

GENDER ISSUE GUIDE

GENDER RESPONSIVE URBAN LEGISLATION,
LAND AND GOVERNANCE



UN HABITAT
FOR A BETTER URBAN FUTURE

GENDER ISSUE GUIDE

**GENDER RESPONSIVE URBAN LEGISLATION,
LAND AND GOVERNANCE**

UN  HABITAT

Gender Issue Guide: Gender Responsive Urban Legislation, Land and Governance

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A look at daily life on the streets of Kampala, Uganda on September 28, 2012. © Shutterstock





Background

More than half of the World's population live in cities and that figure is expected to increase to almost 5 billion by 2030.¹ This increase in urban population and changing understandings around how people experience urban living, and thus how planning and governance arrangements must be operationalized, calls on urban policy makers to recognize and respond to the emerging and different needs, concerns and interests of urban women, men, boys and girls.

Urbanisation affects women and men in fundamentally different ways given the social differences or roles allotted to women and to men. Since these roles are not equally valued they further create inequities between women, girls, boys and men. For urban women and girls, these different experiences and ways of experiencing urban life give rise to consequences that undermine their capabilities and aspirations.

Recognising the gendered nature of urbanisation means that;

- Effective urban planning, management and governance require laws or regulatory frameworks that are gender sensitive and responsive.
- Authorities must recognize that securing land tenure and property rights for all are fundamental to housing and livelihoods and must work towards addressing gender discrimination faced by the society's poor and other vulnerable groups
- Urban authorities must be attentive to the different behaviour, aspirations and needs of women and men with both equally valued so that the provision and proximity of urban services, or the planning of urban spaces does not give rise to different consequences that reinforce inequalities.
- Participatory and inclusive processes are important to understand experiences and enact change and, therefore, need to be developed and undertaken to help women, youth, and the poor engage in the development of appropriate governance, legislative and regulatory frameworks

¹ UN-Habitat, 2013. *State of the World Cities 2012/2013*. UN-Habitat New York: Routledge



Life of local people Kibera slums in Nairobi, Kenya, the largest slum in Africa with about 270 thousand people, on February 6, 2014. © Shutterstock

- Urban safety must be recognised as a core part of progressive urban development. Authorities developing crime and violence prevention strategies must ensure that they are inclusive of women and men to improve the liveability and quality of urban life and health for women, girls, boys and men.

INTRODUCTION: THE CENTRALITY OF GENDER IN URBAN HUMAN SETTLEMENTS

This issue guide focuses attention on **Urban Legislation, Land and Governance** in order to highlight the “where and how” of gender responsive interventions that strengthen gender equality and women’s empowerment in urban development.

Gender equality and non-discrimination on the basis of sex are fundamental human rights. However, national laws, customary practices and societal structures often create differential treatment of women, girls, boys and men that result in discrimination and inequalities. Thus measures must be developed that aim at achieving gender equality, non-discrimination and practical gender equity programmes. Thus, urban laws, which are a key feature of effective urban governance, management and planning, must aim at advancing equality. Land and urban spaces must respond to the different and diverse needs of its gendered citizens and individuals. Women, girls, men and boys have equal rights, and not just needs, to participate in, and benefit from, development of their towns and cities.

Working towards gender equality does not mean treating women and men in the same way, or that there must equal numbers of women and men or girls and boys in all activities. Rather gender equality means availing similar opportunities to both women and men. Gender equality means that women and men are availed the necessary and required conditions for realising their full human rights and potential to engage in and contribute to political, economic, social and cultural development and to benefit from the outcomes.

Gender equality

Permits women and men equal enjoyment of human rights, socially valued goods, opportunities, resources, and the benefits from development results. It implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centred development.

Gender equity

Is the process of being fair to both women and men. To ensure fairness, measures must be available to compensate for historical and social disadvantages that prevent women and men from operating on a level playing field. Gender equity strategies are used to eventually attain gender equality. Equity is the means and equality is the result.

UN-Habitat believes that **Urban Legislation, Land and Governance** are a priority area for fostering gender sensitive and responsive, equitable and sustainable urban development, including urban safety. Good laws and good governance are therefore the basis of effective and sustainable human settlements. Some key issues that must be considered across each of these priority areas are outlined below:

Urban legislation: Increasing urbanisation the world over has dramatically increased demographic, environmental, social, economic pressures posing challenges that place new demands on urban authorities to craft new policies and regulatory frameworks for managing equitable urban growth.

Given that the legal frameworks and legal practices of many countries are different, and the belief systems upon which the governance framework rests are so diverse; this might mean that the enjoyment of rights might be different for women and men in many countries. For example, governments can legislate for security of tenure rights or deny such rights to particular groups rendering them vulnerable and at risk to many other human rights violations be it education, healthcare, food, safety, water or sanitation.



A street scene in Delmas 32, a neighborhood in Haiti. © World Bank / Dominic Chavez

Women, children, youth, indigenous people, older persons, minorities and vulnerable groups suffer disproportionately from the practice of forced evictions. Women in all (the afore mentioned) groups are especially vulnerable given the extent of statutory and other forms of discrimination, and their vulnerability to acts of violence and sexual abuse when they are rendered homeless.”²

Land: Most discussion about land policies has focused on how they work to the advantage of the rich, and how to make them work for the poor. There has not been enough attention on how even land policies that are pro-poor may affect men and women differently. Most societies are dominated by men, and women have limited access and control over land and property. In the urban areas, people need land to build their houses and set up their livelihoods. Without secure rights to land, people have no incentive to invest in their homes or work places, and little reason to take care of their environment (GLTN: Handling Land, 2012)

2 United nations Committee on Economic, Social and Cultural Rights (CESR) cited in UN- Habitat (2007). Global Report on Human Settlement (2007). Enhancing Urban Safety and Security. UN-Habitat, Nairobi. Page 133

Governance: Without the active participation of women and the incorporation of women's perspective at all levels of decision-making, the goals of equality, development and peace cannot be achieved (*Beijing Declaration, Strategic Objective G, 1995*). Women are under-represented at all levels of decision-making in institutions of national or decentralised governance, which limits their ability and power to influence laws, policies and governance. The low status of women, discrimination against women, unequal power distribution between women and men and the social and cultural devaluing of women limits women's equal access and participation in governance.

Governance and Safety: Violence and crime denies women and girls their freedom and their right to be full and equal participants in virtually every aspect of life: from taking part in decision-making processes, to education, to work, to recreation, to public and political life. When women and girls live with fear, there can be no talk of progress towards gender equality, sustainable development, justice, or democracy.



Community participation Community consultation in Kanyama, Zambia. 2011
© UN-Habitat / Alexander Chileshe

SECTION
2

Issue Guide: Gender Responsive Urban Legislation

URBAN LEGISLATION

Nation, regional and local authorities must legislate to manage land, planning and financing, including housing, basic services, infrastructure, transport, economic development and social inclusion.³

Legal and regulatory frameworks exist as functional tools, to enact these key processes. That is, to make urban development work. The work of all authorities will include the formal and legal delineation of powers and functions in the governance structures; the rights and responsibilities granted to individuals and firms in the urban context; the interaction among urban residents; as well regulating how urban space is used and even the 'condoned' behaviours within the urban space.⁴

The planning and design of urban spaces rests on regulations and laws that are ideally informed by the rights and responsibilities, but also recognition of the diversity, of citizens who inhabit those spaces. Laws can, therefore, be very empowering to citizens, especially if there are mechanisms in place for them to participate or inform the making of new laws and local regulations; and if the legal and regulatory frameworks are easily understood, relevant and publicly available.

Many towns and cities often have laws that do not reflect the prevailing urban reality of gender differentiated concerns and practical experiences. Further, the capacity of urban authorities to understand, develop and enforce laws and regulations that respond to the issues of vulnerable groups inclusive of women, youth and the poor is often constrained.

3 UN Habitat 2013. *Time to Think Urban*. www.unhabitat.org

4 UN-Habitat (2012). *State of the World's Cities 2012/2013*. UN-Habitat, Nairobi. Page 137

URBAN LEGISLATION: THE URBAN/HUMAN SETTLEMENT ISSUE(S)

The urban/human settlement issue(s) of urban legislation include:

- Adoption of urban legislation that enables equitable access and equitable, inter-generational, development of the urban environment
- Promoting locally appropriate urban regulatory frameworks to assist implementation and enforcement.
- Ensuring that processes of urban law making are adequately informed and resourced to achieve their objectives
- Identifying and sharing information on approaches to, and facilitating capacity building for, all of these issues.

GENDER ISSUE(S)/CONCERN(S) AND NEEDS IN URBAN LEGISLATION

In most towns and cities there is a significant proportion of young girls and women as well as female headed households. Despite this, obsolete, inappropriate and poor regulatory frameworks exist, such as those denying women rights to inheritance and property or excluding them from undertaking important economic transactions in public space. Such laws and frameworks deepen existing gender imbalances and inequalities in urban areas. If women, especially poor urban women, are to benefit from development initiatives and have basic rights around tenure security and access to public space, it will mean understanding how such rights are also implicated in other needs and rights such as women being entitled to security of tenure, women having the right to receive recovery aid, reconstruction assistance or compensation following disasters as property owners. In other words, the far reaching implications of the law and the associated regulatory frameworks must be understood from a gender perspective.

Actions to provide or improve living and working conditions in urban areas often call for reforms to legislation. The necessary reforms are sometimes transformative but, more often, incremental changes can have a significant practical impact. The methodologies for legal reform must facilitate the inclusion and participation of women and men, especially poor women and men, to enable them to voice their priorities for urban living and to improve the ultimate outcome. What is required in many urban milieu, is a willingness to undertake a legal review and change process that starts with considering the following key issues:

- Begins to deconstruct the governance and legal frameworks that currently exist to understand how inclusive and supportive they are of women and men's urban development rights and needs

- Considers how men and women are engaged in urban law processes and can participate in legislative reviews and drafting (so assessing participatory processes for legal reforms)
- Traditional male centred land ownership systems;
- Land redistributive and regulatory frameworks and policies to enable equality of access to public spaces, services, economic opportunities; and
- Allowing and guaranteeing urban women's rights to land or tenancy and inheritance

MAINSTREAMING GENDER INTO URBAN LEGISLATION TO ACHIEVE SUSTAINABLE URBANISATION/DEVELOPMENT

Gender mainstreaming is a process and thus a critical strategy for UN-Habitat in moving towards the realisation of gender equality which is central to the achievement of sustainable and inclusive urban development. Gender mainstreaming helps ensure women and men benefit equally in how human settlements operate. Urban legislation is the collection of policies, laws, and decisions that govern the management and development of the environment and thus can have a significant impact on how that mainstreaming is effective.

To mainstream gender equality into urban law means city and local authorities consider commencing an urban law review process and can start this by taking into account how their legal frameworks:

- Provide for **statistics disaggregated by sex and qualitative information** on the situation of access to urban resources (for example, public space, housing, loans and credit programs, land, housing rental systems, basic services, childcare, education, recreational facilities and transport (especially public transport) by women and men and, where appropriate, girls and boys.
- Carry out a **gender analysis** using gender responsive tools or guidelines to review urban legal systems, their underlying approaches to gender (women and men's rights), the legislative processes etc, in order to identify laws and legislative practices that might be discriminatory, unfair, and exclusionary and that, therefore, undermine vital urban development agendas that include both men and women equally.

In the context of urban legislation, gender analysis means looking at every step of urban law making both as a process and an outcome - beginning with the processes guiding the development of the law, to its uptake and actual practice, as well as monitoring and evaluating the effects of laws on women and men. The aim is to promote equal benefit and equality between women and men.

- For example, urban poor women and men are often challenged to pursue business or acquire a means of livelihood and even to access basic services or public spaces. More often than not, the legislative frameworks including the

regulatory arrangements are inappropriate or weak. As a result, informality becomes the norm. Globally women are over represented in the informal economy which is unregulated and often outside systems of formal governance frameworks. This means that women, especially poor women, often face risks inclusive of insecurity, violence, and frequent loss of their few economic assets.

A gender analysis of urban law, will enable a more comprehensive understanding and capacity to design change initiatives, as well as undertake targeted raise awareness raising initiatives for all stakeholders, particularly for urban authorities.

- The extent to which urban laws and regulatory frameworks respond to the issues raised by the gender analysis will need to be monitored. This requires the development and use of **gender responsive indicators** as highlighted below. Such indicators will help call to account urban decision makers and raise awareness amongst vulnerable groups, especially women and girls.

WOMEN'S EMPOWERMENT AND URBAN LEGISLATION

Law reflects a society's values. Appropriate and gender sensitive urban law and legislation is, therefore, required to underpin women's right to equal opportunities in urban development processes and to ensure and secure access to rights, such as decent and affordable housing, secure tenure and economic empowerment.

Empowering women's participation and inclusion in the processes that develop urban policies, laws, decisions and practices for the management and development of urban environments is crucial to ensuring that the urban development agenda is influenced by those it intends to benefit. Thus, governments around the world have used either affirmative action or established quotas using constitutional or legal strategies.

Key to empowering women's participation and inclusion in urban institutions is the promotion of an enabling environment for civil society and women's organisations to participate in, support, monitor and hold urban authorities' accountable without the fear of reprisal. It is also about developing knowledge to analyse, understand and suggest incremental changes to the urban law making processes and indeed, the urban laws and regulations themselves which will ultimately result in the long term inclusion of both women and men in the urban development process. Such change involves training, information dissemination, reviews of approaches to planning etc. to see how urban law is involved in achieving the empowerment of both men and women in urban contexts.



Youth taking part in a computer training at the UN-HABITA One stop Center in Kigali, Rwanda 2012 © UN-Habitat /Julius Mwelu

INTEGRATING WOMEN'S EMPOWERMENT NEED(S) INTO URBAN LEGISLATION TO ENSURE GENDER EQUALITY

Rules and regulations constitute a key instrument in urban management and development. It is therefore crucial to identify those laws, regulations and legal processes that infringe on human rights and/or discriminate against women. It is also important to identify the assumptions and cultural norms that underpin those rules and laws so that in the long term, fundamental change can be engendered. Appropriate legislation is therefore critical for steering actions and legislative reform processes that promote women's participation in urban local government. This is, however, not enough. Creating awareness to change attitudes that sustain discrimination against women, capacity building of urban authorities to oversee implementation and enforcement and allocation of adequate resources must be availed to support the realization of laws that recognize women's rights.

Urban legislation: Examples of gender-sensitive indicators.

Expected Outcome	Illustrative Indicators
Empowering urban laws and regulation reflect the rights of women, men, girls and boys.	<p>Participatory processes in place that ensure the voices of vulnerable groups, especially poor women will be heard in local law making processes.</p> <p>Gender sensitive judiciary and decision makers</p> <p>Evidence of urban legislative reform to develop an inclusive and equitable urban social and economic environment.</p>
Accountability for gender equality and equity strengthened	<p>Evidence of gender mainstreaming in legislative scrutiny and reforming the prevailing urban legal order.</p> <p>Urban legislation tools developed for the gender responsive assessment of urban legal systems and for the analysis of the regulatory impacts of urban legislative processes on women and men.</p>
Enhanced access to urban resources for women and men, girls and boys.	<p>Urban legislation and legal tools implemented that enable urban contexts to develop in an inclusive manner by facilitating equal access to urban resources by women, men and youth.</p> <p>Laws and regulations implemented in relation to encouraging the participation of women in urban development action area projects</p>
Gender equity and equality is fostered	Affirmative action, such as gender quotas or legislative and leadership training, developed and implemented to promote women's representation and participation in urban local government.

Good Practices: Urban Legislation

Ensure that women's rights and gender equality are central to the development of urban legislation and regulations.

Gender analysis is undertaken to inform the development of urban legislation and regulations that will promote equal benefit and equality between women and men.

Women's rights and gender equality targets are therefore reflected in the way cities and municipalities are managed, planned and financed.

Develop a process for community based consultations with all key stakeholders inclusive of women, especially poor women, youth and minority groups wherever a re-examination of the prevailing urban legal order is to be undertaken.

Recognize that women, poor women and girls face numerous constraints given their gender roles, responsibilities and discriminations in participating in consultative or decision-making processes.

Take steps that encourage and ensure that women and girls, especially poor women, become active participants in a safe environment.

Ensure that urban legal interventions or legal reforms especially with regards to how land is managed, how municipalities or towns are to be planned; and how rights to basic services, housing and economic resources are being expressed are effectively targeting and benefiting the poorest women, girls, boys and men.

Collect sex-disaggregated data and undertake gender analysis to ensure effective targeting of interventions

Monitor implementation processes to measure progress in targeting the needs of women, girls, boys and men.

Evaluate and report on results of the interventions to assess whether the interventions have indeed been effective in benefiting the poorest women, girls, boys and men



Community meeting discussing reconstruction of village hit by volcanic eruption. Yogyakarta, Indonesia.
© World Bank/Nugroho Nurdikiawan Sunjoyo



Issue Guide: Gender Responsive Urban Land

URBAN LAND

Populations are becoming increasingly urbanized posing challenges in relation to land and property in urban areas. For example, city dwellers are increasingly finding themselves in overcrowded settlements, or growing slums without adequate access to services or an adequate supply of serviced land for the expanding populations or secure tenure if they live in informal settlements or slums⁵. There are also differences in how women and men are treated with regards to access to land, related resources and tenure rights in cities.

Improving the rights to land and property of women and other marginalized groups has many benefits. Land rights enable women to invest in improvements such as better housing without fear of losing them. Land rights also enable them to use the land to get credit, giving them more resources to invest in land, property and businesses. Women become less dependent on men, and their social and economic status improves. As land holders, they are empowered to take part in making decisions in the household and in the community. They become recognized as active agents in the development of their communities rather than as passive recipients or “beneficiaries” of such programmes.

URBAN LAND: THE URBAN/HUMAN SETTLEMENT ISSUE(S)

The urban/human settlement issue(s) of urban land include:

- Equitable and sustainable access to urban land.
 - Promotion of pro-poor gender responsive large scale land tools for evaluation and development of urban land reforms.
 - Building capacities of grassroots organizations on skills that require communication, negotiation, mediation and social inclusion
 - Global research studies to develop tools to increase women’s security of tenure in an urban setting.
- Safety and security in public spaces

5 UN-Habitat, 2009. Planning Sustainable Cities — Global Report on Human Settlements 2009. <http://www.unhabitat.org/content.asp?typeid=19&catid=555&cid=5607>

GENDER ISSUE(S)/CONCERN(S) AND NEEDS IN URBAN LAND

In many parts of the world women face discrimination in obtaining land because of social and cultural norms and customs that prevent women from holding rights to land.⁶

Enduring formal, informal and customary systems of land tenure means many women continue to experience economic dependence and therefore vulnerability because of this inability to access economic assets such as land. Yet land administration systems often fail to pay attention to issues gender.

Certain groups such as the poor, indigenous people, ethnic minorities, youth, widows, people with disabilities, elders, slum dwellers and especially women in all of the afore mentioned groups will face additional concerns given their low status of dispossession of land, forced evictions, or displacement caused by development.

Yet access to land is linked with achieving greater gender equality because it enables access to other resources such as credit or to establishing enterprises. Land rights may further enable women to make more investments and become less dependent as their social and economic status improves with rights to economic assets such as land.⁷

Enforcing women legal right to own land or to be joint owners of land or to have separate tenancy rights and rights to claim an equal share of family land either upon divorce, widowhood or abandonment or to claim inheritance in land enables women to employ their capabilities for their own well-being and that of their families and communities remain pressing concerns. There is need to embed gender issues into political, social and technical discussions on land governance.⁸

MAINSTREAMING GENDER INTO URBAN LAND TO ACHIEVE SUSTAINABLE URBANISATION/DEVELOPMENT

Urban authorities utilise a variety of land tools in the management of urban land.

Land tools are to be found in areas of **land management and administration systems such as land valuation and taxation.**

Examples of land tools are laws, policies, plans, guidelines, operational manuals, land tenure instruments, land records databases. Land tools may

6 UN Women and OHCHR, 2013. Realizing women's rights to land and other productive resources. <http://www.unwomen.org/-/media/Headquarters/Attachments/Sections/Library/Publications/2013/11/OHCHR-UNWomen-land-rights-handbook-WEB%20pdf.pdf>

7 Ibid

8 Ibid

impact differently on women and men and are not always gender sensitive given women's general inability to access property rights. Land tools must ensure that access to land is equal for both women and men.

Gender mainstreaming would be an important strategy to ensure that women's tenure and land rights are protected. Gender mainstreaming would require that a gender equality policy and gender action plan is developed to begin to address the deeply rooted cultural, political, and socio-economic discrimination against women. Gender mainstreaming would further seek to ensure gender sensitive land management and land tenure tools are in place to enable the protection of women and land and tenure rights.

UN-Habitat through its GLTN initiative⁹ has developed a set of gender evaluation criteria that can be used to check whether land tools incorporate gender issues, and to show how they can be adapted in various contexts.¹⁰

The gender evaluation criteria can be understood as a gender mainstreaming tool because it enables the asking of the right questions about existing land tools. It further calls for the collection of sex-disaggregated statistics and information on access to land and tenure for women and men that will be used to facilitate a gender analysis on the following issues:¹¹

- Participation of women and men in gender responsive governance;
- Capacity building, organisation and empowerment of women and men to use, access and benefit from existing land tools;
- Legal and institutional consideration and enforcement of women and men equal rights to land;
- Consideration of social and cultural practices in regards to women and men's access to land;
- Consideration of economic equity in regards to women and men's access to land;
- Land tools and instruments are being operationalized to encourage grassroots women's participation and to reach more women and men and protect women's secure land tenure.

9 <http://www.glttn.net/>

10 UN-Habitat, 2011. *Designing and Evaluating Land Tools with a Gender Perspective*. UN-Habitat, Nairobi. <http://www.unhabitat.org/pmss/listItemDetails.aspx?publicationID=3467>

Other tools include: A training package *Improving gender equality and grassroots participation through good land governance* (2010). *Gender Evaluation Criteria For large scale land Tools* (2009) and *Gendering Land Tools: Achieving secure tenure for women and men* (2008).

11 *Ibid.*



Young women learn computer skills. Hyderabad, Pakistan.

© World Bank / Visual News Associates

The intended outcome is helping identify where more work needs to be done and possible steps that should be taken in designing gender sensitive principles and land tools that enable gender responsive land management that will respond to the specific and potentially different needs of women and men.

WOMEN'S EMPOWERMENT AND URBAN LAND

In the context of urban land, empowerment for urban women means women having:

- Equal capabilities (such as education and knowledge about rights);
- Equal legal protection (such as legal protection from eviction);
- Equal access to resources and opportunities (such as land and employment that helps generate resources);
- Access to well-located and affordable serviced plots and houses because this will influence accessibility and availability of infrastructure, services and income earning opportunities.
- Agency to use those capabilities, rights, resources, and opportunities to make strategic choices and decisions (such as are provided through leadership opportunities and representation and participation in political, social and economic institutions that facilitates their inputs into urban land management and decision-making).
- To exercise agency, women must live without the fear of coercion and violence.¹²

¹² <http://www.globalurban.org/GUDMag06Vol2Iss1/Grown,%20Gupta,%20&%20Kes.htm>

INTEGRATING WOMEN'S EMPOWERMENT NEED(S) INTO URBAN LAND TO ENSURE GENDER EQUALITY

Documentation, collection of sex-disaggregated data, generating gendered information, strategic alliances among relevant stakeholders in land, male champions and sensitisation of all stakeholders are necessary strategies towards addressing the gender inequalities and disempowerment of women with regards to land. Thus gender equality discussions must be made accessible to everyone using human interest stories to create understanding and support.

Urban Land: Examples of gender-sensitive indicators

Expected Outcomes	Illustrative indicators
Gender equality and equity are fostered	<ul style="list-style-type: none"> • Increased number of women having the legal right to own or jointly hold land • Increased number of women having separate tenancy rights • Increased numbers of women have the right to claim an equal share of family land.
Secure, non-discriminatory and equitable access, use, and control of land established for all through the use of gender responsive land tools.	<ul style="list-style-type: none"> • Number of government institutions formulating and implementing land interventions with a gender lens. • Number of non-state actors adopting gender responsive land tools. • Legal provisions specific to women's roles in management, control, disposal and use of land embedded in law
Enhanced access to legal services to protect and promote the rights of women.	<ul style="list-style-type: none"> • Sex-disaggregated data and gender information collected on informal settlements and state of landlessness • Paralegal services exist to assist women, especially poor, elderly, widowed, disabled and HIV positive women in their ability to realise their land and shelter entitlement

Good Practices: Urban Land

Ensure that women's rights and gender equality are central to the development of urban land frameworks and regulations.

Women's rights and gender equality targets are therefore reflected in the way city and municipality lands are legislated, managed and planned.

Develop a process for community based consultations with all key stakeholders inclusive of women, especially poor women, youth and minority groups for the examination of the prevailing urban land tools.

Recognize that women, poor women and girls face numerous and diverse constraints given their diverse locations as indigenous people, ethnic minorities, youth, widows, people with disabilities, elders, or slum dwellers in participating in consultative or decision-making processes.

Take steps that encourage and ensure that women and girls, especially poor women, are being heard by city officials, urban planners and urban development practitioners.

Ensure that urban land management tool are guided by gender responsive principles and are effectively targeting and benefiting the poorest women, girls, boys and men.

Using GLTN tools.

Collect sex-disaggregated data and undertake gender analysis to inform all relevant land planning documents.

Monitor the implementation of land tools to measure progress in targeting the needs of women, girls, boys and men.

Evaluate and report on whether land management is effective in benefiting the poorest women, girls, boys and men.



An informal settlement on the Picacho hill in Medellín, Colombia. 2012

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Issue Guide: Gender Responsive Urban Governance

URBAN GOVERNANCE

Governance refers to the exercise of leadership, management power and policy-making. It includes the formal institutions, political procedures and administrative systems, as well as the informal arrangements and practices. It involves political authority and the allocation of institutional resources to plan and manage the public affairs and economic and social resources for development. Some fundamental principles of good governance are sustainability, subsidiarity, equity, efficiency, transparency and accountability, civic engagement and citizenship, and security. Good governance refers consequently to the capacity of local governments and their partners to formulate and implement sound policies and systems that reflect the interests of local citizens, and to do so in a way that is transparent and inclusive of those with least power and resources. Popular participation has thus been one of the important means for promoting good governance since it's a means to empowering citizens to influence public policy, by having their needs and concerns heard and understood.

National, local and regional governments, Civil Society, Private Sector as actors in urban governance with the ability to formulate and discharge their functions with regards to urban development must therefore integrate gender equality concerns if they are to be effective in their responses to women, men, youth and even children as urban citizens.

URBAN GOVERNANCE: THE URBAN/HUMAN SETTLEMENT ISSUE(S)

The urban/human settlement issue(s) of urban governance for UN-Habitat include:

- Multi-level and context-sensitive decentralised governance that fosters:
 - Equitable urban development and
 - Urban safety and security
 - Enhanced capacities and resources of local and regional governments.
- Strengthened institutional frameworks for land governance.
- Metropolitan governance
 - Multi-level governance frameworks and inter-municipal cooperation to address city extension and service delivery

- Coordination of cities and municipalities with the private sector to address the urban challenges they face in delivery of services.
- Local governance leadership
 - To attract and support women in urban leadership roles
 - To support informal settlements communities in their relations with local governments
- ICT and governance
 - Create platform for e-participation to strengthen citizenship involvement in urban governance, including the youth.

GENDER ISSUE(S)/CONCERN(S) AND NEEDS IN URBAN GOVERNANCE

Women and men do not have equal power and status given women's limited presence and voices in influencing decision-making processes. The result is that women are constrained from participating and impacting on urban development processes at all levels of governance. Yet, women's approaches to governance have often been defined as a version of transformative leadership, a framework within which power is used to create change, and develop people and communities; it is often a non-hierarchical and participatory form of governance that gives priority to disadvantaged sectors.¹³ While in the context of development "history has shown that women's rights organisations and movements are a vital catalyst for gender equality and the realisation of women's rights"¹⁴

Women also have more success in gaining access to leadership and decision making roles at the local government level for several reasons including that there are often more positions available and less competition for places than in central legislatures, and roles in local government are often seen as an extension of women's involvement in their communities.

There are several gender issues of concerns with regards to urban governance:

- It is generally difficult for women, especially poor women and men to penetrate political, social and economic decision making structures; Women and girls are often excluded from being able to participate meaningfully in decisions that affect them.
- Women usually engage at community or neighbourhood levels because of a gendered perception of women's engagement in improving living conditions as an extension of their domestic responsibilities.
- Women often lack legitimacy as political actors given cultural gender norms and stereotyped sex roles;

13 <http://www.cpahq.org/cpahq/cpadocs/Genderdiffe.pdf>

14 <http://www.womankind.org.uk/wp-content/uploads/downloads/2013/03/LeadersForChange-FINAL.pdf>

- Procedures and processes of governing do not often provide the space to bring on board women's specific interests to decisions concerning urban development management, urban planning or urban financing. For example, proposed ICT tools for e-participation have not considered opportunities for providing a platform for gender issues.
- Even when gender concerns are articulated institutions of urban governance may still fail to implement the changes required.
- Women may often not lack rights, have no awareness of the right to have rights or the right to participate in decisions affecting their lives, nor be aware of how to hold institutions of governance to account.
- Urbanization has led to increasing levels of gender violence. Insecurity disempowers women. For example, violence influences a woman's ability to freely participate in urban public life. *"Violence against women and girls constitutes a human rights violation and continues to be an obstacle to reaching gender equality and equity, peace, and sustainable development; Women's diverse experiences of city life are affected by gender based discrimination and abuse in public and private spaces, including exclusion from political and socio-economic participation, as well as limited access to essential services and infrastructure. Women's and girls' right to the city includes the right to live free from violence and fear, in more equitable, democratic, and inclusive cities. Women and girls have the right to participate and be part of decision-making processes in local governance, urban planning, and management."* (The Delhi Declaration November 2010)

There is need for interventions that aim to make women, girls and children feel safer in local neighbourhoods and able to take up opportunities availed in urban spaces. Enhancing urban safety and security is thus an important area of focus for UN-Habitat.

Good governance from a gender equality perspective thus means creating mechanisms for women's entry and decision-making powers into public and political arenas. It means the mobilisation of women's voices, especially poor women, so that their real experiences of exclusion reach the urban institutions that affect their lives. It means building the accountability of governance institutions to women in order to enhance responsiveness, as well as promoting women leadership at every level of urban governance. It also means championing safety to end violence against women.

So as to be able to increase women and girls' meaningful participation in urban development and governance there is need to:

- Provide opportunities to include women and girls in decision-making processes at the municipal and national government levels.

- Provide platforms and opportunities for women and girls to speak about their experiences and share concerns.
- Support the development of women's groups and girls-clubs within communities to help create the constituencies that grow into a broad and shared awareness of the right of women and girls to participate in decisions affecting their lives.
- Raise awareness of gender as everybody's issue, by finding ways of working with men as well as with women to transform institutions, cultures and practices that sustain inequality and to seek alternatives for equitable development.

MAINSTREAMING GENDER INTO URBAN GOVERNANCE TO ACHIEVE SUSTAINABLE URBANISATION/DEVELOPMENT

Gender mainstreaming in urban governance is intended to create an enabling environment for women's participation, representation and leadership and articulation of their needs and concerns with regards to the urban environment.

Gender mainstreaming for gender responsive governance can include a variety of measures or approaches:

- Integrating women as actors in urban governance either through cities setting up consultative processes for women or providing support for women's entry into urban planning and development are important strategies for enabling cities and municipalities to take into account women's needs and issues in urban development.
- Documentation, analysis and reporting of sex-disaggregated data and qualitative information on levels of representation and participation of women and men at both national and local levels of governance in formal and informal decision-making structures.
- Documentation, analysis and reporting of allocation of financial resources or national and local budgets for gender equality advancement activities.
- Implementation of affirmative action or targets to address gender based inequalities including representation in governance structures, particularly for middle and senior management levels in administration or private sector.
- Access to information for citizens, especially women participation to facilitate their participation in how their cities and municipalities are managed.
- Ensuring women's safety and security also involves taking into account women's specific needs or concerns in the management of public spaces.
- Providing childcare support or services to facilitate women's ability to reconcile public participation and the demand of their care and domestic work.

For Example:

UN-Habitat's **Safer Cities Programme** is mainstreaming gender into urban governance through strategies intended to increase women and girls' active and meaningful participation in urban development and governance. Additional outcomes are to:

- Increase women and girls' safety and access to public spaces
- Increase women and girls' autonomous mobility in the city
- Improve women and girls' access to quality city services.

The **Safer Cities Programme** initiative thus brings a focus on gender dimensions throughout the whole process of developing a safer cities strategy, partnership development, implementation and monitoring and evaluation. A safety strategy is the framework that guides safer cities work in a particular city or community. Violence against women and girls does not have one single cause, or one single solution. In assessing safety and developing a plan for interventions to promote the safety of women and girls, there are five key areas to work in:

- 1. Define and understand the specific local problems** The goal of this area is to generate knowledge about the current safety situation for women and girls in the community.
- 2. Assess existing policies and programs contributing to safety:** Safer cities interventions in the target urban areas will take place in a context already influenced by existing policies and programs. It is crucial, therefore, to do an early assessment of the policies and programs that affect women's safety. Knowledge gathering tools for safer cities work include: safety audits, street and household surveys and focus group discussions
- 3. Create partnerships with stakeholders:** After identifying and assessing local safety problems, it is time to consider the different people and groups who will be involved in interventions to address those problems. Then, they can come together to form groups that will work on planning and implementing interventions.
- 4. Plan and implement interventions:** After moving through the first three phases, it is time to begin planning and implementing interventions. There are seven major areas of intervention. These address both the prevention of sexual harassment in public spaces, as well as redress, justice and victim support, after the occurrence of the crime.
 - Urban planning and design of public spaces
 - Provision and management of public infrastructure and services
 - Public transport
 - Policing
 - Legislation, justice and support to victims
 - Education
 - Civic awareness and participation

5. Monitoring and evaluation: Monitoring is an ongoing process, while evaluation looks back on work done during a defined period of time. At the beginning, it is useful to conduct a baseline study. In addition to generating useful information about the current state of women's safety, the baseline study results will make it possible to evaluate the impact of interventions, because there will be data to compare from before and after the intervention. Even though it is conducted before the intervention is implemented, the baseline study is part of the evaluation process.

Together, these areas constitute a gender responsive safety strategy.

The Safer Cities Programme embraces a gender mainstreaming strategy focused on strengthening institutional responsibility for creating safe urban spaces; creating public understanding and support for rights to security and safety for all women, girls, boys and men; and enabling citizens to articulate their needs for safe urban spaces.

WOMEN'S EMPOWERMENT AND URBAN GOVERNANCE

The institutionalisation of women's participation in decision-making and their representation in urban governance processes is a measure of their empowerment.

INTEGRATING WOMEN'S EMPOWERMENT NEED(S) INTO URBAN GOVERNANCE TO ENSURE GENDER EQUALITY

Several initiative and measures aimed at women's empowerment would include;

- Enhancing women's safety and security in urban spaces
- Enhancing women's participation in decision-making and urban governance processes through laws, constitutions and quotas aimed at making institutions of governance more inclusive.
- Training women to participate in decision making processes at all level of governance; Build on women's skills, competencies and assets to influence policy-making processes.
- Resourcing and supporting women to increase women's representation in local politics and government.
- Promoting women's economic independence and thus empowerment through credit schemes, access to job opportunities so as to uplift their status and enhance their ability to participate in public life.
- Campaigning to change societal attitudes towards supporting women's participation in governance and increasing public awareness of and commitment to women's human-rights.

A strategy and tool for strengthening community ownership and participation and therefore good land governance is the **Participatory and Inclusive Land Readjustment Tool (PiLAR)** (see Box 1). This is a recent tool designed to provide clear benchmarks for ensuring the inclusion of vulnerable groups such as women, youth and the poor in developing urban governance, legislative and regulatory mechanisms.

(Box 1) Participatory and Inclusive Land Readjustment Tool (PiLAR)

UN-Habitat is developing a new approach to land readjustment in which gender is central to both the methodology and the proposed development outcomes. Through a pilot in the City of Medellin, Colombia, and the concurrent development of a global methodology, the **Participatory and Inclusive Land Readjustment (PiLaR)** project aims at enabling the City of Medellin –and hopefully cities in other developing countries – to use this new land readjustment technique to undertake city extension and densification in a pro-poor, participatory and gender-responsive manner, empowering the municipalities and communities alike to engage with and facilitate this process.

Gender considerations are central to both the process and the outcome of the PiLaR approach. The current pilot project in Medellin is trying to operationalise the UN’s Human Rights Framework into the community engagement strategy, in order to be ‘pro-poor’ and ‘gender sensitive’. This will be achieved, by considering gender in terms of rights, needs and on the issue of fairness and by utilising UN-Habitat’s community engagement and gender related tools.¹⁵

Gender indicators are being developed to guide monitoring and evaluation. The current pilot project in Medellin, Colombia, will aim at evaluating gender outcomes on two broad levels:

How the project addresses **gender issues in the development process** through key components such as the development of gender sensitive baseline community information, the community engagement and the enumeration processes (in particular, recognising a range of tenure relationships), the broad planning and design of the development, the valuation process which aims to recognise a broad range of interests and assets beyond just property, the financial modelling and the monitoring and evaluation framework.

How the **project re-development is inclusive in outcome** and reflects the needs and aspirations of women and men in the community and creates an environment that is sensitive to gender in that particular context.

Source: UN-Habitat

15 For example, practice guides and lessons from social impact analysis, community engagement strategies; participatory planning and human rights engagement processes have informed our approach PiLaR’s approach. Tools such as the Global Land Tool Networks “gender evaluation criteria” and “count me in” participatory enumeration processes will be used to underpin analysis and consideration of community engagement techniques.

Examples of gender-sensitive indicators in urban governance

Expected Outcomes	Illustrative indicators
Gender equality and equity is fostered	<ul style="list-style-type: none"> • Percentage of seats held by women in national parliament. • Percentage of seats held by women in local assemblies/ councils. • Percentage of committees of local assemblies/councils chaired by women • Percentage of mayors who are women • Percentage of seats held by women in local government bodies. • Percentage of women and girls actively participating in the governance of their neighbourhoods.
Improved urban governance through accountable, inclusive, democratic gender responsive institutions.	<ul style="list-style-type: none"> • Increased improvement in the provision of public services as evidenced by sex-disaggregated data and qualitative information measuring perceptions of women and men on whether there has been an improvement. • Proportion of women who say they feel safe walking alone in public spaces: <ul style="list-style-type: none"> • During day time • During night time • Proportion of women who say they do not walk alone in certain public spaces for safety reasons. • Percentage of women and girls, by age group, who experienced violence in public spaces in the last 12 months.

Good Practices: Urban Governance

Ensure that women's rights and gender equality are central to the development of urban governance.


- Women's rights and gender equality targets are therefore reflected in the way cities and municipalities make decisions and there is an improvement in the provision of public services that addresses the specific needs of women.
- Support women's transformative leadership and representation of women at decision-making positions.

Develop a process for community based consultations inclusive of women, especially poor women, youth and minority groups for their active and meaningful participation in urban planning, management and governance.

- Recognize that women, poor women and girls face numerous and diverse constraints given their diverse locations as indigenous people, ethnic minorities, youth, widows, people with disabilities, elders, or slum dwellers in participating in consultative or decision-making processes.
- Take steps that encourage and ensure that women and girls, especially poor women, become active participants in informing urban planning, management and governance.

Ensure that urban governance is guided by gender responsive principles and is effectively enhancing the status of the women and girls and undertaking initiatives aimed at empowerment of women.

- Increased safety and access to public spaces for women and girls
- Increase in women and girls' autonomous mobility in the city
- Improved access to quality city services for women and girls
- Take steps to incorporate laws aimed at making local institutions of governance more inclusive.
- Facilities and measures are taken to help women combine their domestic roles and work outside the home, especially with the provisioning of child-care and flexible working hours.
- Men increasingly take on family roles attributed to women alleviating the traditional burden of care and domestic work on women.



More than half of the World's population live in cities and that figure is expected to increase to almost 5 billion by 2030. This increase in urban population and changing understandings around how people experience urban living, and thus how planning and governance arrangements must be operationalized, calls on urban policy makers to recognize and respond to the emerging and different needs, concerns and interests of urban women, men, boys and girls. The objective of this gender issue guide on urban planning and design is to:

- Increase understanding of gender concerns and needs in urban legislation, land and governance
- Develop staff and partners' capacity to address gender issues in this area
- Encourage staff and partners to integrate gender perspectives into policies, projects, and programmes for sustainable urban development
- Support institutionalization of the culture of gender mainstreaming and gender equality through the implementation of gender-sensitive projects/ programmes and the monitoring of gender mainstreaming progress

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