil and *Human* Rights Commission).
- 81 Exec. Order No. 13,107, §1, 63 Fed. Reg. 68,991 (1998). Among its functions, the Working Group was charged with (1) coordinating the preparation of treaty compliance reports to international organizations, including the UN and the OAS, and the responses to contentious complaints that were lodged with these bodies; (2) overseeing a review of all proposed legislation to ensure conformity with international human rights obligations; (3) ensuring annual review of the reservations, understandings and declarations the U.S. attached to human rights treaties; and (4) considering complaints and allegations of inconsistency with or breach of international human rights obligations. *Id.* at §4(c). In addition, the group had a public education function: it was responsible for ensuring public outreach and education on human rights provisions in both treaty and domestic law. *Id.*
- 82 In 2001, President George W. Bush superseded the Working Group with a National Security Presidential Directive establishing a Policy Coordination Committee (PCC) on Democracy, Human Rights, and International Operations, directed by the Assistant to the President for National Security Affairs. The Directive transferred the duties of the Interagency Working Group to that Committee. National Security Presidential Directive 1, Organization of the National Security Council System (Feb. 13, 2001). National Security Presidential Directive 1, Organization of the National Security Council System (Feb. 13, 2001), available at <http://www.fas.org/irp/offdocs/nsdp/nsdp1-1.htm>. This Committee by all accounts was never fully operationalized.
- 83 See *Blueprint*, *supra* note 80, at Appendix B. Other proposed improvements include additional functions such as overseeing follow-up with treaty bodies once they have conducted a review of U.S. compliance; creating an open and transparent process for treaty reporting; coordinating human rights impact statements on pending legislation, regulations and budgets; coordinating with civil society, through non-governmental organizations; and including customary international law within the scope of its mandate. *Id.* at 16-18.
- 84 *Id.* at 5. See also *LCCR Report*, *supra* note 80 (setting forth recommendations for a reformed Commission).
- 85 The U.S. Civil Rights Commission currently operates State Advisory Committees in each state and six regional coordinating offices. Regardless of whether this structure is maintained, a reformed U.S. Commission on Civil and *Human* Rights should have Commission staff dedicated to the functions outlined herein.
- 86 See, e.g., U.N. CERD Committee, Concluding Observations on the U.S., *supra* note 70, at ¶ 36 (“The Committee recommends that the State party organize public awareness and education programmes on the Convention and its provisions, and step up its efforts to make government officials, the judiciary, federal and state law enforcement officials, teachers, social workers and the public in general aware about the responsibilities of the State party under the Convention, as well as the mechanisms and procedures provided for by the Convention in the field of racial discrimination and intolerance.”).
- 87 See 42 U.S.C. § 2000e-8(b) (giving the EEOC authority to cooperate with local human rights commissions, including the ability to “engage in and contribute to the cost of research and other projects of mutual interest undertaken by such agencies, and utilize the services of such agencies and their employees, and, notwithstanding any other provision of law, pay by advance or reimbursement such agencies and their employees for services rendered to assist the Commission”).
- 88 Housing and Community Development Act of 1987, 42 U.S.C. § 3616, Pub. L. No. 100-242, amended by Housing and Community Development Act of 1992, Pub. L. No. 102-550, 106 Stat. 3672.
- 89 Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, 79 Stat. 27 (codified as amended at 20 U.S.C. § 7131).
- 90 Email from Marea Beeman, Senior Research Associate, Program in Criminal Justice Policy and Management, Harvard Kennedy School, to Risa Kaufman, Executive Director, Human Rights Institute, Columbia Law School (Mar. 31, 2009).
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Appendix A: Resources and Contact Information

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www.iaohra.org

American Civil Liberties Union
National Legal Department, Human Rights Program
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www.wildforhumanrights.org

Appendix B: Eugene, Oregon Proclamation Declaring Local Commitment to Human Rights

Eugene, Or., Proclamation

(Office of the Mayor, Dec. 10, 2008).

WHEREAS: The United Nations approved the Universal Declaration of Human Rights on December 10, 1948; and

WHEREAS: The Universal Declaration is an historic document approved by the United States government; and

WHEREAS: The basic human rights addressed in the Universal Declaration include economic, social, and cultural rights, as well as civil and political rights, all considered to be equally important in fostering human dignity and freedom; and

WHEREAS: The Universal Declaration calls for all people and governments at all levels to promote and respect the rights that it recognizes, and provides a standard of achievement for governments throughout the world; and

WHEREAS: On April 21, 1999, City Council adopted Resolution No. 4589 affirming the City's commitment to assuring the human rights of all community members and pledging its adherence to the Universal Declaration; and

WHEREAS: On June 12, 2006, City Council reaffirmed the City's commitment to adhere to the Universal Declaration by adopting Resolution No. 4881; and

WHEREAS: December 10, 2008, is the 60th anniversary of the Universal Declaration of Human Rights and this anniversary is being celebrated throughout this nation and in nations across the globe,

NOW, THEREFORE, I, Kitty Piercy, Mayor of the City of Eugene, Oregon, do hereby proclaim the day of December 10, 2008, as

“CITY OF EUGENE INTERNATIONAL HUMAN RIGHTS DAY”

and encourage all people to work together with me in the coming year on ways that we can achieve greater progress in respecting, protecting, and fulfilling the full range of human rights contained in the Universal Declaration.

Appendix C: States, Cities, and Counties that have passed Resolutions about CEDAW

This list was compiled by Sarah Albert of the YWCA and Billie Heller of the National Committee on the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

States

California (twice)
 Colorado
 Connecticut (Senate)
 Florida (House)
 Hawaii
 Illinois
 Iowa
 Maine
 Massachusetts
 New Hampshire
 New York
 North Carolina
 Rhode Island (General Assembly)
 South Dakota (House)
 Vermont
 Washington (Senate)
 Wisconsin (Senate)
 West Virginia (House)
 Territory of Guam

Cities

Auburn, CA
 Avon Lake, OH
 Bay Village, OH
 Berea, OH
 Berkeley, CA
 Brook Park, OH
 Burlington, VT
 Chicago, IL
 Cleveland Heights, OH
 East Cleveland, OH
 Evanston, IL
 Fairview Park, OH

Fond du Lac, WI
 Gainesville, FL
 Highland Park, IL
 Independence, OH
 Iowa City, IA
 Lakewood, OH
 Los Angeles, CA
 Louisville, KY
 Madison, WI
 Mayfield Heights, OH
 Middleburg Heights, OH
 Milwaukee, WI
 Montpelier, VT
 N. Olmsted, OH
 New York City, NY
 Olmsted Falls, OH
 Parma Heights, OH
 Philadelphia, PA
 Pittsburgh, PA
 Portland, ME
 Redlands, CA
 Rocky River, OH
 Roseville, CA
 San Bernardino, CA
 San Diego, CA
 San Francisco, CA
 San Jose, CA
 Santa Rosa, CA
 Shaker Heights, OH
 Spokane, WA
 Strongsville, OH
 University Heights, OH
 Washington, DC
 West Hollywood, CA
 Westlake, OH

Counties

Alachua, FL
 Cook Co., IL
 Cuyahoga Co., OH
 Dade Co., FL
 Dane Co., WI
 Fayette/Lexington Co., KY
 Jefferson County Fiscal Court, KY
 Los Angeles Co., CA
 Marin Co., CA
 Milwaukee Co., WI
 Monterey Co., CA
 San Francisco Co., CA
 San Mateo Co., CA
 Santa Barbara Co., CA
 Santa Clara Co., CA
 Santa Cruz Co., CA
 Sonoma Co., CA
 Spokane Co., WA
 Ventura Co., CA

Appendix D: Supporting and Implementing International Human Rights Locally

Appendix D-1: Chicago, Illinois Resolution Supporting the CRC

Chi., IL, Resolution (City Council, Feb. 11, 2009).

WHEREAS, The City of Chicago has demonstrated a sustained commitment toward ensuring the realization of human rights for all, including rights for women, laborers, and the homeless; and

WHEREAS, The City of Chicago has high aspirations and standards for its children and families and is constantly seeking ways to improve their lives and ensure an environment that protects children's health; and

WHEREAS, The City of Chicago is one of only two U.S. cities distinguished as a UNICEF Child Friendly City; and

WHEREAS, The Convention on the Rights of the Child was adopted by the United Nations General Assembly on November 20, 1989 and became effective as an international treaty on September 2, 1990; and

WHEREAS, The Convention on the Rights of the Child is the only international human rights treaty to recognize the vital role of the family and the parent-child relationship; and

WHEREAS, The United States and Somalia are the only two countries that have not ratified the Convention on the Rights of the Child; and

WHEREAS, The adoption of the Convention on the Rights of the Child enhances Chicago's stature as a municipal leader in promoting the care and well-being of children; and

WHEREAS, The adoption of the Convention on the Rights of the Child by the City Council is consistent with Chicago's past support of securing fundamental rights for the most vulnerable; and

WHEREAS, The adoption of the Convention on the Rights of the Child affirms Chicago's commitment to protect children and promote their rights; and

WHEREAS, The Convention would provide a single, comprehensive framework which can help the Chicago city government assess and address, in a consistent manner, the rights and protections of our children; now, therefore,

BE IT RESOLVED, That we, the Mayor and Members of the City Council of the City of Chicago, assembled this eleventh day of February, 2009, do hereby affirm our support of the Convention on the Rights of the Child; and

BE IT FURTHER RESOLVED, That we will work to advance policies and practices that are in harmony with the principles of the Convention on the Rights of the Child in all city agencies and organizations that address issues directly affecting the City's children.

Appendix D-2: Philadelphia, Pennsylvania Resolution Supporting U.S. Ratification of CEDAW

Phila., Pa., Res. 980148 (City Council, Mar. 12, 1998).

Calling on the United States Senate to give its advice and consent in support of U.S. ratification of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), and further urging Pennsylvania's Senators to take an active role in support of its ratification.

WHEREAS, The United States participated in the formulation of a document entitled The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the United Nations General Assembly adopted The Convention and opened it for signature in December, 1979; and

WHEREAS, The spirit of the convention is rooted in the goals of the United Nations to affirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women, and as CEDAW provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based upon sex; and

WHEREAS, CEDAW, often known as The Women's Human Rights Treaty, obligates those countries which have ratified it to take all appropriate measures to ensure the full development and advancement of women in all spheres, as well as to modify the social and cultural patterns of conduct of men and women to eliminate prejudice, customs, and all other practices based on the idea of inferiority or superiority of either sex; and

WHEREAS, To date, 161 countries, representing over half of the world's countries, have ratified The Convention and yet the United States has not done so; and

WHEREAS, There is precedent for the City of Philadelphia, as the home of the Liberty Bell and Independence Hall, to take a strong stand against all forms of discrimination, particularly discrimination against women, in that our Fair Practices Ordinance prohibits discrimination on the basis of race, color, sex, sexual orientation, religion, national ancestry, age or handicap in housing, public accommodations and employment; and

WHEREAS, The Constitution of our Commonwealth of Pennsylvania has spoken clearly for the equality of all its citizens regardless of sex in its equal rights amendment; and

WHEREAS, State and local governments have an appropriate and legitimate role in affirming the importance of international law in our own communities as a universal norm and to serve as guides for public policy; and

WHEREAS, As one the oldest continuous democracies in the world it is an embarrassment that the United States has not ratified The Convention; and

WHEREAS, The United States' avoidance of ratifying CEDAW compromises our credibility and deprives the international community of our vast experience in combating discrimination; and

WHEREAS, Ratifying The Women's Human Rights Treaty provides a unique opportunity to show the connections between effective and principled democratic governance and the eradication of all forms of discrimination; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That we hereby call on the United States Senate to give its advice and consent in support of U.S. ratification of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and further urge Pennsylvania's Senators to take an active role in support of its ratification.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to every member of the United States Senate as evidence of this Council's strong commitment to universal human rights.

Appendix D-3: San Francisco, California Ordinance Implementing CEDAW Locally

S.F., Cal., SF CEDAW Ordinance, Ch. 12K (Board of Supervisors, 1998).

Local implementation of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)

Chapter 12K

Sec. 12K.1. Findings.

Sec. 12K.2. Definitions.

Sec. 12K.3. Local Principles of CEDAW.

Sec. 12K.4. Implementation of the Principles of CEDAW in San Francisco.

Sec. 12K.6. Summary of CEDAW.

Sec. 12K.1. Findings.

The Board of Supervisors of the City and County of San Francisco hereby finds and declares as follows:

- (a.) The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), an international human rights treaty, provides a universal definition of discrimination against women and brings attention to a whole range of issues concerning women's human rights. Countries that ratify CEDAW are mandated to condemn all forms of discrimination against women and girls and to ensure equality for women and girls in the civil, political, economic, social and cultural arenas. The United Nations General Assembly adopted CEDAW in 1979 and President Carter signed the treaty on behalf of the United States in 1980, but the United States Senate has not yet ratified CEDAW.
- (b.) On October 30, 1997, a consortium of community organizations, the Commission on the Status of Women, the Human Rights Commission and Board of Supervisors President Barbara Kaufman held a hearing on the local implications of CEDAW. The testimony at the hearing demonstrated that women and girls continue to face discrimination in the areas of economic development and employment, violence against women and girls, and health care. On November 10, 1997, the Board of Supervisors adopted Resolution No. 1021-97, supporting the local implementation of the underlying principles of CEDAW and urging the United States Senate to ratify CEDAW. On November 17, 1997, Mayor Willie Brown approved Resolution No. 1021-97.
- (c.) There is a continued need for the City and County of San Francisco to protect the human rights of women and girls by addressing discrimination, including violence, against them and to implement, locally, the principles of CEDAW. Adherence to the principles of CEDAW on the local level will especially promote equal access to and equity in health care, employment, economic development and educational opportunities for women and girls and will also address the continuing and critical problems of violence against women and girls. There is a need to analyze the operations of City departments, policies and programs to identify discrimination in, but not limited to, employment practices, budget allocation and the provision of direct and indirect services and, if identified, to remedy that discrimination. In addition, there is a need to work toward implementing the principles of CEDAW in the private sector.
- (d.) There is a need to strengthen effective national and local mechanisms, institutions and procedures and to provide adequate resources, commitment and authority to: (1) advise on the impact of all government policies on women and girls; (2) moni-

tor the situation of women comprehensively; and (3) help formulate new policies and effectively carry out strategies and measures to eliminate discrimination. The Commission on the Status of Women shall be designated as the implementing and monitoring agency of CEDAW in the City and County of San Francisco.

- (e.) In April 1998, the City and County of San Francisco originally enacted his ordinance implementing the principles underlying CEDAW. In 1998, City officials and community representatives formed a CEDAW Task Force. In 1999, he CEDAW Task Force and the Commission on the Status of Women developed “Guidelines for a Gender Analysis,” a set of guidelines to assist City departments in implementing the local principles of CEDAW. In 1999, two City departments used the Guidelines to analyze their departments. The resulting report, “A Gender Analysis: Implementing the Convention on the Elimination of All Forms of Discrimination against Women” (November 1999) demonstrated a continuing need to work on elimination of discrimination against women. The Report further revealed that discrimination based on gender is interconnected and often overlaps with discrimination based on race and other criteria.
- (f.) The Report called on the City and County of San Francisco and its departments to:
 - (1.) Increase education in human rights with a gender perspective;
 - (2.) Expand the collection of data disaggregated by gender, race and other traits; and
 - (3.) Create a more fair and equitable workplace by increasing effective recruitment efforts for a diverse workforce, providing meaningful family friendly policies to retain employees and increasing professional development and training opportunities for all employees. The Report revealed the need to analyze policies, procedures and programs on a Citywide, in addition to, department level. Both the Report and the department human rights trainings revealed the need to consider the intersection of gender and race in particular recognizing the unique experiences of women of color. (Added by Ord. 128-98, App. 4/13/98; amended by Ord. 325-00, File No. 001920, App. 12/28/2000)

Sec. 12K.2. Definitions.

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

- (a.) “City or City and County” shall mean the City and County of San Francisco.
- (b.) “Commission” shall mean the Commission on the Status of Women.
- (c.) “Disaggregated data” shall mean information collected and analyzed by enumerated categories in order to identify the disparities existing between women and men. These categories shall include, to the extent permitted by law, sex, race, immigration status, parental status, language, sexual orientation, disability, age and other attributes.
- (d.) “Discrimination against women” shall include, but not be limited to, any distinction, exclusion or restriction made on the basis of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty by family, community or government.
- (e.) “Gender” shall mean the way society constructs the difference between women and men, focusing on their different roles, responsibilities, opportunities and needs, rather than their biological differences.
- (f.) “Gender analysis” shall mean an examination of the cultural, economic, social, civil, legal and political relations between women and men within a certain entity, recognizing that women and men have different social roles, responsibilities, oppor-

tunities and needs and that these differences, which permeate our society, affect how decisions and policy are made.

- (g.) “Gender equity” shall mean the redress of discriminatory practices and establishment of conditions enabling women to achieve full equality with men, recognizing that needs of women and men may differ, resulting in fair and equitable outcomes for both.
- (h.) “Human rights” shall mean the rights every individual possesses that are intended to improve the conditions in society that protect each person’s dignity and well-being and the humanity of all people.
- (i.) “Racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. (Added by Ord. 325-00, File No. 001920, App. 12/28/2000. Former Sec. 12K.2 renumbered as Sec. 12K.3 by Ord. 325-00)

Sec. 12K.3. Local Principles of CEDAW.

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

(a.) Economic Development.

- (1.) The City shall take all appropriate measures to eliminate discrimination against women and girls in the City of San Francisco in employment and other economic opportunities, including, but not limited to, ensuring:
 - (A.) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment and the right to receive access to and vocational training for nontraditional jobs;
 - (B.) The right to promotion, job security and all benefits and conditions of service, regardless of parental status, particularly encouraging the appointment of women to decision making posts, City revenue generating and managing commissions and departments, and judicial positions;
 - (C.) The right to equal remuneration, including benefits and to equal pay in respect to work of equal value;
 - (D.) The right to the protection of health and safety in working conditions, including supporting efforts not to purchase sweatshop goods, regular inspection of work premises, and protection from violent acts at the workplace.
- (2.) The City shall encourage and, where possible, fund the provisions of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child care facilities, paid family leave, family-friendly policies and work-life balance.
- (3.) The City shall encourage the use of public education and all other available means to urge financial institutions to facilitate women’s access to bank accounts, loans, mortgages, and other forms of financial services.

(b.) Violence Against Women and Girls.

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- (1.) The City shall take and diligently pursue all appropriate measures to prevent and redress sexual and domestic violence against women and girls, including, but not limited to:
 - (A.) Police enforcement of criminal penalties and civil remedies, when appropriate;
 - (B.) Providing appropriate protective and support services for survivors, including counseling and rehabilitation programs;
 - (C.) Providing gender-sensitive training of City employees regarding violence against women and girls, where appropriate; and
 - (D.) Providing rehabilitation programs for perpetrators of violence against women or girls, where appropriate. The City shall not discriminate on the basis of race, ethnicity, culture, language or sexual orientation, when providing the above supportive services.
 - (2.) It shall be the goal of the City to take all necessary measures to protect women and girls from sexual harassment in their places of employment, school, public transportation, and any other places where they may be subject to harassment. Such protection shall include streamlined and rapid investigation of complaints.
 - (3.) Prostitutes are especially vulnerable to violence because their legal status tends to marginalize them. It shall be the policy of San Francisco that the Police Department diligently investigate violent attacks against prostitutes and take efforts to establish the level of coercion involved in the prostitution, in particular where there is evidence of trafficking in women and girls. It shall be the goal of the City to develop and fund projects to help prostitutes who have been subject to violence and to prevent such acts.
 - (4.) The City shall ensure that all public works projects include measures, such as adequate lighting, to protect the safety of women and girls.
 - (5.) It shall be the goal of the City to fund public information and education programs to change traditional attitudes concerning the roles and status of women and men.
- (c.) Health Care.
- (1.) It shall be the goal of the City to take all appropriate measures to eliminate discrimination against women and girls in the field of health care in order to ensure, on a basis of equity, information about and access to adequate health care facilities and services, according to the needs of all communities, regardless of race, ethnicity, culture, language, and sexual orientation, including information, counseling and services in family planning.
 - (2.) It shall be the goal of the City to ensure that women and girls receive appropriate services in connection with prenatal care, delivery, and the post-natal period, granting free services where possible, as well as adequate nutrition during pregnancy and lactation.
- (d.) In undertaking the enforcement of this ordinance, the City is assuming a undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury. (Formerly Sec. 12K.2; added by Ord. 128-98, App. 4/13/98; renumbered and amended by Ord. 325-00, File No. 001920, App. 12/28/2000)

Sec. 12K.4. Implementation of the Principles of CEDAW in San Francisco.

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

- (b.) Gender Analysis and Action Plan. As a tool for determining whether the City is implementing the local principles of CEDAW and/or discriminating against women and girls, selected City departments, programs, policies, and private entities to the extent permitted by law, shall undergo a gender analysis and develop an Action Plan. The gender analysis shall be conducted according to guidelines developed by the CEDAW Task Force and Commission. The gender analysis shall include:
- (i.) the collection of disaggregated data;
 - (ii.) an evaluation of gender equity in the entity's operations, including its budget allocations, delivery of direct and indirect services and employment practices and
 - (iii.) the entity's integration of human rights principles and the local principles of CEDAW as set forth in section 12K.3. Upon completion of the gender analysis, the entity shall develop an Action Plan that contains specific recommendations on how it will correct any identified deficiencies and integrate human rights principles and the local principles of CEDAW into its operations.
- (1.) The CEDAW Task Force shall identify the City departments, programs, policies, and entities, to undergo the gender analysis and shall develop timelines for completion of the analyses and Action Plans. In the absence of Task Force action, the Commission shall make the selections.
 - (2.) The Commission shall train the selected department, entity, policy or program staff to conduct its gender analysis and shall provide technical assistance to the entity throughout the gender analysis process and development of the Action Plan.
 - (3.) Each department or entity undergoing a gender analysis shall designate a management and/or executive level employee to serve as a liaison to the Commission and
 - (4.) Each department or entity undergoing a gender analysis shall provide a report on its gender analysis and its Action Plan to the CEDAW Task Force and the Commission, which shall review, analyze and comment on the report and forward it to the Board of Supervisors and the Mayor.
 - (5.) The Commission shall monitor the implementation of each department or entity's Action Plan.
- (c.) Five-year Citywide Action Plan. Provided sufficient funds are available, the Commission and the CEDAW Task Force shall jointly develop a five-year Citywide Action Plan. The Citywide Action Plan shall address how to integrate human rights principles into the City's operations, how to further implement the local principles of CEDAW as described in Section 12K.3, any and all deficiencies found in the gender analyses and the measures recommended to correct those deficiencies. The Commission and the CEDAW Task Force shall present the Action Plan to the Mayor and the Board of Supervisors on or before December 30, 2002. The Board of Supervisors Committee responsible for considering the City's budget shall hold a hearing to receive the Citywide Action Plan and public comment thereon. The Commission shall monitor the implementation of the Citywide Action Plan. (Formerly Sec. 12K.3; added by Ord. 128-98, App. 4/13/98; renumbered and amended by Ord. 325-00, File No.001920, App. 12/28/2000)

Sec. 12K.5. CEDAW Task Force.

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

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- (c.) Powers and Duties. The Task Force shall have all powers and duties necessary to carry out the local implementation of CEDAW as described in Section 12K.4.
- (d.) Membership and Organization.
- (1.) The members of the Task Force shall be as follows:
 - (A.) The President of the Human Rights Commission or her or his designee;
 - (B.) A staff member from the Mayor's Office knowledgeable about the City's budget, to be designated by the Mayor;
 - (C.) The head of the Department of Human Resources or her or his designee;
 - (D.) The President of the Board of Supervisors or her or his designee;
 - (E.) The President of the Commission or her or his designee;
 - (F.) Six members from the community to be appointed by the Commission, as follows:
 - (i.) Two representatives shall work in the field of international human rights and be knowledgeable about CEDAW,
 - (ii.) One representative shall be knowledgeable about economic development, including employment issues,
 - (iii.) One representative shall be knowledgeable about health care issues,
 - (iv.) One representative shall be knowledgeable about violence against women, and
 - (v.) One representative shall be knowledgeable about City unions and experienced in women's issues.
 - (2.) The Task Force shall convene by June 1, 1998.
 - (3.) The Task Force shall expire on December 31, 2002, unless its powers are renewed by the Board of Supervisors. When the Task Force expires, the Commission shall take on the leadership and responsibilities previously designated to the Task Force.
 - (4.) All appointed members of Task Force shall serve at the pleasure of their appointing authorities. The term of each community member of the CEDAW Task Force shall be for two years; provided however, that the initial members shall, by lot, classify their terms so that three members shall serve a two-year term and two members shall serve a three-year term. Subject to the expiration of the Task Force, their successors shall be appointed for a two-year term; provided, however, that any member may be reappointed for consecutive terms.
- (e.) Alternate members. An alternate may be designated for each member. Ex officio members enumerated in Subsection (d)1(A)-(E) may designate a person to serve as her or his alternate. The Commission may appoint alternate members for those community members enumerated in Subsection (d)1(F). The term of office of the alternate shall be the same as that of the regular member. When the regular member is not present at the meeting of the Task Force, the alternate may act as the regular member and shall have all the rights, privileges, and responsibilities of the regular member.
- (f.) Attendance requirement. The President of the Commission, or her or his designee, shall monitor the attendance of the Task Force. In the event that any community member, enumerated in Subsection (d)1(F), and her or his alternate miss three regularly scheduled meetings of the Task Force without the prior notice to the Task Force, the President or her or his designee shall certify in writing to the Commission that the member and alternate have missed three meetings. On the date of such certification, the member and alternate shall be deemed to have resigned from the Task Force. The President or her or his designee shall notify the Commission of the resignation and request the appointment of a new member and alternate. (Formerly Sec. 12K.4; added by Ord. 128-98, App. 4/13/98; renumbered and amended by Ord. 325-00, File No. 001920,
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App. 12/28/2000)

Sec. 12K.6. Summary of CEDAW.

- Article 1.** Defines discrimination against women as any “distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of marital status, on the basis of equality between men and women, of human rights or fundamental freedom in the political, economic, social, cultural, civil, or any other field.”
- Article 2.** Mandates concrete steps, implementing laws, policies and practices to eliminate discrimination against women and embody the principle of equality.
- Article 3.** Requires action in all fields—civil, political, economic, social, and cultural—to advance the human rights of women.
- Article 4.** Permits affirmative action measures to accelerate equality and eliminate discrimination.
- Article 5.** Recognizes the role of culture and tradition, and calls for the elimination of sex role stereotyping.
- Article 6.** Requires suppression of traffic in women and exploitation of prostitutes.
- Article 7.** Mandates ending discrimination against women in political and public life.
- Article 8.** Requires action to allow women to represent their governments internationally on an equal basis with men.
- Article 9.** Mandates that women will have equal rights with men to acquire, change or retain their nationality and that of their children.
- Article 10.** Obligates equal access to all fields of education and the elimination of stereotyped concepts of the roles of men and women.
- Article 11.** Mandates the end of discrimination in the field of employment and recognizes the right to work as a human right.
- Article 12.** Requires steps to eliminate discrimination from the field of health care, including access to family planning. If necessary, these services must be free of charge.
- Article 13.** Requires that women be ensured equal access to family benefits, bank loans, credit, sports and cultural life.
- Article 14.** Focuses on the particular problems faced by rural women.
- Article 15.** Guarantees equality before the law and equal access to administer property.
- Article 16.** Requires steps to ensure equality in marriage and family relations.
- Article 17.** Calls for the establishment of a committee to evaluate the progress of the implementation of CEDAW.
- Article 18-30.** Set forth elements of the operation of the treaty. (Formerly Sec. 12K.5; added by Ord. 128-98, App. 4/13/98; renumbered by Ord. 325-00, File No. 001920, App. 12/28/2000).

