

February 15, 2019

Nathalie Pouvrez
Chief, Rule of Law and Democracy
Office of the UN High Commissioner for Human Rights

Dear Ms. Pouvrez,

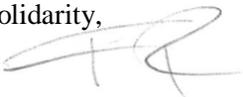
On behalf of a broad coalition of civil society organizations, academic institutions, and government offices and agencies throughout Santa Clara County in California, United States, please find a joint response to your letter of December 13, 2018, in which you request input for the report required under Human Rights Council resolution 39/7 on Local Governments and Human Rights.

This joint submission highlights the following actions taken by local city and county governments in and within the County of Santa Clara (SCC) to promote and protect human rights:

1. **Adoption of a “Human Rights City” resolution** by the Mountain View city council in December of 2017, followed by the **implementation of a pilot program** that seeks to apply a human rights lens to city projects.
2. **Adoption of a CEDAW ordinance** in December of 2017 and subsequent **creation of a CEDAW Task Force** by the Board of Supervisors of the county.
3. **Publication in 2018 of an official report** that addresses homelessness in the county through a gender and human right lens.
4. **Adoption in 2018 of a resolution** by the Board of Supervisors of SCC recognizing December 10th as “Human Rights Day” and the county as a “Human Rights County”.
5. **Development of the capacity of local Human Rights Commissions** to analyze and report on the human rights implications of local policies or practices, including the use of pepper spray on juveniles in detention, living wage policies, and county jail conditions.

All of these actions have been developed in coordination between several partners, in particular the Board of Supervisors of SCC, the Office of Women’s Policy of SCC, the Human Rights Commission of SCC, the Commission on the Status of Women of SCC, the Human Rights Collaborative at San Jose State University, and the International Human Rights Clinic at Santa Clara University.

In solidarity,



Francisco J. Rivera Juaristi
Director, International Human Rights Clinic
Associate Clinical Professor, School of Law

Attachments: (1) Letter and (2) report from the Human Rights Collaborative at San Jose State University. (3) Santa Clara County Human Rights Day Resolution

I. Introduction

In its resolution 39/7 on Local Governments and Human Rights, the Human Rights Council asked the Office of the High Commissioner for Human Rights (OHCHR) to prepare a report on “effective methods to foster cooperation between local government and local stakeholders for the effective promotion and protection of human rights at their level through local government programmes.” In a letter dated December 13, 2018, OHCHR requested civil society to submit information relevant to the report mandated under resolution 39/7.

The following information is a summary of actions taken by and between civil society organizations, academic institutions, and local city and county governments in and within the County of Santa Clara (SCC) in California, the United States, to promote and protect human rights locally.

The County of Santa Clara is located in the Bay Area of California, south of San Francisco, and is known as the home of Silicon Valley. The county is one of the most populous in the United States, with an estimated population of almost 2 million. In addition to the actions highlighted below, the County of Santa Clara has also demonstrated its leadership as a human rights county by adopting a [Women’s Bill of Rights](#) and by being the [first county in the nation](#) to establish an Office of LGBTQ Affairs, in addition to establishing an Office of Immigrant Relations, Office of Women’s Policy, and Office of Cultural Competency.

II. Adoption of a “Human Rights City” resolution by the Mountain View City Council

The City of Mountain View is located within the County of Santa Clara. On December 2017, Mountain View city council members approved a [resolution](#) designating Mountain View as a “Human Rights City.” The resolution was proposed and drafted by the city’s Human Relations Commission, with the support and assistance of the International Human Rights Clinic at Santa Clara Law and the Human Rights Collaborative at San Jose State University.

The resolution adopts the United Nation’s 1948 Universal Declaration of Human Rights as guiding principles for “the laws, practices, and policies carried out with and on behalf of the residents of Mountain View.” According to the resolution “the City aspires to be a leader among cities in advancing human rights and human dignity [by] explicitly embracing the principles of equality, inclusion, respect, involvement, and the recognition of human dignity.” Furthermore, the resolution states, “a Human Rights City is one whose residents and local authorities, through regular discussions and creative exchanges of ideas, come to understand that human rights, when widely known as a way of life, assist in identifying the issues and informs the actions in our community for meaningful social change.”

On April 3, 2018, the City of Mountain View also voted to approve a pilot program to conduct a human rights impact assessment of city projects. The pilot program identifies three specific city projects that would be well-suited for a human rights impact assessment. According to the City Council staff [report](#), the projects identified align well with the following four issues of concern highlighted by the city’s Human Relations Commission: (1) housing displacement; (2) housing affordability; (3) social equity, and (4) economic prosperity.

By becoming a Human Rights City, Mountain View joined dozens of cities around the U.S. and throughout the world that have passed similar resolutions, including Pittsburgh, PA; Boston, MA, and Washington, D.C. The growing movement of Human Rights Cities across the U.S. has led to the creation of a National Human Rights City Network, which is an initiative of the US Human Rights Network (USHRN) that works to advance effective models and practices for local implementation of human rights.

View Mayor Pat Showalter stated during the City Council’s debate of the proposed resolution, “at this time, we need to stand up and say that human rights are very important (...) and are part of the founding documents of our nation.” This resolution, “and human rights in general,” said Councilmember Lenny Siegel, “have become much more important to us in the wake of the national election.” “We have to observe human rights,” he added, “and I am hoping we can figure out a way to use the adoption of the Declaration as a way to help us figure out how to address the incoming threats that most of us are expecting as a result of the national election. (...) I think Mountain View can be a leader in defending [human rights].” “There is a tremendous amount of concern in the community. [President-elect Trump] has expressed complete disdain and disregard for core human rights”, said Vice Mayor Ken S. Rosenberg during the debate, adding that this resolution is a symbolic gesture that affirms the city’s rejection of such discriminatory discourse.

The resolution to declare Mountain View a “Human Rights City” was approved with five votes in favor and two against. It is important to highlight the arguments of those who opposed this initiative, as other government officials may share similar perspectives. Consider the following exchange¹ between Councilmember John Inks and Councilmember Ken Rosenberg (the person primarily responsible for this resolution):

- **Councilmember Inks:** “I guess I am biased by my American history and the principles that we have in this country, which are based on liberty and freedom, including economic freedom. [...] This resolution [...] is a springboard for a UN-style sort of governance and economic policy. [...] Basically, it is a manifesto for socialism, as opposed to the American tradition, which is based on constitutional principles, rule of law, economic liberty, and personal freedom, and not what is in the UN document (the UDHR).”
- **Councilmember Rosenberg:** “Are you saying this (the UDHR and the resolution) subverts our laws?”
- **Councilmember Inks:** “It is contrary to American tradition.”
- **Councilmember Rosenberg:** “American tradition supports human rights.”
- **Councilmember Inks:** “Ultimately, the UN principles get down to designing the desired political system, which is a socialist system, so I won’t be supporting the resolution.”

¹ A video recording of the City Council’s session can be accessed [here](#), with the relevant discussion taking place from the 4hr 31min mark through the 5hr 28min mark.

The frustration on Councilmember Rosenberg’s face was unmistakable. Councilmember (and former mayor) John McAlister also voted against the resolution. He said, “This UN deal [...] for me, it’s too much. There could be some unknowns in there, and I have a feeling this could come bite us in the rear end sometime. [...] I will not be supporting the idea of becoming a Human Rights City, but I would be willing to recommend that we consider implementing some framework – not necessarily a human rights framework – but a policy that incorporates human dignity and respect for all.”

These exchanges highlight how the human rights message is often misunderstood, particularly by those in government. We must do better to address these misconceptions. In response to similar concerns raised by the City Council and by the Human Relations Commission, the students in the International Human Rights Clinic at Santa Clara University prepared a [FAQs document](#) on Human Rights Cities. It would be useful if the OHCHR’s upcoming report engages in similar efforts to frame responses to common criticisms of the applicability and relevance of the human rights framework for local governments.

III. Adoption of a CEDAW ordinance and creation of a CEDAW Task Force by the county

The United States is one of six countries in the world that have not ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). In light of the federal government’s failure to ratify CEDAW, local governments and civil society have promoted local measures aimed at incorporating CEDAW into local law and practice. The ensuing “[Cities for CEDAW](#)” movement is an important component of a broader campaign that seeks [local recognition and implementation of international human rights law in the U.S.](#)

To this end, in December 2017 the County of Santa Clara adopted a “[CEDAW Ordinance](#).” The approval of this ordinance was the culmination of a process that lasted almost three years and included input and participation from multiple civil society, academia, and government stakeholders.

The ordinance authorizes the creation of a [CEDAW Task Force](#) that will review county programs and services and make recommendations to the Board of Supervisors with the goal of ensuring that the county applies a gender and human rights lens throughout its operations, particularly in the following six areas: (1) economic development and security, (2) gender-based violence, (3) education and leadership, (4) health care, (5) housing, and (6) criminal justice.

The CEDAW Task Force was established in 2018. It is a nine-member body that meets twice a year (in March and November) to hold public sessions on policy issues impacting women and girls at the local level. These sessions allow for the Task Force to receive expert testimony on the six areas mentioned above. The Task Force serves as an advisory body to the Santa Clara County Board of Supervisors with the Office of Women’s Policy providing policy support. Its work is also shared with stakeholders including the county’s Commission on the Status of Women, the Domestic Violence Council, and the Women’s Equality 2020 Leadership Council.

There are approximately 24 cities and counties in the U.S. that have adopted CEDAW resolutions or proclamations, and 6 have adopted ordinances - San Francisco, CA (1998), Los Angeles, CA

(2003), Berkeley, CA (2012), Honolulu, HI (2015), Miami-Dade County, FL (2015), and Pittsburgh, PA (2016).

IV. Publication in 2018 of an official report that addresses homelessness in the county through a gender and human right lens.

Housing has been the first issue to be addressed by the county’s CEDAW Task Force. The county’s Office of Women’s Policy and the International Human Rights Clinic at Santa Clara University were tasked with drafting and publishing a [report](#) that addresses homelessness in the county through a gender and human right lens. This study specifically looks at the unique pathways to homelessness and the needs of women experiencing homelessness, with targeted recommendations and solutions to address their needs.

Specifically, the report highlights how the county may benefit from applying a gender and human rights framework to the issue of homelessness, as follows:

A gender and human rights framework helps the County identify not only the housing needs that may be unique for women, but also ascertain how homelessness affects women’s enjoyment of other human rights, such as the rights to live without fear of violence, to non-discrimination and equality, to physical, mental and emotional integrity, to health, education, employment, food, and ultimately the right to life.

Therefore, applying a gender and human rights lens to homelessness as it affects women entails not only ensuring them the availability of permanent and affordable housing, but also addressing gender-based violence, the wage gap, and lack of affordable child care as root causes of homelessness for women. For this reason, one of the recommendations of this report is for the County Board of Supervisors to ensure the integration and implementation of relevant gender responsive principles into County operations through the [...] (CEDAW) Task Force. (internal citations omitted)

The report was approved in 2018 and will soon be available as an online publication.

V. Adoption of a resolution by the county recognizing December 10th as “Human Rights Day” and the county as a “Human Rights County”.

On November 20, 2018, the Santa Clara County Board of Supervisors unanimously passed a [resolution](#) (#BOS-2018-128)², which declares December 10 as “Human Rights Day” and designates the county a “Human Rights County.” The resolution explicitly calls on the county to recognize that the provisions of the UDHR apply to the work of the county governance. To our knowledge, Santa Clara County is the first county in the nation to name itself a Human Rights County. By adopting this resolution, the county’s leaders have made a commitment to both the letter and the spirit of the Articles of the UNDHR.

² See attachment. A signed version of the resolution is not yet available electronically, but a clean version can be found under item 11 of these [minutes](#).

On December 10, 2018 the county celebrated [Human Rights Day](#) with a public panel discussion about human rights with the heads of the following five executive county offices: Immigrant Relations, LGBTQ Affairs, Labor Standards and Enforcement, Cultural Competency, and Women’s Policy. Students from Santa Clara Law and San Jose State University also discussed their local human rights work.

Additionally, on December 14, 2018, the County Board of Supervisors renamed the existing Human Relations Commission to the “Human Rights Commission.” The Commission’s function will remain as an appointed board of volunteers, charged with the mission to advise the Board of Supervisors and provide oversight to county government on issues relating to human rights. The Commission is working on codifying ways that the county can make its commitment to Human Rights more explicit in ordinances, contracting, and services to people living in the county.

Next on the agenda of the county’s Human Rights Commission is the publication of a periodic joint report between the county and the community that will evaluate the county’s overall human rights work.

VI. Development of the capacity of local Human Rights Commissions to analyze and report on the human rights implications of local policies or practices, including the use of pepper spray on juveniles in detention, living wage policies, and county jail conditions.

Please see attachments 1 and 2 of this report, in which the Human Rights Collaborative at San Jose State University describes the work they have done with local governments and partners, particularly with local Human Rights Commissions, to promote and protect human rights locally.