



# The Right to the City in Asia

Stories from the 'Invisible'



# Acknowledgement

## Co-Authors:

### Gwangju International Center (GIC), South Korea

- Shin Gyonggu
- Alan Brown
- Thi Nghi Phuong Nong
- Hoi Yee Chan
- Joyce John
- Farok Omar
- Joo-Kyung Park

### Social Equity and Participation Center, China

- Ming Zhuang
- Su Yun Woo
- Ray Liu
- Hongli Cheng
- Mai Sun
- Qian Rong
- Haiqian Wang
- Yu Yin

### Kota Kita Foundation, Indonesia

- Ahmad Rifai
- Vanesha Manuturi
- Fildzah Husna Amalina
- Namira Fathya
- Naretta Veronica

### Community Organizers Multiversity, The Phillipines

- Maria Fides Bagasao
- Ramon Espena, Jr.
- Jessica Amon
- Princess Asuncion Esponilla
- Gerald Nicolas
- Kreeger Bonagua
- Kimberly Reyes
- Francis Rosanes, Jr.
- Sri Sofjan (From the Global Secretariat of Huairou Comission)

**Co-coordinated by** Nelson Saule Junior and Henrique Frota (Global Platform for the Right to the City); Vanesha Manuturi and Fildzah Husna Amalina (Kota Kita Foundation)

## Layout and Design

Illustration: Mohammad Nur Fiqri

Layout: Fildzah Husna Amalina, Wulandari Anindya Kana

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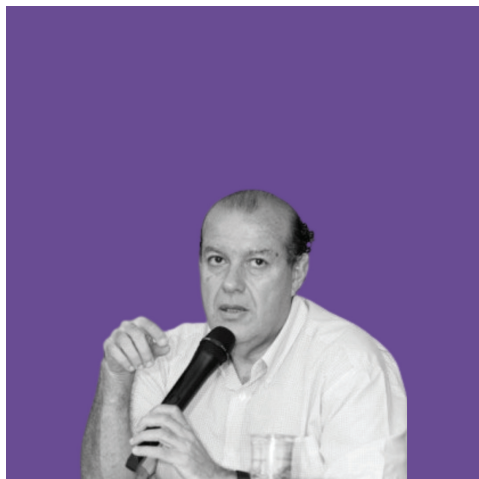
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## Foreword

### Nelson Saule Junior

Coordinator of the Global Platform for  
the Right to the City



As we publish the *Right to the City in Asia* report in October of 2021, cities worldwide are facing a growing list of social, economic, and environmental challenges from a global health crisis and a climate crisis. Global inequalities are once again at a clear display in cities, with vulnerable groups taking the brunt of the challenges. This is why citizens' movement to reclaim collective, intersectional rights—their Right to the City—has become increasingly crucial. As a concept, the Right to the City framework provides a tool to deconstruct challenges, identify needs, and advocate for the systemic betterment of all citizens. In achieving this, the framework must also be adaptive to diverse contexts, local settings, and current issues.

For Asia, in particular, an emerging economic power in the past decade has led to rapid growth in cities; and with it comes a set of challenges and civil society movements distinct to the region, from increasingly authoritarian governments, persistent injustices faced by informal actors, and unequal access to fundamental rights, among others. At the same time, cities in Asia have also been home to burgeoning civil society movements advocating for their Right to the City.

The *Right to the City in Asia* report is an initiative supported by the Global Platform for Right to the City (GPR2C) to investigate lessons learned and best practices of the Right to the City agenda from the Asian perspective. The report is developed by collaboratively four members of the GPR2C network: Huairou Commission (with Community Organizers Multiversity, its organization member based in The Philippines), Kota Kita, Participation Center, and

Gwangju International Center.

The objective of the action research is to increase normative, policy, and practices understanding of the Right to the City framework, evidencing both advances and setbacks from which we can learn and contextualize at different levels (from national to local levels) and taking into consideration the wide range of actors involved.

The *Right to the City in Asia* research report aims to:

- Develop a research systematization on the state in which the Right to the City is found (regulation, implementation, enforceability, and obstacles) in Asian countries and cities, promoting a critical analysis to review and update the tools of the Right to the City—through the identification, registration, and systematization of laws, policies, programs, projects, practical experiences and decisions courts.
- Identify networks that have already developed research on the Right to the City aiming at a permanent exchange of content/information that are been investigated and relate to the subject of the Right to the City
- Constitute a working group that can consolidate the concept of "Right to the City" in the Asia Region
- Define strategic research topics that can help advance the movement for the Right to the City, considering the advances of previous studies, the themes identified in this meeting, and the identification of differences;



The guiding questions for the research include: What are the organizations, government organisms that have developed or have the potential to develop initiatives based on the Right to the City vision (concept and components) of the Global Right to the City Platform and the New Urban Agenda?; What is the institutional arrangement about urban development in the country object of the research?; What is the role of Local Governments regarding urban development policy (responsibilities, degree of institutional autonomy, tools)?; Are there national or local laws or policies that adopt the concept (even without mentioning the Right to the City terminology) and or components of the Right to the City?; and how are these laws or policies applied at the national or local level?; and what are the positive experiences of two components of the Right to the City that contribute to the development of this right in the country understudy?

Building on the objectives and the guiding questions, the *Right to the City in Asia* report focuses on case studies in four countries: China, South Korea, Indonesia, and the Philippines.

In China, the research seeks to examine the topic of the right to education in China through the lens of migrant children's education, focusing on the case study of Chengdu, illuminating the complexity and urgency of different aspects of the Right to the City agenda i.e., inclusive citizenship, gender, and rural-urban linkage.

In South Korea, the case study focuses on Gwangju with an aim to shine a spotlight on the Right to the City as it pertains to public service access of migrants in Korea, who have faced barriers to public service access due to their low socioeconomic status, limited rights dependent on their visa status, discrimination, and poor Korean language skills.

In Indonesia, the research evaluates and observes urban informality in Jakarta, Yogyakarta, and Solo using the three main pillars of the Right to the City framework to analyze the practice of the Right to the City and urban informality: spatially just resource distribution, socio-cultural diversity, and political agency.

In the Philippines, the research focused on compiling and documenting the Right to The City practices in two key cities, Manila and Quezon City.

The Right to the City in Asia report is an important milestone for the GPR2C's continued mission to inspire a better future for all human settlements. As cities in Asia and beyond are adapting and rebuilding from a global health crisis and the climate crisis, we hope the report can inspire social movements and organizations, academics, international networks, human rights defenders, NGOs, local governments, and others to continue collaborating towards the emergence of new emancipatory utopias and social bonds in our societies, and build better cities for all.

# About the Right to the City and the Global Platform for the Right to the City (GPR2C)

## About The Global Platform Right to the City: Trajectory and Main Outcomes

The Global Platform for the Right to the City was formally launched in November 2014, at the International Meeting on the Right to the City held in São Paulo City - Brazil. The founding members saw the need for an international and strong platform where social movements and organizations – that informally had been working together for decades, i. e., the World Charter on the Right to the City – could join efforts to strengthen the claim for the Right to the City worldwide.

The Global Platform aims to contribute to the adoption of commitments, policies, projects and actions aimed at developing fair cities, democratic, sustainable and inclusive by United Nations bodies and the national and local governments.

Among the organizations that are part of the Global Platform Right to the City we can highlight the ActionAid; Cities Alliance; UCGL, Committee on Social Inclusion, Participatory Democracy and Human Rights of the United Cities and Local Governments (UCLG); Huairou Commission; ; Habitat for Humanity; Habitat International Coalition (HIC); International Alliance of Inhabitants; Intercontinental Network for the Promotion of Social Solidarity Economy (RIPESS); Pólis Institute; Shack Slum Dwellers International (SDI); United Cities and Local Governments (UCLG); WIEGO – Women in Informal Employment: Globalizing and Organizing; Women In Cities International; and TECHO

The Global Platform Right to the City is an open, flexible, diverse network of civil society and local governments organizations committed to political action and social change through the promotion, defense and fulfillment of the Right to the City at the global, regional and local levels, giving a particular voice to those people and communities affected by exclusion and marginalization.

This collective work on the Right to the City has included debating and disseminating its meaning, pushing for its inclusion in relevant documents, such

as the New Urban Agenda, and advocating for its implementation through public policies at different levels (local, national, regional and international). We successfully conducted, for instance, an advocacy/communication campaign for the recognition of the Right to the City within the United Nations Habitat III negotiation process, and achieved its inclusion as a core principle/dimension in the NUA.

## The Mission of the Global Platform for the Right to the City

The Platform aims to contribute to the emergence of new emancipatory utopias and social bonds in our societies for a better future in all human settlements. Together, we aim to give visibility and build dialogue with those already existing worldviews to create new possible collective imaginaries.

The GPR2C aims to achieve this mission through the following strategic lines of action at political, social and cultural levels:

- Building a Right to the City community of practices and knowledge. To this end, we seek to be a space for sharing knowledge, ideas, and methods for researching, mobilising towards, and implementing in policy the Right to the City agenda. Collaboration is especially important; we must make sure knowledge and strategies are adaptable and flexible to local needs, identifying, translating, and above all respecting the diverse forms of understanding that surround the Right to the City.
- Strengthening local and national social actions/struggles and international mobilizations within the framework of the Right to the City, promoting their visibility at international forums and expressing solidarity with their campaigns and other initiatives.
- Advocating for changes at the international level (global agendas and international actors) that can represent/carry out/promote a positive impact at the local, regional and national levels, identifying relevant spaces, establishing key messages for the various actors and short, medium and long-term advocacy goals.

- Ensuring the implementation of the Right to the City by introducing it in local, national, regional and international actions, initiatives, commitments, policies, projects and legislation; monitoring its enforcement and denouncing its violations and setbacks, including the social and environmental responsibility of private and public sectors.
- Democratic, diverse, solidary and sustainable cities, villages and human settlements as common goods, that all inhabitants - present and future, permanent and temporary - have the right to inhabit, use, occupy, produce, govern and enjoy in peace and with dignity.

We envision political communities that:

- fight against colonization, patriarchy, racism, homophobia and discrimination...
- allow and support people to freely live their dignity and to express their culture, political values/ principles, spirituality, love, in peace and respect...
- have a political life based on people's participation and democratic decision making processes, promoting active citizenship and different forms of political organization and action...
- emphasize the right to self-managed processes, while co-managing and co-creating the public and the commons...
- conceive and feed an economy for people and for the community - a caring, social, diverse and solidary economy...
- remind the urgent need to protect and care for the connecting tissue of life in our territories, the planet and the cosmos, situating human beings and the relations among them and with nature at the center of their thinking and actions...
- protect their collective and emancipatory sociocultural practices and memories...
- remember, reinterpret and rewrite their history, in order to look at their future learning from their past...

## The Vision of the Right to the City

The Right to the City is a collective right that highlights the territorial integrality and interdependence of all internationally recognized civil, political, economic, social, cultural and environmental rights, as regulated in international human rights treaties, bringing them the territorial dimension and a focus on adequate life standards.

At the heart of the Right to the City is the vision of decentralized, inclusive and sustainable cities and human settlements that ensure job opportunities, health, education, leisure and culture for all its inhabitants.

Cities and human settlements are multifaceted entities which cannot be reduced to their material dimension (i.e. physical qualities such as buildings, streets, infrastructure and so on). Rather, they are made up by and result from ideas (their "political dimension") as well as social values (their "symbolic dimension"). Understanding cities and human settlements as complex phenomena, the Right to the City builds on three interdependent ideas, or 'pillars'.

Under the current global model of urban development, informed by neoliberal ideas and institutions that enrich economic interests at the expense of communities and social bonds, we are seeing several interrelated crises; the commodification of urban land, which is being stolen from the public and communities; the gentrification of traditional and popular neighbourhoods; the privatization of collective spaces; and the use of public funds to promote major infrastructure for the rich.

The Right to the City shifts the focus of our cities away from being playgrounds for capital and profit, and towards being living social, political, and indeed economic entities. By reclaiming urban spaces as collective places for people, by people, we can prevent the marginalization, criminalization

## The Concept of the Right to the City

The Right to the City is the right of all inhabitants, present and future, permanent and temporary, to inhabit, use, occupy, produce, govern and enjoy just, inclusive, safe and sustainable cities, villages and human settlements, defined as commons essential to a full and decent life.

## The Pillars of the Right to the City

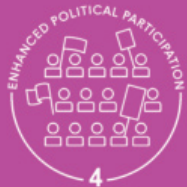
The Cities and human settlements are multifaceted entities which cannot be reduced to its material dimension (i.e. buildings, streets, infrastructures); they are actually made up by and result from ideas (political dimension), as well as social values (symbolic dimension). Understanding cities and human settlements as a complex phenomenon, the Right to the City builds on three interdependent pillars that relate to each of the previous dimensions:



## Right to The City Components

	A city/human settlement free of discrimination based on gender, age, health status, income, nationality, ethnicity, migratory condition, or political, religious or sexual orientation. A city/human settlement that embraces minorities and ethnic, racial, sexual and cultural diversity, which respects, protects, and promotes all non-discriminatory customs, memories, identities, languages, and artistic and cultural expressions of its inhabitants.
	A city/human settlement of gender equality, which adopts all necessary measures to combat discrimination in all its forms against women and girls; a city/human settlement which takes all appropriate measures to ensure the full development of women and girls, guarantee them equality in the exercise and fulfillment of human rights, and a life free of violence.
	A city/human settlement of gender equality, which adopts all necessary measures to combat discrimination in all its forms against women and girls; a city/human settlement which takes all appropriate measures to ensure the full development of women and girls, guarantee them equality in the exercise and fulfillment of human rights, and a life free of violence.





A city/human settlement with enhanced political participation in the definition, implementation, monitoring, and budgeting of urban policies and spatial planning in order to strengthen the transparency, effectiveness and inclusion of the diversity of inhabitants and their organizations. The Right to the City implies responsibilities on all spheres of government and citizens to exercise, claim, defend and promote equitable governance and the social function of all human settlements within a human rights habitat.



A city/human settlement fulfilling its social functions, that is, ensuring equitable and affordable access for all to housing, goods, services and urban opportunities, particularly for women, marginalized groups and people with special needs; a city/human settlement that prioritizes the collectively defined public and social interest, ensuring a just and environmentally balanced use of urban and rural spaces, and that recognizes and support the social production of habitat.



A city/human settlement with quality public spaces and services that enhance social interactions and political participation, promote sociocultural expressions, embrace diversity, and foster social cohesion; a city/human settlement where public spaces and services contribute to building safer cities (especially for women and girls) and to meeting the needs of its inhabitants (especially those related to livelihoods).



A city/human settlement with quality public spaces and services that enhance social interactions and political participation, promote sociocultural expressions, embrace diversity, and foster social cohesion; a city/human settlement where public spaces and services contribute to building safer cities (especially for women and girls) and to meeting the needs of its inhabitants (especially those related to livelihoods).



A sustainable city/human settlement with inclusive rural-urban linkages that benefit poor people, both in rural and urban areas, and ensures food sovereignty; a city/human settlement that protects biodiversity, natural habitats, and surrounding ecosystems.



Chengdu; **China**

Gwangju; **South Korea**

Manila and Quezon City;  
**The Philippines**

Yogyakarta, Surakarta, Jakarta;  
**Indonesia**



## The Right to The City in Asia Region

### Key Research Takeaways

This report raises questions on the Right to the City both in the dimension of definition and practices in the Asia region, drawing from the experiences of four countries: China, South Korea, Indonesia, and The Philippines.

Through a fruitful collaborative process, the report attempts to synthesize a viewpoint or conclusion that intersects the rich and diverse culture, norms, and political stances in the region. Despite the contrasts, the report finds certain similarities in findings, perspectives, and lessons learned as a common ground that could set a foundation for future steps in advancing the Right to the City agenda in Asia.

Abstracted from each team's findings, the report considers the consolidated regional takeaways through the following questions:

- What is the main underlying takeaway from a regulatory framework on the state's role to protect, fulfill and promote The Right to the City? What is the role of local authorities?
- What are the common challenges faced by marginalized communities in each country related to the Right to the City agenda? What are the existing opportunities to strengthen the R2C practice?
- What are the role and the importance of civil society actors in promoting the Right to the City agenda? How is the relationship between the state and civil society in exercising the Right to the City?

As the report attempts to address the aforementioned questions, it also reflects on the current regulatory framework of R2C practices and various citizen-led initiatives that promote the urban agenda to answer challenges in cities of respective countries. The report also seeks to incorporate those findings to answer how the R2C has been seen as a tool to further civil society movements and the governments in shaping more democratic and socially just cities in Asia. What are some initiatives and challenges that exist, and how has R2C been helpful in improving cities?

### **Regulatory manifestations of Right to the City practices are highly contextual and tailored to cities' governance and political systems.**

In many Asian countries, the protection of human rights has been the most important goal for activists for democracy and one of the most effective devices for activities. For this reason, the concept of human rights has been considered subversive to authoritarian governments and even to the public. The activists themselves also suffer from human rights violations by authoritarian regimes.

All four countries saw an absence of an explicit consensus on the definition of the Right to the City within the formal language of regulations and policies. However, the provision of citizen protection of their rights remains to be guaranteed by the basic constitution of each country. Thus, researchers and civil society organizations have navigated the issue using resemblant terms and concepts such as Human Rights, Democracy, Participation, etc. The practice highlights the different understanding and definitions of principles such as human rights and democracy in light of the diversity of cultural and historical contexts that shape the formulation of the Right to the City agenda accordingly. This means that the strategies of the researchers and civil society actors will be significantly influenced by a more localized set of circumstances and articulation of what the Right to the City means, without blinding adopting a 'one-size fits all' framework of what the Right to the City entails.

In China, for instance, there is no official 'Right to the City' agenda, which is a concept rooted more in the western context. However, the underlying principles embedded in the Right to the City agenda have been addressed in Chinese policies as the Chinese authorities recognized the importance of social welfare and mitigating the uneven development, for example. These issues still correspond to some of the Right to the City components and reflect the commitment of the Chinese government to building better cities for everyone. Even without adopting the framework of the Right to the City with its western normative connotations, there are still provisions to guarantee and protect some of the respective rights

and responsibilities enshrined in the R2C agenda.

The Philippines share a similar story. Their current political authority has been suppressing spaces for citizens to freely and openly exercise their rights. In investigating existing regulations and policies that enable R2C's practices, splitting the definition of rights into umbrella terms such as democracy or participation may be helpful. For CSOs, incorporating neutral umbrella terms into social movement strategies might be an effective tactic to sustain their advocacy.

In another case, policies that acknowledge and protect all citizens' rights might already exist, but implementation is the dimension of work that needs the most attention. Indonesia, for example, already has a legal framework that manifests The Constitution's mandate to guarantee, protect, and fulfill human rights. But, in reality, there is still much to improve in the enforcement of such laws. Commitments are needed to ensure an action plan or to better coordinate within task forces at all levels—so that more effective work could take place and bring out a substantial shift.

South Korea may offer a more substantial gesture regarding the provisioning of the Right to the City agenda, particularly by governments at the municipal level. The City of Gwangju, one of the case studies in this research study, holds a legacy of championing Human Rights City since the beginning of the concept. Despite gaps that will be further elaborated on in this report, South Korea has seen a transformation within its regulatory provisions. Today, the authorities are beginning to see the fulfillment of rights from the lens of 'protecting' the citizens, whereas back in the 1960s, it was more about 'restriction'. This could be an example of how collective values are not always fixed, even if it's at a national scale.

It is also worth noting that the protection of human rights is typically designated to the protection of human rights of individuals, in comparison to the

collective nature of the Right to the City agenda. However, when a local government that aims to be a Human Rights City begins to advocate the human rights of its own residents, the concept of human rights instantly becomes as collective as the concept of 'the Right to the City' is and far less radical than the latter. Therefore, it is no wonder that the two concepts are comfortably merged in the human rights city movement in the Asian context, mainly in South Korea and Indonesia. It is also interesting to find that 'the Right to the City' is considered as the most important component for a human rights city in the Gwangju Guiding Principles for a Human Rights City (2014), which was adopted at the 4th World Human Rights Cities Forum in Gwangju.

Eventually, it is crucial to get governments to support the Right to the City agenda through structural provisions and practices. Recognition through using, changing, and winning the narrative of the Right to the City will undoubtedly be an essential step in incorporating the spirit into a more structural form.

**As 'the invisible' in cities, marginalized groups face structural barriers in not only accessing basic services, but also of equal representation.**

Each chapter focuses on a specific case in respective countries as a snapshot to understand and assess the Right to the City practices. The research study draws from the experience of marginalized communities living in the city as their rights are generally unprotected and more prone to different forms of violations. The intention is to investigate from the citizens' perspective, not solely as researchers or experts, to grasp more contextual in-depth findings feasibly.

This report observes challenges faced by four different marginalized groups: migrant children in Chengdu; migrant workers in Gwangju; informal actors in Jakarta, Solo, and Yogyakarta; as well as the urban poor in the Philippines. The challenges faced by these communities are complex, interconnected, and structural in nature. Various factors may construct and contribute to these





challenges, but the result is almost always the same: marginalized groups remain vulnerable without proper access to their fundamental rights as citizens. Intertwining interactions between individual factors (i.e., social insecurity and inequality contributing to a feeling of hopelessness and discrimination) and institutional factors (i.e., policies and political system) have further preserved the process of marginalization.

Although each community group in respective case studies faces specific challenges, there are similarities in the underlying patterns of marginalization. In all cases, we found that marginalized citizens still face barriers in accessing public services. There is a range of stories explored here in the report, from informal women working as porters in traditional markets demanding a safer working environment to the hardships experienced by the migrant children in China in accessing more inclusive education.

The report also highlights the social and political structures that lead to daily and institutionalized marginalization of women of migrants, urban informal workers, and informal urban settlers. Being perceived as ‘the other’, and sometimes ‘the invisible’, has compounded the challenges marginalized groups face beyond access to day-to-day public service fulfillment and contributes to a lack of representation in decision-making processes. For instance, women and girls—who typically constitute half the city’s population—tend to be disadvantaged in decision making at home, in public, and the implementation of local and state policies, partly due to traditional social roles ascribed to women in Asia. The report, thus, reflects critically on state and local legislations that ensure fundamental rights such as the protection of women in vulnerable sectors (China), support for migrant families (Gwangju), as well as political participation and advocacy in the city and national legislations (Philippines, Indonesia).

Organized grassroots initiatives are also highlighted for their role in ensuring the right of marginalized groups; from voicing out practices in programs that exclude women, participating in community decision processes, to advocating local and national legislations to access resources for shelter, livelihood, health, protection from violence, as well as to stipulate formal roles in decision-making mechanisms that advance women’s Right to the City.

In advancing the Right to the City agenda alongside women empowerment and gender-fair cities, partnerships between grassroots women’s organizations and NGOs in organizing, advocacy, research, networking, and education campaigns are essential. This can be seen in the case of Indonesia and the Philippines, which have both illustrated concrete local initiatives that successfully advance access to resources, basic services, and participation in decision-making—the three core pillars of the Right to the City.

Opportunities to foster collective actions are, indeed, as relevant as they have ever been. To achieve transformative change, collective actions with strategies targeting structural shifts should be prioritized. To do this correspondingly, all stakeholders in a city must join to create more socially just cities. Civil society organizations (CSOs) may have the capacity and the position to advocate the challenges experienced by marginalized communities. The next question would be: how can CSOs contribute and demand radical change where citizens freely and openly exercise their rights to the city?

### **Civil society organizations are influential facilitators in engaging citizens and advocating the Right to the City agenda.**

This research has observed the prominent role of CSOs in bridging the exercise of rights between citizens and the state. The research findings thus far have shown that there are still gaps between the fulfillment of rights to the city—especially for the marginalized communities—and the state (both national and local government). Until today, CSOs have played a significant role in facilitating both parties. However, lessons learned from this research lead to a call for a more critical engagement facilitated by CSOs.

Is acting as a bridge and narrowing the gap enough? What can be done more strategically to create an enabling environment for the spirit of the Right to the City to thrive?

One potential strategy is encouraging governments to learn about and commit to Right to the City’s values. Learning from China’s experience, CSOs could attempt to adapt their approach to collaborating with the government; one of the ways is by incorporating agendas from both sides. Should this be done consistently, the strategy



has the potential to go beyond programmatic collaborations and influence the government to shift their perception and paradigm in the fulfillment of citizens' rights. South Korea is one example of how a nation has changed the narrative towards migrant workers from 'restriction' to 'protection.' This change would not have been possible without the advocacy of CSOs.

Nevertheless, the report recognizes that the opportunities to work closely with authorities are not always the case. Sometimes, authorities may not listen. Even worse, sometimes, they may force and repress social movements that demand better governance. In the end, cities—as contested spaces—become the battleground for citizens to freely and openly exercise their rights with their power. The report concludes that there is no single

model of the Right to the City's advocacy strategy that can be applied to any city. Citizens, with facilitation CSOs, remain to be the lead actors who need to actively seek out the best way based on their contexts, capacity, and opportunity.

The report acknowledges that this research study might not capture, or represent, all cities in Asia. The findings hope to contribute to the dialogue and inspire urban activists, practitioners, researchers, and governments to build more sustainable and socially just cities, not only in Asia but also worldwide—cities where people can deliberately and meaningfully determine their future and have their fundamental rights to their city fulfilled!

# Right to Education in China Through the Lens of Migrant Children's Education in Chengdu



## About This Report

The urbanization trajectory of China has been so rapid and transformative, occurring in a rather unique socio-political milieu that created specific dynamics of change. The story of the fantastic economic growth in China is also the story of rapid urbanization where estimated hundreds of millions of the rural population have moved to the cities to take up jobs in manufacturing and service sectors, creating the phenomenon of the 'floating population'. Due to the lack of Hukou (household registration permit) in their host cities, many of these migrant workers are unable to gain access to public services (healthcare, education, housing, etc.) in the cities since this right is reserved for those who are registered locally. In particular, one of the starkest examples of how migrant workers experience this differentiated access is how their children are denied public school education in the cities as a result of their rural Hukou.

From the perspective of the Right to the City (R2C) agenda where citizenship is an important component to delineate the rights and access to basic public services within a city, the plight of the migrant workers and their children exemplifies a form of second-class citizenship. Given that the existence of these migrant workers is rather precarious and marginalized, it is important to shed more light on the intricacies of their situation, as well as to give voice to the plethora of challenges they face in trying to claim the right to education for their children. Selecting migrant workers as the focal point of this report brings to light the plight of the migrant workers in trying to exercise their right to the city and highlighting their challenges in securing the right to education for their children as one of the subordinated social groups in the city. Hence, it is important to accord the migrant rights with renewed attention and to adopt a more comprehensive analytical lens and giving them the opportunity to express their opinions about how they are fighting for the right to education for their children.

Therefore, this report seeks to examine how migrant children experience the lack of right to education in the Chinese cities, especially through the in-depth case study of Chengdu city supported by interviews with migrant workers and social organizations. Critical issues involving the background of this issue, such as the state-society dynamics which include highlighting the regulatory environment in China, are presented to enhance the background understanding. Furthermore, a comprehensive overview of the various policy changes (in 4 distinctive stages) pertaining to Hukou, as well as migrant children's education is provided to explicate how institutional factors could impact upon the plight and policies for the migrant children's education. A rich repertoire of key and sub themes have emerged from our fieldwork, where the institutional and individual level factors, as well as the consequences of the inadequacies of existing policies and the role of social organizations were elaborated upon. Also, we drew on Social Equity and Participation Center's own experiences to further highlight the impact that social organizations can make in helping migrant workers to secure their Right to the City. We then undertook an analytical discussion regarding the complex intertwining of economic development, right to education and the Hukou issue for migrant children's education. At the same time, the implications of the findings were expounded on, with the more important sharing of recommendations that can ameliorate the situation. To conclude, the pursuit of the Right to the City in China is one that requires the in-depth knowledge (about the political intricacies and realities on the ground in the context of an authoritarian system) possessed by the social organizations who are able to form collaborative relationships with key power holders to achieve the goals included in the R2C Agenda. This model of state compliant activism can still yield beneficial outcomes for the marginalized social groups and help them to exercise their right to the city as part of the fulfilment of inclusive citizenship, albeit in a more moderated and modest co-operative way in China.



# Right to Education in China Through the Lens of Migrant Children's Education in Chengdu

## Introduction

China's economic miracle that has lifted an unprecedented number of people out of poverty is largely attributed to the manufacturing boom that started in the 1980s following Deng Xiaoping's decision to reform and open up in 1978. For the longest time since the boom happened, China was called the "factory of the world". As a result of the increased demand of labor to work in the factories, many rural Chinese residents moved to the manufacturing hubs (e.g. Guangzhou, Shenzhen, Ningbo, etc.) to provide their labor services. In the decades of rapid industrialization and urbanization, estimated hundreds of millions of rural laborers have moved to the cities (Mok et al, 2011). At the same time, as the Chinese economy grows, many migrant workers from the rural areas also sought employment opportunities in the burgeoning service industries in the first-tier cities (especially Beijing, Shanghai, Guangzhou and Shenzhen). According to the Report on National Surveys of Economy and Social Development, there were 1382.71 million people in China in 2016, and 245 million of them were migrants (National Bureau of Statistics of the People's Republic of China, 2017).

This huge unprecedented wave of internal migration has created the phenomenon of the 'floating population' (B. Li 2006) but many of these

migrant workers who are occupying blue collared jobs are not eligible to obtain the Hukou of their new cities of employment. They are therefore considered 'second-tiered citizens', prompting a rigorous debate on citizenship and what it entails in China in the face of such differentiated rights to citizenship. With the magnitude of such a big migratory movement, an array of issues arises: access to public services, housing, urban integration, political participation, etc. Also, there is the threat of displacement for those in the manufacturing sectors especially when the global economic recession caused by the financial crisis of 2008 led to the sharp decline in consumer demand goods, many of which were manufactured in China. In 2008, tens of millions of Chinese factory workers lost their jobs (Wallace 2014), posing a danger to the social stability of Chinese cities since these workers could be a source of labor protests and demonstrations.

More importantly, given that the existence of these migrant workers is rather precarious and marginalized, it is important to give voice to some of the more critical challenges they face, living in the urban spaces in China and trying to overcome some disadvantages of not having an urban Hukou. In particular, one of the starkest examples of how migrant workers experience lack of right to the cities is the unequal access to education that their children face as a result of their rural Hukou. Therefore, this report seeks to shed light on this phenomenon of how migrant children experiences the lack of right to the education in the Chinese cities, especially through the in-depth case study of Chengdu city. First, this report provides a background with an overview of some basic demographic data and a brief discussion of the state-society landscape including the regulatory environment in China. Following that, there is an elaboration of the research objectives and methodology, followed by a theoretical discussion of the R2C framework and how the case of Chengdu and migrant children's right to education issue fits into this, as well as a comprehensive mapping of the policy development pertaining to migrant children's compulsory education. The next section presents a thematically structured findings of the interviews from the fieldwork undertaken in Chengdu, followed by a section highlighting the reflection of the findings and attempts to synthesize the findings with the general research studies already conducted, with some final concluding thoughts.



# Background: Overview of Demography and the Chinese State-Society Landscape

## Basic demographic data

A populous country with 1.4 billion people, China has undertaken a phenomenal economic development journey and its government has lifted an unprecedented number of poor people out of poverty, with a recent declaration of success in eradicating poverty (Xinhuanet, 2021)<sup>1</sup>. With the momentous decision by Deng Xiaoping, the architect of Chinese reforms and opening, in 1978 to pursue incremental market reforms, the rate of urbanization has leaped from 17.9% in 1978 to 60.3% in 2019 (Worldbank, 2018)<sup>2</sup>. A large part of this big jump in numbers can be attributed to the largest internal migration that has taken place since the late 1980s<sup>3</sup> as a result of the transformation of the socialist economy toward a more market oriented one focused largely on manufacturing. Although a majority of the internal migration flow was between the inland regions and coastal areas (Shanghai, Zhejiang Province and also Guangzhou for example) in the initial phase<sup>4</sup>, other cities of major importance such as Beijing and Chengdu have also received an influx of rural migrant workers.

## Overview of state-society relations

Migrant children's difficulty in pursuing the right to education in China is emblematic of how the Chinese party-state has evolved in the wake of reform and opening up that has transformed the state-society relations and impacted upon how this issue is being addressed, which is why it is useful to get an overview of the broader background of how social organizations emerged and evolved. Under the totalitarian state control in the time of Mao in the 50s to the 70s, the social organizations that existed were rather limited because the Chinese society was organized into work units (*danwei*) and provision of social welfare was the responsibility of the Chinese communist government. The types of social organizations that were allowed to operate were mass organizations, public service-oriented organizations, cultural groups, academic organizations and officially approved religious organizations (Ye, 2003). As these social organizations were completely under the control of the CCP by being embedded within its official political structure, they clearly lacked independence and were instruments of party control over society.

With the reform and opening up policy espoused by Deng, a plethora of social organizations ushered in a period of associational vibrancy with the burgeoning of social organizations. Since then, the social organizations in China have evolved from being more focused on research to undergoing more regulatory control and gradually assuming more responsibility for the provision of public welfare. They are now officially recognized by the Chinese state to be an important partner in delivering social services to the general Chinese population. Many of the social organizations operating in China are state sponsored and have thus earned the anomalous moniker of 'GONGO' (government organized NGOs), reflecting heavy dependence on the Chinese government. Chinese state society relationship is characterized by a tenuous relationship where the social organizations continuously have to negotiate for space and opportunities to operate, vis-à-vis the state. The autonomy of the social organizations is always a little problematic given how they are subject to control by the government, as they are required to be registered by the Ministry of Civil Affairs. What is interesting was that many social organizations were not registered (Deng 2010) and hence they fell under the radar of the Chinese government, a phenomenon prevalent in the late 90s to early 00s. These groups were tolerated by the local authorities who chose to overlook this transgression because they play an important role in providing social welfare that takes some pressures off the local government (Hildebrandt, 2011). However, these unofficial social organizations are experiencing difficulties in operation in light of the recent tightening of space for civil society under the current Xi administration where there are stricter state control and increased regulatory requirements.

Spatially, the distribution of social organizations follows the state of socio-economic development of the regions, with a higher concentration of social organizations, especially foreign NGOs, in bigger more affluent cities that are also experiencing a much more acute shortage of social welfare service. With regard to our

1 [http://www.xinhuanet.com/english/2021-02/26/c\\_139767705.htm](http://www.xinhuanet.com/english/2021-02/26/c_139767705.htm)

2 <https://data.worldbank.org/indicator/SP.URB.TOTL.IN.ZS?locations=CN>

3 Wang, L., & Mesman, J. (2015). Child development in the face of rural-to-urban migration in China: a meta-analytic review. *Perspectives on Psychological Science*, 10(6), 813-831.

4 Fan, C. C. 2008. *China on the move: Migration, the state, and the household*, London, New York: Routledge.

research focus, the social organizations looking into migrant workers issues are also prevalent in the bigger cities which had received a high level of internal migration. Most importantly, what determines the ability of these social organizations to continue is their ability to work with and not against the Chinese government. Despite the current circumstances, there are pockets of possibilities for NGOs who find it most effective to embed themselves institutionally (Yuen 2018) within the governance mechanisms of the local state. This is an optimal strategy in view of how local governments are under high pressure to deliver social services to the residents but experience limited resources which the NGOs help to provide.

### Regulatory environment for civil society in China

In view of how state-society relations in China are characterized by a strong and dominant state, the NGOs used to be regulated under a so-called “dual management” system where they could only officially register with the Ministry of Civil Affairs (MCA) but requiring the endorsement of a professional supervisory unit (PSU). As this was not an easy feat to accomplish, many NGOs are deterred from undergoing registration. However, the situation improved in 2013, at least for domestic NGOs, when the Chinese government decided to allow some domestic organizations<sup>5</sup> to register without the additional approval of the PSU (Corsetti, 2019). In the same year, the CCP had also undertaken a significant administrative reform in transferring authority to social organizations, effectively allowing them to take on public service provision functions that were previously under the purview of the government (H. Gao and Tyson 2017). To shed light on the regulatory environment for civil society in China, it is important to highlight that the scope of regulation has altered differently for domestic and foreign/overseas NGO. As such, Table 1 which is based on the work of Shawn Shieh (2018) clearly outlines the list of laws and regulations that the NGOs are subject to in China, as well as indicate which ones pertain to domestic and foreign NGOs.

**Table 1 Laws and regulations regulating NGOs in China**

Name of Regulation	Year	Scope of regulation: Domestic NGOs, ONGOs, or both
Measures for Management of Foundations	1988	Domestic NGOs. The first regulation for Foundations, which is one type of social organization.
Provisional Regulation for the Administration of Foreign Chambers of Commerce	1989	ONGOs. The only standalone regulation addressing ONGOs until the 2016 ONGO Law.
Regulation for the Registration and Management of Social Groups	1998	Domestic NGOs. Regulations for Social Groups, a type of social organization similar to membership associations.
Regulation for the Registration and Management of Civil, Non-Enterprise Units	1998	Domestic NGOs. Regulations for Civil, Non-enterprise Units, a type of social organization similar to social service organizations.
Provisional Regulation for Banning Illegal NGOs	2000	Both. Addresses illegal domestic NGOs and ONGOs.
Regulation for Management of Foundations	2004	Both. A revision of the 1988 Measures for Management of Foundations, it is the first regulation to provide for registration of ONGO representative offices.
Yunnan Provisional Regulation for Standardizing the Activities of ONGOs	2009	ONGOs. A local regulation that creates a filing document ( <i>bei'an</i> ) system for ONGOs in Yunnan province.
Charity Law	2016	Domestic NGOs. A comprehensive national law creating charitable organization status for social organizations, and regulating charitable activities.
Law on Administration of Activities of ONGOs in the Mainland of China	2016	ONGOs. Comprehensive law regulating registration and management of all ONGO activity in mainland China
Regulations for Registration and Management of Social Groups, Social Service Organizations and Foundations	2016	Domestic NGOs. Drafts of revised regulations are issued for all three types of social organizations, with the final versions expected in 2018.

Source: Shieh, 2018

<sup>5</sup> More specifically, the 4 types of organisations that are allowed to have less stringent registration requirements are chambers of commerce, charity organisations, social services organisations and social groups involved in social services provision.

Not included within the scope of Table 1 above is the foreign NGO law that was promulgated in 2016 and came into effect in 2017, making it mandatory for foreign NGOs to register with the Ministry of Public Security (MPS) instead of with the MCA, as well as having to find a domestic societal organization to cooperate with. The areas of work that the foreign NGOs are permitted to operate in are specifically indicated, such as in economics, education, science, culture, health, sports, environmental protection, poverty and disaster relief (Fact Sheet on China's Foreign NGO Law 2017). One striking implication of this change is that the regulation of foreign NGOs becomes tied to national security. Such a change in the regulatory requirement for foreign NGOs raised questions about what it means for the future of foreign NGOs that were able to enjoy substantive legitimacy (Shieh, 2018) and whose ambiguous regulatory status was tolerated by the Chinese government in the past since they provided crucial social services to the Chinese society. For scholars like Shieh, the new regulatory framework, albeit stringent, can engender a positive outcome by conferring procedural legitimacy to the foreign NGOs and this could even increase the ease and efficiency of their operation in China, further enhancing the legitimacy of the issues they are fighting for.

The establishment of a clearer set of regulatory framework represents a more concrete effort by the Chinese central leadership to adopt legal means to control and manage this sphere (Simon 2013). At the same time, the Chinese central government also recognizes the contributions made by the NGO sector in improving social governance (Han 2018) and even attributed a valuable role to them in the social governance system, especially since the CCP now emphasized more on social reforms that and the need to implement new social policies. In fact, the NGOs are envisioned by the Xi administration to drive innovations in social governance, in tandem with the participatory involvement of government bodies, corporations, and citizens to improve public service delivery and policies (Guo 2017). Under Xi's administration, there was a concerted 'rule of law' campaign that resulted in the passing of two major NGO laws in 2016, the Charity Law as well as the foreign NGO Law mentioned previously (Han 2018). These developments complemented Xi's emphasis on strengthening national security, culminating in the decision to transfer the authority to regulate and monitor the operation of NGOs to MPS to mitigate the potential threat of NGOs undermining China's national security and social stability.



# Country Research Focus: Right to Education in China Through the Lens of Migrant Children’s Education in Chengdu

## Research objective

Having established the plight of the migrant workers amidst the broader backdrop of China's rapid urbanization and the current state of its state-society relations, this report therefore seeks to examine the topic of right to education in China through the lens of migrant children's education, focusing on the case study of China. The general question to address is to look at **how does the migrant workers' access to public services affect their right to inclusive citizenship?** In particular, this report wants to cast the spotlight especially on the experience of the migrant children and how their access to education in the host cities shed light on the right to education in China. When situating this specific area of inquiry within the broader framework of the Right to the City agenda, it relates to the issue of inclusive citizenship but also intersect with the other equally important components such as gender as well as rural-urban linkage.

Utilizing the case study of the migrant children's education in Chengdu helps to illuminate the complexity and urgency of how different aspects of the Right to the City agenda can intersect and interact. Additionally, in light of the current pandemic that the entire world is experiencing, it will also be crucial to examine the impact that the Covid-19 situation has on the migrant children's access to education in such challenging times. The key objective of this research is to shed light on the multi-faceted issue of migrant children's education in China, from outlining the developments in policy to highlighting the cross-cutting issues. Most importantly, through interviews with social organizations and most of all the migrant workers themselves, this report uncovers not only the perspectives of the usual elite stakeholders<sup>6</sup>. Rather, it presents continuous challenges as well as recommendations that can enhance the migrant children's right to attain quality education in China.

## Methodology

Figure 1 Overview of methodological approach

Case Selection Rationale Chengdu	
Case Selection Rationale	Dynamic influx of migrant workers & vibrant associational environment for state-society relations
Interview Considerations	Including voices of the marginalized and designing a respectful interview interaction

A qualitative research relying on the comprehensive collection of first- and second-hand data was undertaken to construct a comprehensive study by uncovering the narratives, experiences and interactions amongst the different actors involved in the issue of migrant worker children's education. Drawing on the experiences of various actors involved in the right to education will uncover insights into the interaction of not only the NGOs with the state actors, but also with the ordinary citizens, illuminating the power relations, the policies and how they reflect challenges and opportunities.

## Case selection choice

The selection of Chengdu as the locality for our case study is both significant and pragmatic. As Chengdu is a rapidly urbanizing city with a dynamic flow of migrant workers from the surrounding areas, it is a conducive case to examine the difficulties that these marginalized individuals encounter in claiming their Right to the City. On a pragmatic note, Chengdu is also the home base of the Social Equity and Participation Centre that facilitated easier access to resources and information regarding the topic and more importantly, the access to the network of NGOs. Even with a single case study focusing on Chengdu<sup>7</sup>, rich findings about

6 Ideally, we would have like to interview the officials but given the current environment and the potential sensitivity around the topic of migrant children (which has been politicised and framed as a human right issue that is perceived with wariness from the Chinese state), we have to unfortunately forgo interviews with this group of vital stakeholders.

7 We had initially intended to conduct a comparative study with the inclusion of Beijing that can provide an interesting and illuminating comparison because it is the capital city and the political centre, where despite the restrictions on NGOs, there is nevertheless a

the first-hand experience of the migrant workers and the social organizations who have been involved either directly in or researching on the topic of migrant children's education can still be uncovered.

### Interview fieldwork considerations

A total of 20 interviews were conducted, out of which there were 4 interviews with social organizations and 16 interviews with migrant workers. The list of interviewees is illustrated in a table in the appendix, section C and the interview guide and questions are also available for reference in the appendix, section D. These interviews were carried out in a semi-structured way during the period of January to September 2020, with student assistants (postgraduate students) who were carefully selected based on their experience in conducting social survey. Due to the pandemic, the interviews were conducted over video calls after obtaining the interview contacts from migrant schools. Ideally, it would have been interesting and important to seek the opinions of officials to ask about the policies pertaining to migrant children's education, to obtain a more holistic understanding. However, in view of the potential political sensitivity of the issue regarding Right to the City, it was difficult to get the officials to talk with us. One striking observation about the interviews was the difficulty in getting male interviewees (only 6<sup>8</sup> out of 16) which means that in terms of gender ratio, there is a disproportionate number of female migrant worker interviewees. This is despite our conscious efforts after the first round of interviews to try and recruit more male interviewees. Also, the interviewers have been trained and instructed to be thoughtful when engaging with the migrant workers for interviews, to behave sensitively and respectfully toward them. The migrant workers were reassured that their identities would be kept anonymous. Should they find any question uncomfortable and are reluctant to answer, they are not obliged to answer. Most of all, it was conveyed that we are keen to hear about their stories and experiences, giving them the voice and opportunity to air their perspectives.



## Unpacking and articulating 'Right to the City' in China

### Locating the migrant children's education within the R2C agenda through the Right to Education focus

Although there is a plethora of issues relating to all of the components highlighted in the R2C agenda as seen in table 3, this report focuses specifically on the right to education of migrant children in China which relates to the broader theme of inclusive citizenship. Moreover, examining the right to education through the migrant children's lack of access to education in the big Chinese cities also revealed linkages to issues of discrimination, gender equality and even housing. In the process of presenting how these various dimensions interconnect and analyzing how policies on this have evolved over time, an enhanced understanding of the Chinese experience of the Right to the City, vis a vis the marginalized groups such as migrant children, can be provided. Given how an explicit Right to the City agenda is lacking in China, this research report also hopes to start the conversation on how we can meaningfully and constructively discuss the experience of the Chinese Right to the City.

Selecting migrant workers as the focal point of this report, and highlighting their challenges in securing the right to education for their children, is a deliberate choice. The plight of the migrant workers in trying to exercise their Right to the City embodies the struggles of subordinated social groups in the city. Hence, it is important to accord the migrant rights with renewed attention and to adopt a more comprehensive analytical lens by giving them the opportunity to express their opinions about how they are fighting for the right to education for their children. In China, the extent to which the migrant workers are able to claim their Right to the City is poignant and profoundly unsettling, especially when one considers how they are often sidelined from the fantastical economic miracle story of China's rise. Despite the growth and prosperity of the Chinese cities, the migrant workers have occupied a marginalized position in the Chinese urban society, unable to exercise their right the city that some have contributed to build. A more in depth look at how migrant workers have been marginalized spatially, socially, economically and politically might have already been undertaken by many scholars. However, using the Right to the City framework to discuss the issue of migrant children's education

dynamic interaction between state, society and the migrant workers with regard to issue of public services access. Unfortunately, with the outbreak of Covid-19 and the many restrictions and disruption to the everyday life of the Chinese citizens, the team of research assistants on the ground were not able to carry out interviews in Beijing.

8 Out of the 6 men, only 1 was interviewed individually and the others 5 were with their wives.

pulls together different aspects of how inequality is experienced by the migrant workers in a much more profound and myriad way.

## Relating the Chinese experience to the overall Right to the City Concept

As a concept and slogan that has been espoused both by the academic scholars and practitioners in the international organizations, the Right to the City, originally promulgated by Henri Lefebvre in 1968 in the eponymous book titled 'le droit à la ville', has been deemed as a powerful idea and rallying cry in response to the plight of the marginalized urban dwellers who are displaced from the devastating effects of urbanization. According to Lefebvre, the Right to the City can be defined as a "demand... for a transformed and renewed access to urban life." Expanding on this idea, David Harvey (2008) further asserted that "the Right to the City is far more than the individual liberty to access urban resources: it is a right to change ourselves by changing the city... the freedom to make and remake our cities." As such, it is apparent that the claim of the Right to the City pertains not only to what is legally entitled but refers to the social relations and relatedness where the reorganization and contestation of social power becomes the prerogative of even those who may not be legally entitled in the cities (e.g. migrant workers from the rural areas) (Qian and He 2012).

While appearing to be a deceptively simple idea, the Right to the City concept has been expounded upon in holistic ways to expand the multi-faceted ways in which human rights in the city can be examined and upheld, through focusing on ideas such as inclusive citizenship, gender equality, sustainability, etc. Scholarly discussions have largely centered on the experiences of the West although there has been increasing attention paid to other contexts in view of how the world has become so interconnected with the profound process of globalization. As such, situating urban China within the Western framework of the 'Right to the City' can be a challenging task given how her experiences may not always concur with that of the Western world.

The urbanization trajectory of China has been so rapid and transformative, occurring in a rather unique socio-political milieu that created specific dynamics of change that contest the theoretical explanations emanating from the West (He and Chen 2012). China's profound transformation engendered by the outstanding economic growth story glosses over the underlying contradictions

and conflicts that were created too. Although economic development has alleviated poverty for many in China, the benefits of the economic boom were unevenly distributed due to the differentiated approach in the allocation of resources and capital, with the coastal provinces being able to reap their already advantageous conditions to further propel their growth and local prosperity. Even in many of the contemporary Chinese cities, the urban terrain is also the site where complexities and conundrums arise due to the intersection of the hyper economic growth machine and the accompanying societal problems produced. The Chinese urban political economy becomes one that marginalizes some social groups due largely to the shifting fiscal powers<sup>9</sup> from the center to the local levels that reduced the responsibilities of the central state in providing social welfare. Inequality then becomes a trenchant issue, and the clamor for the Right to the City to redress such social injustice becomes even more pressing and resonant.

## Examining 'Right to the City' agenda in China: State and non-state actors' obligations

Given that the Right to the City's conceptual frame is articulated specifically in different social contexts, to what extent is there an agenda for the 'Right to the City' and how can this be understood and realized in China, in light of its rather unique social and political environment? There are two broad perspectives to this, one that relates to the academic endeavors to examine the Right to the City concept through the lens of various socio-economic phenomena and the other pertaining to the governmental framework of promulgating the Right to the City principles and values. On the academic front, a multitude of studies have presented different experiences of how the marginalized social groups in China provided salient reflections about the Right to the City idea materialized. For example, scholars such as Harvey (2008) referred to the plight of the displaced rural population in China due to a lack of property rights whereas Qian and He (2012) regarded the concept of the Right to the City in China as being "embedded within the complex geometries of power relations throughout the production process of China's urban modernity". With regard to official guiding principles and values relating to a Chinese conception of Right to the City, in view of the sensitive connotations<sup>10</sup> that this concept possesses, an official promulgation of any agenda of the Right to the City in China proves elusive. However, this is not to say that the different components that constitute

9 In recent years, there is however a reverse trend of fiscal recentralization.

10 Since the official promulgation of the Right to the City often refer to a human rights agenda in many countries, it is no surprise that such a concept has not been adopted and endorsed by the Chinese government officially in any policies or announcements.

the meaning of the umbrella term 'Right to the City' are not addressed at all in China. In fact, there are legal provisions made in reference to each of the components as identified by the Global Platform for the Right to the City (GPR2C), as illustrated in Table 2 below.

**Table 2 Key legal Instruments for the R2C components**

Component	Key Instruments
<b>A city free of discrimination</b>	Law on the Protection of Persons with Disabilities Article 3, Article 38, Article 64.
	Employment Promotion Law Articles 25, 26, 29, 31
	Labour Law Article 12
	Law on the Protection of Minors Article 10
	Law on the Protection of the Rights and Interests of the Elderly Article 3
	Law on the Protection of Women's Rights and Interests Article 2, Article 25, Article 27, Article 34
	Marriage Law Article 25, Article 27
	Electronic Commerce Law Article 4
	Drug Law Article 52, Article 70
	Communicable Disease Control Act Article 16
<b>A city of inclusive citizenship</b>	Constitution Articles 33 to 56
	Law on Regional Ethnic Autonomy Article 52
	Law on the Protection of Persons with Disabilities Article 3
<b>A city of enhanced political participation</b>	Constitution Article 34
	Law on Legislation Article 5
	The Election Law
	Organic Law of the People's Courts Article 11
	Organic Law of Urban Resident Committee
	Organic Law of Villagers' Committees
	Law on the Protection of Women's Rights and Interests Article 13
	The Grassroots System of Mass Self-Government
<b>A city with quality public places</b>	Fire Services Law Article 2
	Law on the Protection of Public Cultural Services Article 36
	Rules for the Implementation of the Regulations on the Health Management of Public Places
	Environmental Protection Law Article 51
	Environmental Noise Pollution Prevention and Control Law Article 45
	Solid Waste Pollution Prevention and Control Law Article 48

Component	Key Instruments
A city with quality public places	Air Pollution Control Law Article 70
	Law on the Protection of Persons with Disabilities Article 55
	Film Industry Promotion Law
	Drug Law Article 15
A city of gender equality	Constitution Article 34, Article 48
	Education Law Article 9
	Compulsory Education Law Article 4
	Labor Law Article 12, Article 13
	Law on the Protection of Women's Rights and Interests Article 2, Article 16, Article 23
	Employment Promotion Law Article 3, Article 27
	Organic Law of the Urban Residents' Committee Article 8
A city fulfilling its social functions	Implementation Opinions on Strengthening and Improving the Construction Work of Urban Community Neighborhood Committees
A city with cultural diversity	Constitution Article 47
	Decision of the Sixth Plenary Session of the Seventeenth Central Committee on Several Major Issues in Promoting the Great Development and Prosperity of Socialist Culture
	Convention on the Protection and Promotion of the Diversity of Cultural Expressions
A city with inclusive economies	Constitution Article 6-18
	Civil Code Article 206
	Opinions on Building a More Perfect Institutional Mechanism for Market-Based Allocation of Factors
A sustainable city	Environmental Protection Act
	Forestry Law
	Air Pollution Control Law
	Water Pollution Control Act
	Solid Waste Pollution Prevention and Control Law
	Earthquake Disaster Prevention and Reduction Act
	Law on Sand Control and Prevention
	Intangible Cultural Heritage Law Article 4
	Town and Country Planning Law
	Energy Conservation Act

Although there is no overarching agenda formulated for the Right to the City, it is palpable that the issues represented in each individual component above have been addressed in legal provisions by the Chinese government. Some issues, such as those pertaining to the environment, have been highly prioritized in recent years, in light of the global commitments that China has made to reduce its carbon footprint, hence

resulting in a fairly effective implementation on the ground. More importantly, there is also a nascent but emerging collaborative local governance facilitated by the selective decentralization of some powers, especially in the provision of social services, the ability of the local state actors to fulfil the obligations of the Right to the City could at least be enhanced by the involvement of social organizations.

While social organizations play an important role in helping state actors to fulfil the obligations, this interaction must be understood in the context of the tenuous relationship between state and society in China. As discussed above, the space and capacity for social organizations to operate in China is highly contingent on the central government's permission, although the exigency of social welfare provision, especially at the local level, has been conducive for the social organizations to grow. More importantly, the Chinese government has recognized the necessity of depending on the social organizations as critical local partners in delivering public services, resulting in a collaborative governance model that is emerging at the local level. In this light, the ability of the social organizations as non-state actors that are carrying out the obligations of the Right to the City principles has to be calibrated and contextualized in such an environment where the room to maneuver is dependent on the space allocated by an authoritarian state. Social organizations in China have to work in tandem and cooperatively with the state rather than engage in conflictual contestation. However, some social organizations have demonstrated creativity in covert contestation. A good case in point is illustrated in Diana Fu's (2017) study of underground labor organizations in the Pearl Delta Region (PRD) where atomized actions (instead of overt collective action) were fostered by underground labor organizations to enable the aggrieved workers to secure concessions and assert their rights.

## **Policy development and changes for migrant workers' children's education**

To delve into the focal point of this research, it is crucial to point out that many of the challenges encountered by the migrant workers in securing the right to education for their children can be attributed to the problematic and anachronistic system of Hukou. This section first presents a discussion of the Hukou system and how the right to education for migrant children is entangled within the limitations caused by this, followed by a comprehensive overview of the various policy changes pertaining to Hukou, as well as migrant children's education. Providing a background understanding of the

Hukou system is paramount to connect the dots between how institutional factors could impact upon the plight and policies for the migrant children's education.

### **Hukou system and the problem of education for migrant children**

Hukou is a household registration system in which the rights and entitlements (education, healthcare and local participation, etc.) of Chinese citizens are restricted to their place of birth. Introduced in the 1950s, the Hukou system officially and legally assigned residential status to each Chinese citizen based on residence as well as socio-economic eligibility relating to agricultural and non-agricultural category, as a way to restrict the mobility of rural to urban migration (Kuang and Liu 2012). More importantly, children inherit the Hukou registration of their parents regardless of where they are born and it is not easy to change the Hukou status without governmental approval. Therefore, although it was designated as a pragmatic policy to control internal migration, the hukou system became an unequal social institution that segregates the Chinese society spatially and accords different rights and entitlements to different citizens on the basis of the type of Hukou they hold. As a result, a 'caste-like system of social stratification' (Woronov 2004) between urban and rural citizens emerged, creating a dual citizenship structure. Also, this has often been regarded as an 'internal passport' system (Ye 2019) that entrenches the pervasive rural-urban inequality (Guang et al. 2010) in China. It is important to recognize the variegated citizenship that has emerged beyond the sharp distinctions of Hukou versus non-Hukou residents, but the 'new gradations of second-class citizenship' according to Chan and O'Brien (2019) reveals the intra-inequality within the migrant workers group. Amongst the migrant workers, there are highly educated white collared migrants who are treated much more favorably as compared to their blue collared counterparts. This asymmetry is most pronounced in the access to public services, especially in the realm of education for the migrant workers' children education.

Usually, the children of poorer migrant workers are left behind to stay with their grandparents since their parents cannot afford to bring them along to live in the cities where the cost of living is much higher. Even the ones who managed to leave the countryside to join their parents in the cities are unfortunately not allowed admission to public schools due to quota restrictions. The children of these migrant workers, then, are left with no choice but to attend informal private schools for migrant children which are not only more expensive but also



provide a much inferior quality of education. More critically, such private schools attended by migrant children are sometimes shut down without prior notice in the cities, especially to give priority to urban redevelopment projects (Chan & O'Brien, 2019), disrupting the learning of the children and creating challenges for migrant parents to find alternatives. Due to continuous urbanization growth that created pressures on existing cities to then expand into suburban and rural areas, there have been reports of municipal authorities evicting residents and demolishing neighborhoods in order to clear the land for much more profitable projects (malls, residential high rise) (F. Wu 2016). For example, in Chengdu, since the mid-2000s, dozens of migrant schools in Chengdu and various other cities have been demolished as neighborhoods underwent urban renewal. In Beijing's Fengtai District, the local officials put up barriers around four migrant schools and posted signs saying that demolition would begin in one year. There were no other announcements or meetings about the land expropriation or plans for alternative schooling options for the displaced students.

### **Attempts by the Chinese government to reform the Hukou System**

The many problems and challenges created by the restrictive Hukou system have incurred countless criticism at home and abroad. In response to what has been referred to as 'urban-rural apartheid' (Chan and Buckingham 2008), there have been attempts by both the central and local Chinese governments to introduce reforms to ameliorate the situation. For example, the Central government has announced a lofty goal of expanding urban Hukou or residency permits to 100 million migrant workers by 2020 (Sheehan 2017) as part of its urbanization plan that also seeks to rebalance the domestic economy. In recent years, the Chinese authorities have concretely laid out a series of increasingly relaxed hukou policies. For example, in December 2019, the central government removed the residency requirements for cities with fewer than 3 million people, with plans to eventually include cities of 5 million people or less (The General Office of the Central Committee of the Communist Party of China issued the "Opinions on the Reform of the System and Mechanism to Promote the Social Mobility of Labor and Talents" 2019).

Additionally, a lot of Hukou related reforms have been decentralized to the local level, especially since the mid-1990s following the central state's decision to grant local governments more autonomy in various areas of policy making to increase administrative efficiency that would contribute to increased economic growth. One example is the

introduction of a "blue-stamped" Hukou (L. Wu 2017), that accorded higher income migrants (based on home purchase in the host cities) with the residency status as these are individuals who are considered to be talent urgently needed. As of 2017, Sheehan (2017) reports that China's Ministry of Public Security had issued 28.9 million new urban residency permits in 2016, with 1.69 million issued in Beijing, 406,000 in Shanghai, 810,000 in Guangzhou, and 1.71 million in Shenzhen, the four biggest cities in China that attract the most number of migrant workers. In February 2021, Jiangxi announced a ground-breaking policy reform by becoming the first province to scrap household registration restrictions (e.g. having to fulfil a certain number of years of urban residency) in order to ameliorate the urban-rural population divide (Zhang 2021).

Despite the increase in the issuance of new urban Hukou permits, challenges and problems pertaining to the application of these permits remain. As of 2020, out of the 60.6% of the Chinese urban population, only about 44.4% (Zhang 2021) are in possession of an urban hukou, highlighting the difficulties in resolving such an entrenched social problem that is deeply rooted in the particularistic Chinese political economy. For instance, many of these new Hukou rules are predicated on a points system where migrant workers' eligibility is based on education level, tax payments, and work experience. This clearly favors the white-collar migrant workers while the majority which are the blue collared migrant workers find it difficult to make the cut, especially since many are in unstable jobs or engaged in the informal economy. As such, the lower qualified migrant workers face very high barriers to obtain the urban Hukou that can guarantee their children a spot in the local public schools. However, to ease the pressure of excessive migration to the bigger first tier cities, the central government is trying to entice migrant flows into the smaller cities through easier Hukou applications in order to boost the local economic growth. Therefore, the stringent points-based system does not apply to cities with less than 3 million permanent residents living in downtown areas (China to resolve hukou issue for 100 million rural migrants 2016).

Also, devolving power and authority to the local level governments presents a challenge for local governments to fund Hukou related reforms because this means having to finance the increase in public services spending for the new Hukou residents. At the same time, there is a lot of resistance from the existing urban residents (especially those in big cities) who viewed the relaxation of requirements, such as the policies that now allow migrant children to attend public schools, with hostility as this intensifies the already ultra-

competitive terrain for school admissions. More challengingly, changes to the Hukou system, while having improved the situation in some instances, have also created new divides since the relaxation of rules are more predominant in smaller cities that are not as attractive to the migrant workers who have their sights set on the bigger more affluent cities of Beijing, Shanghai, Guangzhou, etc. As a result, rather than the traditional and historical divide between urban and rural dwellers, the new frontlines of inequality now extend to people born into wealthy first tier cities and those who struggle in the poorer second and third tier ones (Changes to China's hukou system are creating new divides 2020).

### State policies: 4 stages of development

Besides attempting Hukou reforms, the Chinese government has also specifically focused on education reforms related to the children of migrant workers as it has recognized the critical need to address the inadequacies on the policy and legislative fronts. Policies focusing on migrant workers' children education were also embedded within other broader policies as well, such as the National Planning on Neo-urbanization (2014–2020) that was issued in 2014. It called for the inclusion of a budget relating to migrant children's education to be included in destination governments' educational development planning and fiscal budgets. Such efforts are to improve the provision of equal opportunities and conditions for migrant children's compulsory education at their destination locations. In terms of the official state policy on children's education, there is an official government policy that stipulates compulsory education for children up to 9th grade (includes 6 years of primary school and 3 years of junior high school). While the state is responsible for providing the funding and formulating central educational directives and policies, the implementation is delegated and decentralized to the local level due to the decentralization trend that was discussed previously. Due to the uneven regional development in China, it implies that the provision of education will be detrimentally affected by the lack of funds in some regions that are located inland and predominantly rural. A quick visual overview of the national level policies relating to the migrant children's education will be highlighted in the figure below, followed by further elaboration in the appendix, section A, to discern how the policies have changed and developed over time.

**Figure 2 Overview of 4 stages of policy development for migrant children's education**

<p><b>1st Stage:</b> Personal burden stage (1996 to 2003)</p>	<ul style="list-style-type: none"> <li>Introduced trial <i>Measure of Education for School-Age Migrant Children in Cities</i> (1996)</li> <li><i>Temporary Measures of Education for Migrant Children</i> (1998)</li> <li>Responsibility of providing public education to the migrant children lies largely with migrant parents; restrictive and discriminatory measures</li> </ul>
<p><b>2nd Stage:</b> Burden shifts to host cities' governments stage (2003 to 2008)</p>	<ul style="list-style-type: none"> <li><i>Notifications on Further Improving Management and Services Related to Migrants &amp; Notifications on Further Improving Education for Migrant Children</i> (2003)</li> <li><i>Advice on Solving the Problems Related to Rural to Urban Migrants</i> (2006)</li> <li>Attributed responsibility of funding migrant children's education to local host governments</li> </ul>
<p><b>3rd stage:</b> Central government intervention stage (2008 to 2014)</p>	<ul style="list-style-type: none"> <li><i>Notice of the State Council on Exempting Tuition &amp; Misc Fees</i> (2008)</li> <li><i>Opinions of the State Council on Further Promoting the Balanced Development of Compulsory Education</i> (2012)</li> <li><i>Advice on Further Improving Services for Rural to Urban Migrant</i> (2014)</li> <li>Subsidies from central government; emphasis on educational quality issues</li> </ul>
<p><b>4th Stage:</b> Burden sharing stage: Home, host governments, and the central government (2015 onwards)</p>	<ul style="list-style-type: none"> <li><i>Two Exemptions and One Subsidy</i> (2015)</li> <li><i>Benchmark Quota for Public Expenditure per Student Stipulated</i> (2016)</li> <li>Clarifying the division of responsibility between different levels of government, implementing fiscal transfers and ensuring sufficient allocation of resources</li> </ul>

## Reflections on the changes over the four stages

At the national level, the policy development and changes pertaining to migrant children's education can be largely organized into 4 distinctive periods as outlined by Liu (2020) and illustrated above. From the changes in policies that have taken place over the four stages as presented above, it is apparent that the development and changes in the various policies of the Chinese government (central and various ministries) demonstrated how different levels/actors have been attributed responsibility toward the financial provision of migrant children's education. Where it was initially a heavy burden placed on the migrant parents to undertake the responsibility of ensuring educational opportunities for their children with hefty fees to be paid in the host cities' schools, the responsibility oscillated between home and host cities. Despite the home cities being originally accorded with the primary and sole responsibility for providing for the compulsory education of migrant children, there was a period where the responsibility shifted to the host cities' governments. However, the most recent policy announcement attributed responsibility to both the central government as well as the home cities. For instance, the financial sharing in the '2 Frees/exemptions 1 subsidy' policy is supposed to be a (50/50) arrangement between the central government and host cities. The central government had adopted a passive and reactionary attitude toward the education of migrant children with earlier policies that aimed more at deterrence rather than addressing the issue of educational equality. Also, there were difficulties in formulating a viable financial mechanism to address the funding issue. The incentives program to reward provinces in 2008 had to be put to a halt (refer to earlier discussion) and in the end, cost/burden sharing with the 2015 policy had to be implemented.

In the end, the conundrum persists in the sharing and allocating of financial burden and responsibilities amongst the different levels of government and amongst the home or host cities. It remains that there is still a huge financial gap between education demand and supply of migrant children's education. Despite repeated attempts and clarifications on the level of government which is responsible for the compulsory education of migrant children, and the recognition of the need to ensure sufficient funding (and even fiscal transfers), confusion arises over who is the primary in charge and responsible entity. The reason for some confusion is due to the complex nature of what seemed like a simple problem of right to education in China since it has a cross jurisdictional character with a spatial spillover that compounds the difficulty of allocating responsibility to the right level and entity of government to deal with the issue of migrant children education (in terms of allocating responsibility). This therefore undermines the coordination and cooperation between the different levels of government who are supposed to burden share as stated in the most recent development.



# China's experience (Country case study)

## Overview



Source: <https://www.istanbul-city-guide.com/map/china/chengdu-map.asp>

Chengdu is the capital city of Sichuan Province currently located in the Southwestern part of China, as seen from the map of China above. Sichuan province is situated in the less developed part of China which and as part of the Chinese government's 'great western development'<sup>11</sup> strategy, Chengdu has always played a key role in the economic rejuvenation of Southwest China. Therefore, Chengdu has experienced strong economic growth and is hailed as one of China's most promising large metropolitan regions, garnering international recognition by ranking number 3 in the list of highest performing city (in terms of economic growth) in the "2018 Global Metro Monitor" report by Brookings Institute (Bouchet et al. 2018). The GDP growth for Chengdu has been impressive, at an increase of about 70% in the period 2012-2017, from RMB 813.8 billion (US\$137.1 billion) in 2012 (Lin, 2018) to RMB 1.5 trillion.

With such a flourishing economy, the fast-growing city has naturally become a popular destination for domestic rural migrants, especially those hailing from the nearby poorer parts of the province. As the 6th largest city in China (Van Hinsbergh 2019), Chengdu is one of China's fastest growing cities and will remain attractive to many rural workers given its role as the regional economic engine. Chengdu currently has about 14 million inhabitants<sup>12</sup> according to the 2010 census<sup>13</sup> (CEIC, 2019), out of which the officially registered migrant population was about 2.16 million in 2008 (Zhuang 2009), a number that fails to capture the unregistered migrant workers which is a prevalent phenomenon<sup>14</sup>. The rapid pace of urbanization (a rate of urbanization that stood at 60.2% in 2012) in Chengdu has generated pressures on the city in terms of stretching the resources as well as the social service provision. In particular, the inadequate provision of social services affects the migrant workers community rather drastically, especially in relation to their children's right to education which is the focal point of this study.

## Reinvigoration of civil society in Chengdu: Impact of Sichuan earthquake 2008

Interestingly, the local development of civil society in Chengdu has been greatly shaped by the tragic event of the 2008 Sichuan earthquake that had unexpectedly reinvigorated the civil society sphere. An immense scale natural disaster that was devastating in causing a large amount of socio-economic losses, it led to extensive mobilization efforts by the Chinese state and society. Not only did the government send in the PLA soldiers and paramilitary police to carry out disaster relief work and mobilize governmental and party resources for voluntary services and funds, the Chinese society rallied strongly around their Sichuan compatriots as well. More importantly, a plethora of new social organizations and volunteer groups emerged overnight to organize and help with the post disaster relief efforts as many local governments in Sichuan were overwhelmed and unprepared

11 Despite the phenomenal economic growth that China experienced with the opening up of its economy since 1978 under Deng Xiaoping, this development is uneven with the Eastern part of China benefitting a lot more than the Western part of the country. The western region comprises the provinces of Sichuan, Gansu, Guizhou, Yunnan, Qinghai and Shaanxi, the municipality of Chongqing, the province of as well as Tibet and Xinjiang. Although these areas are not the most populous, they contain more than half of China's territorial land, and also more than half of the Chinese living in poverty (The Economist, 2000). To address this, the former president Jiang Zeming proposed a developmental plan for the Western region that eventually came to be known as the 'great western development' strategy. This developmental plan focused on infrastructure, attracting foreign investment, education, retaining talent and also attempted to consider environmental protection.

12 It must be noted that such population figures are usually referring to the people with official household registration (*Hukou*) and those who do not possess the *hukou* (typically the blue collared migrant workers) are not included. This means that the actual population residing in Chengdu could be a lot higher.

13 As of writing, the city level census figures are not available yet.

14 Zhuang (2009) even suggested that the difference between the registered and unregistered number can be as high as 300 percent.

(Shieh & Deng, 2011)<sup>15</sup>. A critical aspect for the successful operation of these newly emerged NGOs and volunteer groups was the partnership and collaboration between them and the local governments, mass organizations<sup>16</sup> and GONGOs which imbued the new actors a greater sense of legitimacy and more pragmatically organizational capacity and also access to the disaster zones. While there is no denying the detrimental effects of the Sichuan earthquake of 2008, it had however brought about a surprising positive effect of reinvigorating the civil societal sphere in Sichuan province. It has created a temporary window of opportunity and space for NGOs to acquire the networks and experience, engendering the potential for community empowerment (M. Hu and Zhu 2021) which is crucial for fostering civil societal development. Many of the grassroots associations that were formed to respond to the Sichuan earthquake not only engaged in post disaster relief work but more importantly, some decided to continue its operation after and evolved to take on further responsibilities to serve the local community. A good example was a case illustrated by Hu and Zhu (2021) where a specific NGO called NHP was able to expand the participation of local residents by facilitating their collective action in community development projects to respond to the local community's needs, hence creating the opportunity for institutionalizing such citizen participation. However, such promising potential of civic vibrancy is tempered by the reality of an authoritarian government as the space for NGO driven citizen participation soon became more circumscribed as the government eventually exercised greater control over the operation of the NGOs. Nevertheless, the nascent sense of community empowerment has been cultivated and the NGOs that are able to navigate and enhance their relationship with the authoritarian Chinese state will still be able to carve out some space for addressing pressing social issues such as those pertaining to the education of migrant children.

## Chengdu's migrant children education policy

By and large, local level governmental policies pertaining to migrant children can be seen as an extension of the central announcements, although each locality's pre-existing socio-economic conditions differ, which means the degree to which migrant children can fulfil their right to education will vary too. For the Chengdu government, as the local economy burgeoned and attracted an increasing

influx of migrant workers, some who brought their children along with them, the issue of migrant children's education. started to acquire attention and recognition. In 2004, the migrant children (aged 6 to 15 years old) were officially announced by the Chengdu government to be included into the 9 years compulsory educational system stipulated by the central government. After 2009, there was an attempt to broaden this group to any children of non-hukou residents who are residing in the city. Even with the efforts to increase access to education for non-hukou migrant children, there were still hurdles in many of the policies implemented at the local level in Chengdu. As a response to the central government's policy directive on population control in 2015, the Chengdu government introduced a points system for school enrolment that directly impacts upon the right to education by the migrant children. Although the rationale behind the establishment of this points system was to ensure a more effective allocation of educational resources, a measure that has been repeatedly emphasized at the national policy level, it inadvertently became a pernicious instrument for marginalizing the migrant children and depriving them of their right to receive compulsory education since they often do not fulfil the number of required points for enrolment. Having combed through the requirements for each district in Chengdu, the following requirements would be required for primary school enrolment for example.

1. National identity as well as the locality residence permit and provincial (Sichuan) residence permit.
2. Hukou docs of children (or any supporting docs) proving the relationship to Migrant Workers.
3. Labor contract (or commercial license)
4. Tax contributions, social security, with the specification that the period of tax payments must be for 12 months)
5. Proof of residence (at least 12 months) and specific requirements further clarified for each type (rented, homeowners, living in direct relatives who are homeowners, employers provided housing)

Interestingly, a lot of the information and procedures for enrolment are digitized, with QR codes to scan, throwing out the question of how easy it would be for the migrant workers, many who are not very well educated, to be able to navigate the processes to obtain sufficient information and more importantly, whether they would be able to register correctly. In terms of the most recent policy developments in Chengdu, focusing on the contents of the Notice issued by the Chengdu Bureau of Education

<sup>15</sup> Shieh, S., & Deng, G. (2011). An emerging civil society: The impact of the 2008 Sichuan earthquake on grass-roots associations in China. *The China Journal*, (65), 181-194.

<sup>16</sup> A good example would be the Communist Youth League.



on *Doing a Good Job in the Stage of Compulsory Education with the Enrolment of Schools* in 2020 will offer pertinent focal points to highlight priorities and commitments. The overarching tone of this notice is to reiterate the importance of implementing the centrally promulgated 'Compulsory Education Law' and the accompanying legal provisions, to "protect the right of school-age children and adolescents to receive compulsory education in accordance with the law. Very significantly, there is an explicit reference to a people-centric approach toward the development of education, echoing the overall people-centric governance style advocated by the central leadership under current president Xi Jinping. The stress on promoting high quality and balanced development of compulsory education also reflected a continuous recognition of the challenges that beset the guarantee of right to education for all and the need to target specific areas to address the shortcomings of existing processes. With regard to the enrolment process, there are discernible efforts to ensure equality in selection of the students to be enrolled with the clear dictate that compulsory education schools are not allowed to select students with written examinations, interviews, evaluations or any certificates.

At the same time, public schools will utilize computers to carry out random selection of admitted students to ensure the equality in the process and mitigate any semblance of discrimination. The computer algorithm to determine the random selection was determined by the district's education departments based on for example the number of school-age children and adolescents residing in the district, the distribution of schools found in the district, as well as traffic conditions, streets, any newly built residential communities, etc. To unify the enrolment processes, private schools are included in the use of computerized random selection for admission of students and will be managed under the respective municipal district's education departments. Importantly, there must be a standardization of enrollment regulations issued by all public and public schools that are subject to the scrutiny and approval of the relevant education administrative department before such information can be released to the public.

Efforts to inject more transparency into the enrolment process of schools involved in providing compulsory education were made with a unified online registration system introduced as part of this notice in 2020. This means that the collection and registration of students who are eligible for compulsory education in Chengdu are undertaken through a "Chengdu Compulsory Education Enrolment and Enrolment Service Platform". Every eligible school-age child and adolescent can voluntarily apply to a private school. No school is allowed to organize enrollment registration on its own to ensure that there are no discriminatory practices toward the weaker social groups such as the migrant children. This is also to prevent the commercialization of the enrolment where preferences for school admission could be allocated based on monetary means.

More importantly, the notice made a specific guarantee in reference to the enrolment of migrant children that is in accordance to an earlier notice issued in 2018 relating to the measures for the Implementation of Primary and Secondary Schools for Children of Chengdu Residence Permit Holders and Migrant Workers Living Across Administrative Regions with City Household Registration. However, the required documentations for ensuring the successful enrolment of migrant children remain a substantial obstacle and barrier to many migrant workers. Similar to national level policies, there are references made to strengthen the inspection and supervision of the schools to ensure compliance and effective implementation of a fair and equal enrolment process. Punitive measures such as blacklists and revoking of school licenses are mentioned in order to enhance the accountability of the entities (school administrative departments and schools for instance).





## Interview Findings: Unpacking a complex array of issues

Despite being focused on a very specific aspect of the migrant workers' experience when it comes to claiming the right to the city through the issue of right to education for their children, the interviews have revealed a complex intersection and interaction of the migrant children education issue with other dimensions. As such, these interviews really helped to cast a more comprehensive light on how the exercise of the right to the city is not as straightforward and involve multiple considerations of many other factors. To do justice to the honest opinions and heartfelt sentiments from the personal accounts of the migrant workers and social organizations, this section organizes the interview findings into thematic topics and broadens the discussions by situating the empirical data from the interviews within the existing studies of other scholars to shed more analytical insights. Drawing on the rich repertoire of first hand sharing from the interviewees and reflecting about them within the current research findings of migrant workers research, there are 6 salient themes involving the institutional dimension, the individual effects and considerations, as well as the interactions with other contextual factors, the challenges and shortcomings of existing policies and the role of the social organizations and the effect of the current pandemic. Highlighting these issues really bring to light the complexities of the migrant children education issue as the right to education is embedded within the larger issue of inclusive citizenship with the problematic hukou policy that is shaped by other factors and thus generates a myriad of problems and considerations that are necessary for any policy maker or researcher to further confront when addressing the right to the city topic in all its facets in China.

### Institutional factors

Having examined the policies of the Chinese state actors (both national and local) rather comprehensively in the previous sections, a closer look at the various ways in which the institutional factors have contributed to the marginalization of the migrant children in their pursuit of the right to education is necessary.

### Problematic distribution of educational resources & the consequences

Firstly, the unequal distribution of educational resources has created a competitive political economy around school fees that either places an extremely heavy financial burden on the migrant workers (Tan 2010) or excludes them completely from being able to enroll their children. For the

school fees, it appears that there could be different fees charged depending on whether the child fulfils the local government requirements for enrolment. According to the migrant workers interviewed, some public schools are charging very high school fees for secondary schools (for example, 10 to 20,000 RMB for one semester). If the migrant workers' parents are not able to afford the school fees, their children would have no choice but to attend school back in the village where they have the residence permit/hukou. On the issue of financial burden on the migrant parents, one particular interviewee explained that it can actually come in many different forms. It is not only the higher school fees of the private schools but also some of the additional fees charged by the schools (private). He talked about how schools charge extra fees if the parents want to keep the kids longer in school after classes because the parents are working and the kids have to stay in school longer so the school charges for this. More complexities about the informalities that can arise in the enrolment process are uncovered as well when one interviewee actually shared that if a migrant worker parent happened to be able to go through unofficial channels to get their child into a public school, they would have to pay a higher fee.

The unequal distribution of educational resources and lack of institutional support to ensure sufficient public schools has led to the emergence of migrant children targeted private schools that suffer from inferior educational quality. More importantly, the resources available are clearly different for these private schools specially catering to migrant workers' children which are often understaffed with an unfavorable teachers/admin staff to student ratio. Additionally, the turnover rate of teaching is high, which undermines the quality of education. This was raised as an issue by 80% of the migrant workers interviewed. One even shared an example where the child had experienced a change of 4 teachers within 3 years. As a result, the children's learning progress and development were compromised and their results would be detrimentally affected too. More critically, it seems that the migrant children's private schools are not stable in the sense that they may close down anytime and worse, without properly conveying this information to the parents to allow them to make alternative schooling arrangements. One particular female migrant parent shared her worries about the survival and sustainability of private schools and talked about how when her elder kid was in primary 3, the private school he attended did not inform the parents about an upcoming move until it was too

late which caused them difficulties to enroll their children in other schools (they missed the deadline).

As much as the national and local level policies stress on the importance of ameliorating the situation such as ensuring an effective funding mechanism, studies (21st Century Education Research Institute 2016; S. Liu and Zhao 2019; Wang 2008a) have repeatedly shown that many local governments still lack the funding means to ensure a more extensive provision of educational resources, especially with regard to public schools which already have very limited spaces for the urban children. The lack of public schools and the desire to have more built by the local governments was something expressed by many of the interviewees, highlighting a pressing problem in the Chinese urban sphere where the right to education and the limited provision of a common public good such as education can compound the plight of migrant children. As a result of this lack of government funding for these schools, the social organizations (see later point on role of social organizations) have to step in to try and offer help in a variety of ways, from building schools to organizing activities to enhance the education of the children (as shared by an interviewee) so as to provide them with a more holistic, artistic, extra-curriculum education.

### Individual level effects and issues

In trying to elicit the voices of the migrant workers with regard to their experiences, we have uncovered a multitude of issues that range from structural contextual factors to profound poignant personal expressions of how the migrant workers feel about their circumscribed ability to ensure their children's right to education in the cities they have moved to in the pursuit of a better life.

#### Income insecurity

A striking observation is how the interviewees talked about income related issues, often referring to income insecurity due to the nature of the lower end jobs held by them. The instability of these jobs can be a source of financial stress and worry, as expressed by the migrant workers interviewees. Also, related to the issue of social security and the work contracts which are required documents for the school enrolment process, migrant parents can only obtain social security if they have an official work contract, but since many are working in the informal sector with no official work contracts, they are unable to obtain social security. Moreover, intersecting with the previous issue of exorbitant school fees, the financial fears and anxieties of the migrant workers are further exacerbated in light of their tenuous financial situation and given that there are also extra costs for the extracurricular activities for the children in school, as expressed by one of

the interviewees, that is an extra burden. Moreover, the fees paid for the children are rather significant considering the wages they receive are not that high and the migrant children are also receiving a much lower quality of education in the private schools, resulting in what one social organization interviewee referred to as 'double exploitation'.

#### Gender roles

Another interesting observation that chimes with the gendered dimension already recognized in the right to the city agenda is the prevalence of gender roles that assign a seemingly disproportionate burden on the women in terms of having to carry the double burden of working and childcare. From the interviews which could be potentially biased, admittedly, due to the much higher number of female migrant workers interviewees, the responsibility for taking care of migrant children education matters fall largely on the women. Moreover, it seemed striking that even when we try to target more male interviewees in the second round of interviews, there were still difficulties in getting more of them. This of course could be attributed to the interview sampling strategies undertaken by the student assistants, where they went through the schools to find migrant workers interviewees, and the teachers are mostly in touch with the mothers and hence more female migrant workers were interviewed. Also, since many interviews were conducted over the phone during the day, it was mostly the mothers/women who responded since the men were working. Nevertheless, it is a known fact in China that the gender roles remain rather traditional and the women are still considered to be the primary caretaker of the children and have to undertake a heavier responsibility in caring for the children's educational needs even if they are also working. The interviews have corroborated the double burden that women face in many contemporary societies and it is no exception in China, where the gender dimension is another layer of additional stress for the subaltern experiences of the women on top of the marginal status as a migrant worker.

#### Social roles and cultural capital

Moving beyond the discussion on the usual financial/economic dimension of resources, it is also interesting to take note of how the issue of 'social resources' is salient from the interviews. These social resources will determine the level of cultural capital the children can enjoy, a concept espoused by French sociologist Pierre Bourdieu (Bourdieu and Richardson 1986) as the social attributes that an individual possesses (such as education, intellect, style of speech, fashion, etc) that facilitates social mobility and status. These elements comprising cultural capital can also play

a big part in enhancing the educational quality of children but due to the challenging circumstances the migrant workers experience, they are not able to provide these for their children. This has been most poignantly expressed in quite a few migrant worker interviewees who lamented at their low cultural quality and knowledge that render them quite helpless and incapable of helping their children with educational matters. There is also a palpable sense of guilt and self-reproach as the migrant parents felt ashamed and sorry that they are not able to provide their children with more educational opportunities due to their lack of education and cultural quality. Yet at the same time, they shared their hopes and aspirations for their children to be able to use education to attain social mobility so that their children would have a better life without having to labor and toil like them.

### **Impact on the migrant children**

While the perspectives garnered from the interviews largely reflect the sentiments of the migrant workers, it is through the conversations with the social organizations that the impact on the migrant children is highlighted, where the detrimental effects of being excluded from the right to education extends to the social and psychological dimensions too. It was pointed out rather directly by a social organization worker that the migrant children are the ultimate victims in the complex intersection between the hukou policy and the lack of access to education in the host cities that stemmed from a constellation of reasons already discussed. When the barriers to enrolment proved to be too high and difficult for migrant parents to overcome, many migrant children would be 'left-behind' in the home villages to be taken care of by the grandparents. Quite a few migrant workers interviewed who have two children shared that they had to leave one of their children behind as it would be too expensive to bring two children along with them to Chengdu. This severely disrupts and damages the family structure of the migrant workers as they are forced to leave their children behind. Moreover, another social organization worker also critically highlighted the problems of negligence that migrant children experience as well since the migrant parents are busy working to earn a living. It was pointed out that there are 3 categories of children in China: left-over children, floating/mobile children, wandering children (left their homes), illustrating the dangers that the migrant children are susceptible to: delinquency as well as abuse/exploitation. Even for the migrant children who have been successfully brought to Chengdu by their parents, they are denied the opportunity of a holistic personal development/growth due to being short-changed in the quality of education they received. The inferior quality of many migrant children's private schools impedes the

children's educational prospects and prevents them from achieving their potential.

### **Impact on migrant workers: Feeling discriminated against and helpless**

Importantly, a recurring sentiment expressed by the migrant workers was the profound sense of discrimination that they felt, coupled with the sense of helplessness in getting help since they do not have a social network in the host cities. A majority of the migrant workers interviewed felt that their lack of Chengdu hukou status definitely made them outcasted and marginalized in terms of their children being able to be enrolled locally. Helplessness is also a recurring sentiment as there is limited room for the migrant workers to navigate even when they try to assimilate in their host cities. There is a discernible tinge of resentment from some of the migrant workers who felt very bitter at their inability to enroll their children in schools despite the purchase of homes. From the interviews and secondary research, it seems that enrolment for children is prioritized according to where they stay which is why many of the migrant worker interviewees expressed frustration that despite possessing a property in a certain location where the public schools are located, they are still not able to enroll their children. Given that the criteria for enrolment have been rather confusing and demanding, the ease of obtaining sufficient information that is crucial for the enrolment process has been problematic. Quite a few interviewees actually mentioned that they would have to ask around for information, which seems to suggest that this information is either not easily accessible although some also remarked that it was not a problem to obtain information from the schools or from governmental sources. Furthermore, one interviewee mentioned that information about help/assistance for their children's education is available at some centers called 惠民中心 (servicing the citizens centers). Overall, many of the migrant worker interviewees expressed the desire for the local governments to do more to help them, such as to build more schools or to relax the *hukou* restrictions.

### **Shortcomings of existing policies**

From the many recurring sentiments and opinions expressed, either directly about the limitations experienced due to the policies such as the Hukou system, or indirectly about the wish to have more being done on the policy front, it is apparent that there are shortcomings of the existing policies by the Chinese government. The perennial problematic policy of Hukou extends to and intersects with housing rights and educational rights in Chengdu as interviewees informed that it is not sufficient to purchase property in order to gain access to the Chengdu Hukou, but there is a minimum required

property size that has to be met. One particular migrant worker interviewee further reiterated how the right for their children to be treated like locals was not fulfilled because of housing rights. Apparently, there can be an issue with the disjuncture between home ownership and housing rights. Interestingly, he referred to two types of property rights: 'small' property right and 'big' property right, determined based on the way the homes were purchased. Should a home be purchased through rather unofficial channels (through guanxi and private relations), it would not accord the 'big' property rights and hence no permit/documentation which is required for children's school registration would be provided. The interviewees perceive the need for a housing permit/documentation as a requirement for school enrolment to be a problem. Since they need a school district property in order to get into the public schools in that district, if they happen to be renting, it is rather troublesome to provide for the housing documentation since the landlords would have to verify the rental which makes it harder.

Another glaring obstacle brought up by the interviewees involves the stringent set of documentation required before the migrant children could enroll that exacerbates the challenges that the migrant worker parents face. As highlighted above, the school enrolment process is complicated and requires documents that many migrant workers would not have. A recurring issue that was mentioned by many migrant workers is about the social insurance (shebao 社保) that is required, with a few expressing high levels of frustration about how this is a stumbling block for them especially since their social insurance is registered with their home villages so they are not able to provide the documents for school enrolment. Related to this issue is the impression communicated by many migrant workers interviewees that the policies are always changing and hard to keep track of due to the difficulties in obtaining information about this. Often, they have to rely on friends for information (have to ask around for information) which can be challenging given their limited social network. However, there are some positive examples shared where it was also mentioned that there are huimin zhongxin (which are community level service centers) that could render assistance and information about educational issues. These centers are local level entities but under the district level where they help the various governmental departments (education, social welfare, etc.) to carry out administrative tasks at the local level.

## **Role of social organizations**

In light of the challenges experienced by the migrant workers as their children are unable to claim their right to education in Chengdu, coupled with the limitations of policy reforms targeting education, it is no surprise that social organizations step in to play an important role to help address the issue of migrant children's education. From the interviews with social organizations' personnel, in-depth insights into the systemic issues and institutional constraints were garnered. In particular, the experiences and efforts of the Social Equity and Participation Centre illustrate how social organizations can partner with the state and even businesses to try and improve prospects for delivering higher quality education to migrant children. As these social organizations work extensively and closely with the migrant workers and children as well as the other relevant stakeholders, they are able to gain profound knowledge and understanding of the intricacies of the issues, even being able to offer some fascinating and fruitful suggestions. For instance, one particular interviewee proposed a very interesting idea to incentivize the government to want to help the migrant children gain access to education, which is actually a compelling idea given how the local governments' performance could be tied to a metric on providing migrant children's education, thus motivating them to step up on efforts to tackle this issue. Another interviewee spoke of the need for the government to formulate more big scale structural policies such as rejuvenating the rural economy with investment, mechanization, etc., and also to invest resources in rural education to increase the quality.

The interviews with the few social organization personnel revealed many deep insights into how the complex interaction between structural issues (such as the broader development impetus and institutional changes and systemic arrangement, as already discussed previously) and the migrant children's right to education. All of them were also able to offer perspectives into the individual effects on the migrant children highlighted above since they are in close contact with them. Many try to secure funding to provide for additional educational resources for the migrant children who miss out on the comprehensive holistic set of learning opportunities that are available in public schools. Social Equity and Participation Center represents one such example and beyond the usual projects to train teachers in migrant children schools, they have recently embarked on an innovative social enterprise idea to offer a high-quality model of childcare educational facility targeting migrant children.

## Spotlight on social equity and participation center's role in helping migrant children to exercise their right to education

As a not-for-profit organization that has operated for more than a decade in Chengdu, the mission of Social Equity and Participation Center (SEPC) is to fight against social inequality by engaging the citizens. One of the main areas of action for SEPC is to address the right to education for rural migrant children in Chengdu, focusing not only on policy-oriented research and reports, but also enhancing the pre-school and primary education experience for the migrant children. To make up for the shortfall in the provision of quality education resources to rural migrant children schools, SEPC works with partners (such as universities and even local governmental authorities) to enable migrant children to enjoy a holistic education, including creative art courses, music concerts, movies, etc. For example, the Participation Center has been cooperating with Sun Future Foundation since 2017, offering high quality art courses to migrant primary schools in Chengdu. In the meantime, teachers are also provided with training opportunities in Beijing along with other capacity building activities.

More importantly, SEPC seeks to help migrant children schools that often suffer from lack of school curriculum with courses on faculty training and management, so as to ensure that there will be a properly enforced curriculum in place for the migrant children to learn well. To ensure proper education resources are available for the migrant children, teachers of childcare centers, under the guidance and support of the Participation Center along with an education expert team from Sichuan Normal University, worked together to develop 6 school-base courses. This helps to provide migrant children with new educational resources that are more conducive to the development of the children. It is however, in the area of pre-school education that SEPC is exploring to provide education service provision models through social franchise and impact investment. To fulfil the migrant children's right to a quality education predicated on a healthy and all rounded approach focusing on sports, arts, culture and school-based learning, SEPC will create a model of high quality and affordable pre-school education with the cooperation of local authorities and private investors. Participation Center spent years in brainstorming, experimenting and finally established a franchise operation model that delivers high quality childcare services and providing holistic education by focusing on management tactics and methods, as well as training and development efforts of the staff, and monitoring to ensure the standards of these childcare centers.

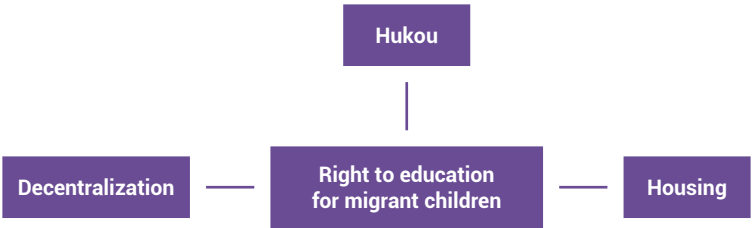
## Impact of the pandemic?

Given that the current pandemic has disrupted the lives of many, especially the marginalized social groups in the cities, we were interested to find out if the pandemic had lent any detrimental impact on the issue of migrant children's education. Other than a few migrant parents' comments regarding the fears of income insecurity due to the economic disruption and the instability of many migrant workers' jobs, there were not too many concerns raised. For the migrant children's experiences with schooling during the pandemic due to the technological demands of online learning, many of the interviewees brought up the usual issues of lack of attention on the children's part. However, a more memorable anecdote was shared by a female interviewee who talked about how the teachers require parents to help supervise the homework of the children but for those children who are taken care of and are living with their grandparents, it is difficult for the elderly to do so. Also, the supervision of parents was often requested by the teachers but this responsibility was difficult for the migrant workers to fulfil in view of the fact that they needed to work and did not have the luxury of time to oversee their children's learning.

# Synthesis & reflection: Right to education in Chengdu as an entry point to ruminate about the R2C agenda

As much as scholars have utilized the right to the city as a theoretical framework to examine various aspects of urban issues in China, our research has found a constructive entry point to ruminate about the possibility of applying the R2C agenda to a unique context like China, where the R2C agenda is lacking and yet the party-state is confronting a plethora of complexities in dealing with the various aspects concerning right to the City. By casting our analytical spotlight onto what may seem like a deceptively simple issue of access to education for migrant children, many overlapping issues that come into play are uncovered, warranting a more systematic discussion to be undertaken in this section. It is therefore important to consider how the intersecting issues, as portrayed in figure 3 below, have shaped and will continue to shape the right to education situation in China, as well as to propose some recommendations as highlighted in figure 4 below.

Figure 3 Complex intertwining of economic development and right to education due to Hukou



Fundamentally, the right to education of migrant children rests on the discussion of how inclusive citizenship, a core tenet of the R2C agenda, has not been realized in China, due to the unequal and differentiated citizenship status created by the **Hukou** system. Hukou has created the root of the migrant workers' predicament where the migrant children's right to education is further compounded by the economic growth priorities that further marginalized the already disadvantaged group of migrant workers. However, as discussed above, the **decentralization** of administrative responsibilities to better facilitate economic development has created pressures on the local governments who prioritized the revenue generating activities in their policies implementation. Big and affluent cities like Shanghai and Beijing would be able to allocate more funding and are able to provide more comprehensive and effective solutions for schooling the migrant children. Other cities that are more financially strapped are more inclined to shirk from their responsibility in fulfilling the migrant children's right to education. Another area of intersection that occurs as an effect of economic development lies in the issue of **housing**. Housing affordability remains elusive for many migrant workers who ended up living in the outskirts of the cities with inadequate facilities that include the lack of quality public schools. Yet housing is one of the important criteria for school enrolment and serves as a barrier to entry for many migrant families. Given the complex intersection of political, social and economic interests and limitations of the existing institutions and actors, it is a sobering reality check of the difficulties in claiming the right to the city through the right to education since it opens up discussions and contestations relating to other dimensions such as inclusive citizenship, right to housing, gender issues, etc.



Figure 4 Recommendations

Clear definition of the roles and responsibilities of the level of government	<ul style="list-style-type: none"> <li>• Host cities' government to take the lead but supported by home cities and central government for fiscal transfers and funding</li> <li>• Ensure credible accountability mechanisms for effective implementation</li> </ul>
Adopting a macro view to issue: Even an incentivization approach	<ul style="list-style-type: none"> <li>• Ensure a relevant and targeted approach to different localities</li> <li>• Incentivizing (e.g., promotion prospects) local governments to seriously address migrant children's education issue</li> </ul>
Reduce barriers to entry for school enrollment	<ul style="list-style-type: none"> <li>• Relax current stringent requirements</li> <li>• Better coordination mechanisms &amp; information sharing from social organizations too</li> </ul>
Establish coordinating mechanisms between government stakeholders	<ul style="list-style-type: none"> <li>• Manage conflicts of interest through enhanced cooperation</li> <li>• Share the expenses and management responsibilities</li> </ul>

As a way forward, it is fruitful to propose some recommendations that provide a concrete blueprint of possible solutions for practitioners and policy-makers. A key recommendation is not only to clearly **define the roles and responsibilities** of the level of government to be responsible for the migrant children's education, but to ensure that there is a functioning financial mechanism of fiscal equalization between different governments of varying financial abilities. For example, it will be more effective to designate the host cities' governments to be the main responsible actor, but at the same time outline how the central government and home cities' governments are supposed to support the host cities. Also, it would be important to ensure a credible and effective accountability mechanism to check on implementation weaknesses. A very compelling suggestion came from a social organization interviewee who recommended that the central government adopts a **more macro view** in tackling the issue relating to migrant children education, to formulate policies delivering the right amount and relevant support to the appropriate level of government (for different localities in terms of the percentage of floating population they have). Given that the county level of government is unwilling to provide the resources necessary due to the lack of material incentives (for the local economy) to tackle this issue, the central government should try to **incentivize the local governments** to consider migrant children's education as an important issue on their agenda, by linking the improvement of migrant children's education situation to their governance performance. To **reduce the barrier to entry** for the migrant children's school enrolment, it would be helpful to **relax some of the requirements**, especially with regard to the housing requirement and even the social insurance (Yang 2016). Central and local governments (both host and home cities) can work more closely to monitor the population mobility figures as a gauge of the real population figures. Social organizations can also play a part to help plug in the information gap since they work closely with the migrant workers and can get a sense of their needs. Therefore, it is vital to **establish a coordinating mechanism between the different governmental stakeholders** (the home cities and host cities as well as the central government) since this issue of migrant children's education is one that can be regarded as a problem of the "commons" (Ostrom 1990). There is a need to establish a collaborative mechanism among local governments to coordinate the conflicting interests between the governments of the inflowing and outflowing regions, and to provide a more effective and efficient education for migrant children. The governments of the outflowing areas should coordinate the conflicting interests between the governments of the inflowing areas and the governments of the outflowing areas, and share the expenses and management responsibilities for compulsory education of migrant children. The problem of compulsory education for children of migrant workers should be solved jointly.

## **Conclusion: Exploring a flexible-collaborative approach between state & society as the way forward for pursuing R2C in China**

For the concluding section of this report, it will be meaningful to not only briefly rehash what this report has presented, but more importantly, to take the discussions already established in the preceding section further to reflect about the future of pursuing the R2C agenda in a challenging environment like China. As much as attempts to undertake studies about China in relation to different aspects of the R2C have already started, these efforts remain academic and the guide and call to action which is a critical element of the R2C idea proved to be elusive. In many ways, through the focus on the experiences of a specific marginalized social group, the migrant children, this report seeks to shed light on how the right to the city and inclusive citizenship (one of the underlying elements of the R2C agenda) in a largely theoretical way. However, the insights, inspiration and ideas from the fieldwork presented in Section 4, when considered in tandem with the broader socio-economic and political context already highlighted in Section 2, has opened up an exciting new approach that we would like to further discuss and propose here, which is a flexible collaborative approach between the various actors and stakeholders (hailing from both state and society and even businesses) to realize the R2C agenda on the ground. This approach is not merely about the exigency of establishing governance networks that bring together a consortium of actors, but also involves the careful and calibrated navigating and negotiating between societal and business actors with the dominant state actors. At the same time, highlighting the intricacies of this approach also entails the expansion of our imagination to think about how activism in pursuit of the R2C goals can be achieved and realized pragmatically within the challenges and confines of politically difficult environments such as the one in China.

To begin, the lack of a R2C agenda, officially at the state level, and socially at the civil societal level, should not pose an obstacle. Given the lack of an overarching and concrete R2C agenda, it is hardly conceivable that the central or local governments will be promulgating a R2C agenda but as discussed in Section 3, the

various components of the R2C agenda have at least been addressed legislatively. More pertinently, our report's value rests on the ability to utilize a localized focal point of migrant children's education in Chengdu to extrapolate perspectives and recommendations to a broader policy terrain, which we have done so in Section 5, alongside more synthesized musings about a myriad of other factors that shaped the migrant children's education. In doing so, it is not only the complexities of the right to education issue that have compelled us to think out of the box, but it is to realize that such complexities characterize the entire right to the city agenda, where the various components are interconnected with one another given how life in the urban sphere is predicated on an interlocking series of factors. Such an interdependence also necessitates the formulation of collective solutions and cooperation because the distribution of power and resources in the cities are simply too fragmented amongst different actors.

Even from examining the single case of migrant children's education in Chengdu, we can already espouse a collaborative/flexible state-society interaction model where the R2C agenda can be pursued in China. This research has uncovered such a nascent model of cooperation where there is a dynamic development of policies, grassroots actions and reactions from the migrant workers themselves, that work in tandem to shape the outcome of allowing migrant children to claim their right to education in the Chinese cities. What this model relies on, is also the dedication and creative agency of social organizations who work closely with the local governmental officials to create synergies with the existing governance goals and in the process negotiate for space and support to carry out their activities with regard to social service provision. The civil societal actors may not be totally free to operate like their counterparts in the democratic world, but they are resourceful in framing the vital issues embodied by the R2C agenda and translating them into a language that is as apolitical and governance driven as possible, in order to gain the trust and acquiescence of the state actors. As some of the recommendations offered by the social organizations demonstrated, the in-depth knowledge (about the political intricacies and realities on the ground in the context of an authoritarian system) possessed by the social organizations enable them to contribute to a flexible model of securing collaboration with key power holders to achieve goals included in the R2C Agenda. Even if there

are no overt and contentious expressions to lay claim to the right to the City in China, this model of state compliant activism can still yield beneficial outcomes for the marginalized social groups and help them to exercise their right to the city as part of the fulfilment of inclusive citizenship, albeit in a more moderate and modest cooperative way in China.

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## Right to the City in Gwangju: Migrants' Service Access



## About This Report

The main objective is to shine a spotlight on the Right to the City as it pertains to public service access of migrants in Korea. More specifically, the report focuses on the lived experiences of migrants in a self-declared Human Rights City, Gwangju. We investigate both the achievements and limitations of Gwangju in ensuring public service access for migrants, whether or not and to what extent Gwangju has developed laws and policies, programs, and practices to promote the rights of international residents, and the impact of the central government policies on the Right to the City of migrants. Finally, we examine what actions should be taken by the Gwangju and Korean governments to enhance the Right to the City of migrants.

This report focuses on migrants as a disenfranchised demographic grouping traditionally excluded from public service access. Migrants may face barriers to public service access due to their low socioeconomic status, limited rights dependent on their visa status, discrimination, and poor Korean language skills. Gwangju was chosen as the study area for both its status as a Human Rights City as well as due to the rapid increase in the number of migrants in the city. Consequently, Gwangju is expected to be an exemplary case-study from which other cities may learn and emulate. Recommendations from the report are also expected to assist Gwangju to further improve public service access for migrants.

# Right to the City Gwangju: Migrants' Service Access

## General background of Gwangju

Gwangju is a metropolitan city with a 2019 population of roughly 1,480,000, of which 24,000 are migrants<sup>17 18</sup> (Gwangju City, 2020). As the largest city in the south-western region of Republic of Korea, it plays the role of economic, political, and cultural center of the region.



**Figure 1:** Gwangju location  
**Source:** World Atlas Provincial Map of South Korea

Economically, Gwangju is a highly industrialized city which relies on the manufacturing sector, particularly automobiles, for employment.

Gwangju is a political powerhouse of progressive politics, which historically favors candidates from the major left-leaning political party. It is recognized for the role it has played in the democratization movement, especially the May 18th Democratization Movement, or Gwangju Uprising as commonly named, which was a major catalyst for democratic change in the then-authoritarian Republic of Korea.

Culturally, Gwangju plays host to the Asia Cultural Center, an international arts and culture exchange organization, which places it in the forefront of art and culture in Korea. It has additionally since 1995

hosted the Gwangju Biennale, the nation's premier art festival.

Current social and economic challenges to Gwangju include a weakening industrial base, an aging population, and a low birthrate. Gwangju's population peaked in 2014 at roughly 1,492,000 and has decreased annually since then as other major cities of Korea except the cities near Seoul. Conversely, the migrant population has shown a consecutive annual increase since 2006 (Gwangju City, 2020).

## Gwangju's democratic movements

Gwangju and the surrounding region have played a leading role in Korean democratic movements, specifically the Donghak Revolution in 1894, the Gwangju Student Independence Movement in 1929, and the May 18th Democratization Movement (Gwangju City, 2019).

1894 Donghak Revolution

- Grassroots uprising which started in the Jeolla Province (of which Gwangju is the major city) on 19 February 1894, and became a large-scale rebellion
- Sparked by peasant followers of the Donghak religion<sup>19</sup> as a response to disillusion with the abuses suffered by the peasant class, who were overtaxed and subject to ill-use by corrupt government officials and the aristocratic class within a rigidly Confucian social hierarchy
- One of the first democratic movements in Korean history

1929 Gwangju Student Independence Movement

- Second-largest nationwide protests against the Japanese occupation of Korea
- Sparked by the harassment by two male Japanese students of Korean girls on a train carrying students home from school in Gwangju to the nearby town of Naju on the afternoon of October 30, 1929
- Independence activities continued until March the following year, with an estimated 54,000 students participating

<sup>17</sup> This study defines a migrant as any person who is moving or has moved across an international border or within a nation-state away from their habitual place of residence, regardless of (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) the length of stay (IOM, 2019).

<sup>18</sup> This includes only registered migrants.

<sup>19</sup> The Donghak religion was both a religious and social movement which sought to improve the lot of the peasantry and reform the stagnant and corrupt Chosun government which functioned under a strict Confucian hierarchy. The religion propagated the idea of the dignity and equality of all men, and as such may be regarded as a proto-democratic movement.

### 1980 May 18th Democratization Movement

- Week-long popular uprising against the military dictatorship of Chun Doo-hwan which was a turning point in the fight for democracy in Korea as well as the spark for similar movements across Asia.
- From May 18 to 27 approximately 2,000 Gwangju citizens of all ages were killed by the military forces.
- Gwangju citizens were able to stand up against an illegitimate government, effectively gaining control of urban space and replacing traditional forms of government with popular organs of political power despite the overwhelming military power stacked against it

**Table 1 Timeline of Gwangju's Democratic Movements**

## Human Rights City Gwangju, the Right to the City and Migrants

### The Right to the City and Human Rights City Gwangju

The notion of the Right to the City was introduced in Asia in the early 2000s and since then it has been used by civil society and human rights activists working in urban areas to articulate their demands to address urban problems and as a result, it has gradually come into use with in academia, policy making communities as well as human rights movements. The Right to the City has also influenced the development of human rights cities. Both terms 'the Right to the City' and 'Human Rights City' were discussed in first World Human Rights Cities Forum (WHRCF) in 2011 (Lee, 2019).

It is important to note that the two concepts are not interchangeable. The Right to the City is a radical 'cry and demand' of city dwellers that demands for not inclusion in an unequal and exploitative system, but rather a complete overhaul of the system itself (Mayer, 2012). On the other hand, a Human Rights City involves local government, local parliament, civil society, private sector organisations and other stakeholders in a local human rights governance (Lee, 2019).

The framework of human rights cities follows the Right to the City by re-imagining cities on the basis of "social justice, equity, democracy and sustainability." The concept of a Human Rights City has been accepted in Korea, as is shown in the Gwangju Guiding Principles for a Human Rights City (World Human Rights Cities Forum, 2014) that emphasizes the active leadership of local governments for human rights promotion and protection of citizens while expanding the concept beyond the Right to the City to include nine additional items: non-discrimination, social inclusion and cultural diversity, participatory democracy, social justice, solidarity and sustainability, political leadership and institutionalization, human rights main-streaming, policy coordination, human rights education, and training right to remedy. Both the definitions and contents of the Right to the City and the concept of a Human Rights City is the notion of access to the benefits of a city, including public services, for all. There is, therefore, no basis for the exclusion of migrants from access to public services or unequal access dependent on being a citizen or not.

Gwangju's status as a Human Rights City is rooted in its democratic consciousness. Efforts to promote human rights began with actions such as the establishment of the Gwangju Prize for Human Rights in 2000 and establishing the Asia Human Rights School in 2004. The process of Gwangju becoming a human rights city has been an organic, bottom-up one, in contrast to other Korean cities which have merely adopted the concept. From 2003, Gwangju showed its aspiration to become a human rights city by adopting a Development Plan for City of Democracy, Human Rights, and Peace as well as including human rights in the legal framework by enacting regulations for the protection of the socially disadvantaged and the promotion of human rights.

The major policies and systems of Gwangju as a Human Rights City are discussed chronologically as follows (Table 2).

**Table 2 Timeline of Major Policies and Systems of Gwangju as a Human Rights City**

<b>2009</b>	<ul style="list-style-type: none"> <li>Enacted the Democratization, Human Rights, and Peace City Promotion Ordinance and later Gwangju Human Rights Protection and Improvement Ordinance in 2012.</li> <li>Human Rights Improvement Citizen Committee established to stimulate the citizen participation in promoting Gwangju as a Human Rights City</li> </ul>
<b>2010</b>	<ul style="list-style-type: none"> <li>Established the first Human Rights Office of Korea</li> </ul>
<b>2011</b>	<ul style="list-style-type: none"> <li>Created first Basic Plan for a Human Rights City (2012 - 2016), a road map based on the Human Rights City Gwangju</li> <li>The basic plan presented Human Rights Charter, Human Rights Ordinance, and Human Rights Indicators in order to improve citizens' human rights and to promote human rights solidarity among local governments in Korea.</li> <li>Developed Human Rights Indicators to objectively assess the human rights situation of the City and to establish more coherent human rights policies based on those assessments.</li> </ul>
<b>2012</b>	<ul style="list-style-type: none"> <li>Gwangju Human Rights Charter declared by citizen representatives on the 47th Gwangju Citizens' Day, May 21, 2012</li> <li>Charter includes human rights principals that citizens recommended to respect in order to best embody a Human Rights City</li> </ul>
<b>2013</b>	<ul style="list-style-type: none"> <li>Human Rights Ombudsman Team built in the HR Office</li> <li>City Hall employees required to take four-hour classes every year to understand that embodying values of human rights is what the city ultimately strives for</li> </ul>
<b>2017</b>	<ul style="list-style-type: none"> <li>Human Rights Impact Assessment System initiated by the "Human Rights Protection and Promotion Ordinance"</li> <li>It provides the tools to conduct an effective human rights impact assessment on all new ordinances and regulations of the city when newly established or revised</li> <li>Created Second Basic Plan (2018 - 2022)</li> <li>Second basic plan was established after conducting a comprehensive survey on the human rights situation of the city, holding expert meetings on socially disadvantaged people,</li> </ul>

Source: Gwangju City, 2019

## **The Right to the City, Human Right's City Gwangju and migrant service access**

The Right to the City is closely related to the rights of migrants. There is no international consensus on the definition of migrant, with each nation, organization, and project has their own interpretation of the term, creating a complicated nest around one word 'migrant.' The International Organization for Migration (IOM), following the inclusivist approach, defines the term migrant as "An umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students." (IOM, 2019, p.132).

The Korean government defines 'foreign-origin' residents (or 'resident foreigners' [oegug-in]) to include non-Korean citizens who stay for 90 days or longer, naturalized citizens and children whose mothers or fathers are non-Koreans (Yi and Jung, 2015).

People on the move tend to concentrate in urban areas, making cities main destination for international migrants. Due to these migration trends cities are characterized by diversity in terms of ethnicity, religion, language, occupation, food and so on; "making heterogeneity the hallmark of cities" (Bhagat, 2008).

With increasing in size and economic activity, the city is bound to have migration which results in evolution of a city, diversity and innovation and creativity (Belabas et al., 2020; Bhagat, 2017; 2020). But cities react differently to migration and changing identities such as some cities [Barcelona, New York, London or Leicester] defines migration as strength to the economy while others [such as Paris and Liverpool] takes migration as challenging and are reluctant to migration-related diversity (Belabas et al., 2020) and blame migrants for snatching the local jobs, and this evokes anti-migrants' sentiments and occasional violence against migrants (Bhagat, 2017). Migrants are also vulnerable to exploitation and discrimination as many of them are poor, illiterate, and work in informal sectors filling the jobs referred to as four Ds: dirty, difficult, demeaning and dangerous. (Balbo, 2008). Migrants are often excluded from the available opportunities and nearly have no voice in decision-making processes due to the absence or lack of adequate inclusive policies targeted on migration process (Cassarino and Farhues, 2006).

Migration raises a central issue for the Right to the City – the right for everyone, including migrants to access to benefits that a city has to offer (Bhagat 2017:32), break down barriers that prevent them from accessing basic services, protecting their rights and enjoying decent living conditions. The Right to the City enables all inhabitants and communities—whether women or men, established residents or incomers—to access in liberty and freedom the benefits of city life including basic education, primary health care, clean water and sanitation among others. This perspective seeks to identify how best to promote awareness and representation of these groups within the city (Balbo, 2008). The Right to the City perspective ultimately seeks to achieve urban transformation that is just and equitable in contrast to urbanization based on neoliberal policies, which promotes exclusion, deprivation, and discrimination (Purcell 2002). The central notion of the Right to the City is that no one should be excluded from the qualities and benefits offered by urban life (Henri Lefebvre, 1947).

Implicit in the notion is the indivisibility of access. As a collective right, the Right to the City conceives cities as commons. This demands that all inhabitants, with no differentiation between citizen and non-citizen, are able to enjoy equal access to “the resources, services, goods, and opportunities of their living environment.” (Global Platform for the Right to the City, 2019, p12).

Pillar 1 of the Right to the City entails the just distribution of resources. The resources specifically mentioned include services such as water, electricity, waste, and sanitation, education, and healthcare.

A Human Rights City is defined by People's Movement for Human Rights Learning (PDHRE) (2007, p3) as:

*“A city or a community that provides human security, access to food, clean water, housing, education, healthcare and work at livable wages, sharing these resources with all inhabitants not as a gift, but as a realization of human rights.”*

Gwangju adopted the Gwangju Human Rights Charter and Human Rights Indicator in 2012 (Gwangju City, 2014). Article 5 of the charter affirms that all citizens have the right to health, irrespective of their financial status, Article 8 affirms the right to a minimum standard of living and the creation of an easily accessible social security system, Article 14 affirms the right to access public facilities, and Article 16 affirms the right to education. One aspect which is not clearly spelt out is what constitutes a ‘citizen’. Does the charter allow for exclusion based on the notion of citizen/non-citizen?

The Gwangju Guiding Principles for a Human Rights City (World Human Rights Cities Forum, 2014) emphasize issues including active leadership of local governments for human rights promotion and protection of citizens as well as non-discrimination, social inclusion and cultural diversity, and social justice, as well as access to basic services. They also stipulate elements of the Right to the City. Principles 7-9 include the Right to the City, with Principle 9 specifying that:

*“Recognizing the Right to the City ensures full access to basic services including food, education, housing, energy, mobility as well as public facilities that are adequate, affordable, acceptable and adaptable.”*

In practice, both the Right to the City and a Human Rights City should, therefore, allow access to all the benefits of city life to migrants, as residents of the city.

# Migrant regulatory environment in Korea and Gwangju

## Background

Korea was historically a country of outmigration. The total population of Korean diaspora around the world is around 7 million as of 2009. It started in large scale in the 19th century from China, where there are more than 2 million Koreans. There are also more than 2 million Korean in the US. The large scale of immigration to the US started after the Korean War, which exploded in 1980s and 1990s.

Korea's legal system governing migrants has only recently begun to resemble a comprehensive system with protections in place. The country differs from many European nations, as well as the USA, Canada, and Australia, which regard immigration as a tool to maintain their economic vitality, by having emphasized the pure-race concept until recently.

Other characteristics which have influenced the slow development of a comprehensive legal system governing migrants are Korea's strict control of its borders, enabled through being an 'island' by virtue of its fortified northern border; the previously small number of migrants entering the country; the limited number of refugees other than north Koreans (who are automatically accepted as residents); most civil society movements being focused on the democratic government, and there having been few activist groups for migrants, which only recently began to focus on issues such as right to education, right to political participation, right to housing, right to health.

## Rules and policies

The approach to migrants in Korea was more restriction-oriented at the beginning. Characteristics of the system included not allowing a permanent stay in Korea, only allowing laborers to work under the trainee visa system, not giving visas for white color jobs except English teachers (Kang, M., 2013), and requiring college students to leave after graduation with one grace period.

The approach has begun to become more open with understanding on the need of talented international immigrants. Students are allowed to work up to 20 hours a week, and college graduates are allowed up to two years of grace period of searching for jobs (Korea Policy Briefing, 2015). In addition, visas have begun to be issued to white color jobs to the foreigners with an international university degree in related fields.

The Korean legal system concerning migrants has become more comprehensive and includes certain human rights protections (Table 3).

Table 3 Timeline of Legal System for Migrants to Korea

1991	<ul style="list-style-type: none"><li>Industrial Trainee System introduced, allowing large scale laborer exploitation while producing non-documented immigrants.</li></ul>
1992	<ul style="list-style-type: none"><li>1951 Refugee Convention (or the Convention Relating to the Status of Refugees) and the 1967 Protocol on the Status of Refugees were signed, leading to the inclusion of provisions on procedures on refugee recognition in the Immigration Control Act in 1993</li></ul>
1998	<ul style="list-style-type: none"><li>Nationality Act was established, automatically granting persons with at least one Korean parent Korean nationality from birth, regardless of their decision on whether to choose the nationality of the foreign parent or country of birth (if born outside Korea)</li></ul>
1999	<ul style="list-style-type: none"><li>Legal Status Act of Overseas Koreans was established, giving Overseas Koreans a special visa status</li></ul>



<b>2004</b>	<ul style="list-style-type: none"> <li>• Employment Permit System (EPS) introduced</li> <li>• It was criticized widely as a device of exploitation</li> </ul>
<b>2005</b>	<ul style="list-style-type: none"> <li>• Public Official Election Act began to allow the voting rights of the local election to migrants who had held a permanent residence card for more than three years</li> </ul>
<b>2006</b>	<ul style="list-style-type: none"> <li>• Elementary Education Act amended to allow non-registered foreign children to be admitted to schools</li> <li>• Council on Protection of Human Rights &amp; Interests of Foreign Nationals established</li> </ul>
<b>2007</b>	<ul style="list-style-type: none"> <li>• Marriage Brokerage Management Act enacted to foster healthy brokerage business and protecting marriage migrant women</li> <li>• Framework Act on Treatment of Foreigners residing in the Republic of Korea enacted</li> </ul>
<b>2008</b>	<ul style="list-style-type: none"> <li>• Multicultural Family Support Act enacted to support marriage migrant women and multicultural families</li> <li>• Under this act, multicultural family support centers were established nationwide</li> <li>• Comprehensive foreigner support service (<a href="http://www.hikorea.go.kr">www.hikorea.go.kr</a>) was launched, and Immigration Contact Center set up the Immigration Policy Commission to establish the 1st Basic Plan for Migrants Policy</li> </ul>
<b>2009</b>	<ul style="list-style-type: none"> <li>• Participation began in local elections by foreigners meeting the requirements based on the revision of the 2005 Public Official Election Act</li> <li>• Social Integration Program and Program for International Marriage launched</li> </ul>
<b>2010</b>	<ul style="list-style-type: none"> <li>• Nationality Act relating to multiple nationality revised</li> <li>• Children of non-registered migrants allowed to study in public schools</li> </ul>
<b>2011</b>	<ul style="list-style-type: none"> <li>• Fingerprint registration system for foreign residents implemented</li> </ul>
<b>2012</b>	<ul style="list-style-type: none"> <li>• 2nd Basic plan for Immigration Policy finalized</li> </ul>
<b>2013</b>	<ul style="list-style-type: none"> <li>• Refugee Act implemented</li> </ul>
<b>2019</b>	<ul style="list-style-type: none"> <li>• Illegal foreigners renamed as non-registered residents</li> </ul>
<b>2020</b>	<ul style="list-style-type: none"> <li>• Alien Registration Card was renamed as the Residence Card</li> </ul>

Source: Jang, et al., 2018; Korea Policy Briefing, 2010

## Human rights protection, political participation, and refugees

The Universal Declaration of Human Rights was created in 1948, but it was implemented by the International Covenant on Economic, Social and Cultural Rights (ICESR), and International Covenant on Civil and Political Rights (ICCPR) by UN General Assembly and approved by 35 nations. The Korean government has historically been sensitive to international opinion, and international covenants have been influential in pushing the Korean government to implement human rights protections. With regard to migrants, Korea also signed the declaration (ICCPR) in 1990 with some exceptions (Ministry of Foreign Affairs, 2012). For example, it did not sign the International Convention on the Protection of the Rights of All Migrant Workers.

One of the most significant measures which has been proposed is the Comprehensive Anti-Discrimination Act in 2003, which proposes the elimination of discrimination in all areas of life, gender, disability, medical

history, age, language, country of origin, ethnic origin, race, color, region of origin. However, it is yet to be accepted as a law. It needs to overcome the opposition of the conservative party and the conservative citizen groups (Gwag, et al., 2019). Many international organizations such as CESCER, CERD, CEDAW, and CRC are advising the Korean government to enact the Anti-Discrimination Act (Gwag, et al., 2019).

Migrants in Korea have limited rights to political participation. Migrants who are aged 19 years or older and have passed three years after obtaining permanent residence in accordance with the Immigration Control Act, and are registered as residents in the relevant local government have voting rights for local elections (but not national), but are not permitted to stand for office (Son, 2006). Furthermore, whereas migrants have been allowed to join trade unions since 2015, they do not have the right to engage in “political activities” e.g. demonstrations, signing a petition (Nam, 2017). It should be noted that no migrant has been prosecuted for political activities. However, this law is likely to have a chilling effect on political action by migrants.

South Korea signed the 1951 Refugee Convention as of December 3, 1992. The Refugee Act began to be implemented only in 2013. However, the conservative approach by the immigration office allows only a fraction of asylum seekers to stay legally in Korea. The total number of refugee applicants from 1994-2020 was 64,358 (Lee, 2020), but refugee status was granted to only 1,220 (0.019%) of all applications, and humanitarian status was to 2,217 or (0.034%)<sup>20</sup>. The total number of refugee application reviews in 2019 was 5,598, with 79 or (0.014%) of all applications being granted refugee status, and 311 or (0.056%) humanitarian status.

The number of refugee applicants began drastically increased since 2013, when the Refugee Act was enacted. However, the opposition to the refugees is very high among people, though it is relatively low in this region (Jeong, 2018). There is a strong anti-refugee sentiment among people as was seen in the Plight of Yemeni Refugees on Jeju Island in 2018 (The Asia NNN, 2019). More than 53% opposes granting asylum to the Yemeni refugees even though 51.9% people of the Gwangju and its surrounding province supports it.

## The Right to the City Practices in Gwangju, South Korea

### Research objectives and methodology

The main objective of this report is to shine a spotlight on the Right to the City as it pertains to public service access of migrants in Korea. More specifically, the report focuses on the lived experiences of migrants in a self-declared Human Rights City, Gwangju. We investigate both the achievements and limitations of Gwangju in ensuring public service access for migrants, whether or not and to what extent Gwangju has developed laws and policies, programs, and practices to promote the rights of international residents, and the impact of the central government policies on the Right to the City of migrants. We situate the report in the context of the COVID-19 pandemic, which serves as a shock which could expose shortcomings in public service provision for migrants. Finally, we examine what actions should be taken by the Gwangju and Korean governments to enhance the Right to the City of migrants.

The report focuses on migrants as a disenfranchised demographic grouping traditionally excluded from public service access. Migrants may face barriers to public service access due to their low socioeconomic status, limited rights dependent on their visa status, discrimination, and poor Korean language skills.

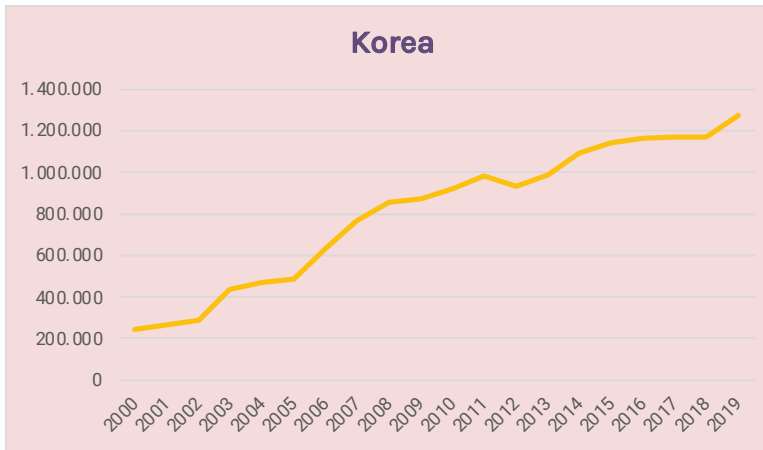
Gwangju was chosen as the study area for both its status as a Human Rights City as well as due to the rapid increase in the number of migrants in the city. Consequently, Gwangju is expected to be an exemplary case-study from which other cities may learn and emulate. Recommendations from the report are also expected to assist Gwangju to further improve public service access for migrants.

### Current situation of migrants in Korea and Gwangju

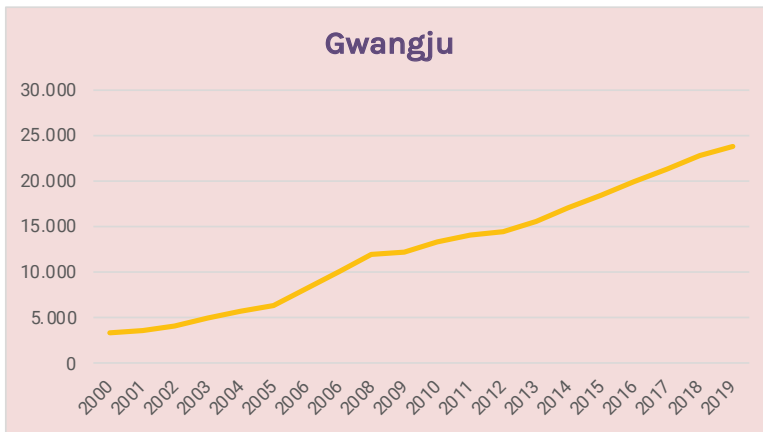
Both Korea as a whole and Gwangju in particular have seen a consistent rise in the migrant population, especially since the soccer World Cup was hosted in 2002. In the space of 20 years, Korea's registered migrant population increased by more than 500%, from 244,172 in 2000 to 1,271,807 in 2019 (See Figure 2). The number of non-documented migrants currently comprises 15.5% (390,281) of the migrant population. During the same period, Gwangju's registered international migrant population increased by more than 700%, from 3303 in 2000 to 23,825 in 2019 (See Figure 3.).

<sup>20</sup> Humanitarian status temporary. It does not allow full status of residents. They are required to return when the situation in their home country is stabilized.

**Figure 2. Registered Foreign Population in Korea 2000-2019**



**Figure 3. Registered Foreign Population in Gwangju 2000-2019**



Data source: Korean Statistical Information Service, 2021a,b

The continuous growth resulted from a number of factors, including the international exposure that Korea received from the World Cup as well as the gradual liberalization of strict migration controls. The majority of migrants have come to Korea as labor migrants. Being a highly industrialized country with a well-educated workforce, small and medium enterprises began to experience a shortage of unskilled and semi-skilled workers which was exacerbated by the preference for large corporations as workplaces of choice for domestic jobseekers, as well as the twin trends of an aging population and low fertility. To fill the gap, the government instituted the Employment Permit System, which allocated annual permit quotas to industry. Two other major types of migrants are marriage migrants, especially women from South East Asian countries, and international students studying at Korean universities. The number of international students amounts to 180,131, with 118,000 being degree course students and 62,000 training courses students.

Gwangju benefits from the labor of migrants. The large majority of migrants fill positions in labor-short areas and were, as of 2019, unskilled or semi-skilled workers (9,228 individuals), followed by those on resident visas (4,483 individuals), international students (4,260 individuals), and visitors or dependents of visa holders (3,167 individuals) (Table 4). With respect to those on resident visas, the predominant route to acquiring one of these visas is through marriage, so most of these visa holders are in effect marriage migrants.

Table 4 Migrants by Sojourn Status: 2019

Sojourn Status	Visa Type	Visa Description	Population	
			Korea	Gwangju
			Total: 1,271,807	Total: 23,825
Student	Total		117,415	4,160
	D-2	Student	117,415	4,160
Worker	Total		553,790	9,228
	D-4	General trainee	59,526	2,365
	E-9	Non-professional	270,751	4,002
	H-1	Work and visit	223,513	2,861
Highly-qualified professional	Total		20,997	289
	E-7	Foreign national of special ability	20,997	289
Educator/Researcher	Total		24,501	734
	D-10	Jobseeker	5,412	151
	E-1	Professor	2,182	37
	E-2	Language instructor	13,798	434
	E-3	Researcher	3,109	112
Marriage migrant/resident	Total		325,641	4,483
	F-6	Marriage migrant	129,200	3,015
	F-2	Resident	43,403	382
	F-5	Permanent resident	153,038	1,086
Family visitor/dependent	Total		143,376	3,617
	F-1	Family visitor	120,962	3,160
	F-3	Dependent family	22,414	457
Miscellaneous	Total		36,422	1,068
	G-1	Miscellaneous	36,422	1,068

Data source: Korean Statistical Information Service, 2021b

The rights of migrants are curtailed due to restrictive visa conditions which make changing employers difficult, make renewing visas especially difficult for workers, make the path to residency or citizenship all but impossible for any migrants other than marriage migrants, and prohibit most political activity. Furthermore, the legal system of the Republic of Korea was established on the basis of the Constitution's restrictive notion of 'citizen', which consequently differentiates citizens and foreigners, and excludes foreigners (South Korean NGO coalition, 2018). As a consequence, the laws on economic, social and cultural rights including National Health Insurance Act, National Basic Living Security Act, National Pension Act, Framework Act on Education restrict the entitlement of rights to 'citizens' only. The government may exceptionally provide foreigners with specific status of sojourn with specific entitlement of the laws, but they do not confirm that migrants are entitled to those rights without discrimination. This violates a central pillar of the Right to the City, the indivisible right to residents to access the city and its benefits.

Despite the fact that foreign workers comprise the majority of migrants in Korea, they have essentially been excluded from various social welfare policies (Hong, 2018). Welfare and settlement policy for migrants has traditionally focused on marriage migrants special pathways for integration for foreign spouses being provided (Draud, 2019), under the assumption that these "multicultural" families will assimilate into Korean society, have children, and thereby help assuage Korea's demographic crisis.

Furthermore, the COVID-19 pandemic has placed a particular strain on migrants in Korea. The unemployment rate for migrants has risen to record levels, with a year on year jump of 38.2% (Ock, 2020). This has resulted primarily from job losses of temporary positions and manual labor. Not reflected in the data is the position of foreign students, who have lost part-time jobs in the service industry as restaurants have been forced to temporarily or permanently close. The central government and the Gwangju City Hall have created diverse measures to help the people in general and the businesses

Gwangju has been at the forefront of the development of democracy in Korea and has adopted the Human Rights City mantle. It is, therefore, a unique model of a human rights movement and the development of a Human Rights City in an Asian context. Based on the above context, it would be valuable to see how the life of vulnerable and marginalized groups is influenced and improved by the human rights policies of the city.


The deliberate liberalization of migration controls in Korea has led to increasing number and diversity of migrants. This has been especially apparent in Gwangju, which has seen a much larger increase in migrants than the national average since the year 2000 (700% compared with 500% for Korea as a whole). The Korean government adopts a mixed approach to different groups of migrants (Kim, 2016), concentrating welfare policies on marriage migrant women. This has meant that other migrant groups are excluded from certain welfare policies, especially foreign workers who comprise the majority of migrants in Korea. Addressing the gaps in access to public services is part of Gwangju's Right to the City and Human Rights City obligations.

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### Research methods

A qualitative approach was utilized with two methods: literature analysis and interview analysis. In-depth semi-structu interviews were conducted with migrants, as beneficiaries of services, and representatives of local government, medical providers, and NGO's as providers of services. A summary of the research methods is provided in Table 5 below.

Table 5 Summary of research methods

Data Source	Literature Review	Texts, laws, policies to explore available evidence on applicable laws and policies, barriers and solutions related to access to services for international residents
	Questionnaire Survey	To understand the lived experience of the rights to the city of migrants in Gwangju
	Development	<ul style="list-style-type: none"><li>• Five sections: healthcare services, administrative services, welfare and social supports, effects of the COVID-19 pandemic, specific questions for each group of interviewees</li><li>• Knowledge of services, ease of access of services, barriers to service access based on personal experience as well as perceptions</li></ul>
	Sampling	<ul style="list-style-type: none"><li>• Convenience, snowball</li><li>• Broad range of migrants (residence status, occupation, nationality etc.)</li><li>• two to three members of each category</li></ul>
	Procedure	<ul style="list-style-type: none"><li>• One-on-one interviews via face-to-face conversation, phone call or video call (based on interviewee preference)</li><li>• Interviewers were members of the research team, assigned based on language and availability</li><li>• Languages used: English, Korean, and Vietnamese</li><li>• Interviews digitally recorded, transcribed and translated (where necessary) into English</li></ul>
	Analysis	<ul style="list-style-type: none"><li>• Codes established line by line using the MAXQDA software, amalgamated into categories and related subcategories assisted by the grounded theory procedure</li><li>• Coded findings shared and discussed at regular meetings of the research team to ensure wide range of disciplinary perspectives</li></ul>

Sampling was not intended to be statistically representative, certain groups of migrants (e.g. workers; students) are larger in terms of population than others (e.g. language instructors), it was impractical to reflect this in the number of interviews carried out due to resource constraints. However, we tried when possible to include migrants with different backgrounds to potentially obtain a wide and comprehensive coverage of themes and issues. It was, therefore, decided to optimally interview two to three members of each category of migrant (Tables

six and seven for interviewee details). A total of 21 beneficiaries and six providers were interviewed. That being said, this practice still could not avoid possible self-selection and sample biases.

On the other hand, service provider interviewees were selected purposefully as representatives of organizations in three areas in question: healthcare services, administrative services, and social and welfare services.



Table 6 Attributes of Migrant Interviewees

Sojourn Status (Visa-type)	Interviewee Reference	Country of origin/ Mother tongue	Gender	Age*	Marital status	Education level	Duration in Korea*	Level of Korean
Student (D2)	S1	Bangladesh/ Bangla	M	32	Married	Tertiary	2 yr 9 mo	Beginner
	S2	India/ English	F	29	Single	Tertiary	2 yr	Beginner
	S3	China/ Chinese	F	24	Single	Tertiary	2 yr 3 mo	Beginner
Worker (E9, E7)  Highly-qualified (E7)	W1	East Timor/ Tetum	M	39	Married	Tertiary	6 yr	Advanced
	W2	Philippines/ Tagalog	M	45	Married (wife & children in Philippines)	Secondary	15 yr	Advanced
	W3	Vietnam/ Vietnamese	M	35	Married	Secondary	10 yr	Intermediate
Marriage migrant (F6)	M1	Romania/ Romanian	F	42	Married (2 children)	Tertiary	3 yr	Intermediate
	M2	Peru/ Spanish	F	28	Married	Tertiary	3.5-4 yr	Intermediate
	M3	Taiwan/ Chinese	F	28	Married	Tertiary	5 yr	Advanced
Educator/ Researcher (E2,E3,E2)	E1	USA/ English	F	30	Married	Tertiary	1 yr	Intermediate
	E2	Pakistan/ Urdu	M	25	Single	Tertiary	2.5 yr	Beginner
	E3	USA/ English	F	20s	Single	Tertiary	1.5 yr	Beginner
Unregistered migrant	U1	Philippines/ Tagalog	F	38	Married	Tertiary	10 yr	Beginner
	U2	Vietnam/ Vietnamese	M	24	Single	Secondary	10 yr	Intermediate
	U3	East-Timor/ Portuguese	M	39	Single	Tertiary	4 yr	Beginner
Refugees	R1**	Jordan/ Arabic	F	27	Single	Tertiary	1.5 yr	Intermediate
	R2	Syria/ Arabic	F	28	Married	Tertiary	5 yr	Intermediate
Naturalized Korean	N1	Vietnam/ Vietnamese	F	24	Single	Tertiary	6 yr	Advanced
	N2	Bangladesh/ Bangla	M	32	Married	Tertiary	10 yr	Advanced
Overseas Korean	O1	USA/ English	M	51	Married (wife & children in USA)	Tertiary	20 yr	Intermediate
	O2	Russia/ Russian	F	23	Single	Tertiary	3 yr	Intermediate

Table 7 List of Service Provider Interviewees

Interviewee Reference	Organization	Position
SP1	International Healthcare Center, Chosun University Hospital	Coordinator for foreigners
SP2	Gwangju International Center	Managing director
SP3	Gwangsan-Gu Healthy Multicultural Family Support Center	Director
SP4	Gwangju Danuri Call Center	Executive director
SP5	Office of International Affairs, Chonnam National University	-
SP6	Language Education Center, Chonnam National University	Team Leader of Korean Language Program General Management



## Research Findings

### Migrants' Perspectives

To present the data findings, this part consists of four parts: accessibility of healthcare services; of administrative services; and of welfare services and social assistances, in which parts, we first accumulate the migrant's evaluation of the services, and discuss the existing of difficulties and discrimination faced by migrants. The final part illustrates how these services are affected by the Covid-19 pandemic.

#### Accessibility of healthcare services

The data analysis showed a high level of satisfaction with healthcare services, particularly their efficiency (E1, M3, R1, S3), friendly staff (N2, S1, S2), affordability (E1, E3). However, there were also reported negative experiences which showed indifference on the part of providers in dealing with foreigners, "not bothering to do something because of extra effort required" (E1), resulting in less information and options compared to what might be received by a Korean resident. In addition, dentist costs were said to be costly (O1, U1). Issues of long waiting time (N1), hygiene and safety (O2) were also reported.

Many interviewees also discussed the lack of information on healthcare, particularly what medical services are available and where to get information (E1, E3, M1, M2, N1, U1, W3). Migrants mainly rely on personal networks and social media when searching for healthcare-related information. Besides, expatriate educators and international students also receive information from their workplaces, and marriage migrants might receive official letters from the authority.

Language barrier was the expressed concern of most interviewed migrants: It is "very difficult to find English speaking doctors or anyone speaking English on the reception" (E3); it is also "hard to explain my problem to the doctor and also it was difficult to understand the doctor" (S1).

*Without a high level of Korean, it's just impossible to get anything done. The problem is due to both not knowing how to negotiate the system as well as language problem. But language is the biggest problem. (E1.)*

To deal with this issue, many migrants often have to accompany a Korean speaker with them when visiting hospitals or even go to Seoul because of language problems in Gwangju (E1). To improve the services, the interviewees suggested that healthcare facilities should have interpreters (U2), brochures in English and other languages (M2, W3).

In regard to health insurance subscription, the satisfactory level of the health insurance is high, six (O6) respondents find the cost affordable with significant benefits (E2, E3, O1, W1, W2, W3). Many have utilized health insurance to reduce hospital costs for themselves and their dependents. However, their understanding towards the health insurance system is deemed lacking – seven (O7) respondents consider themselves knowing little to nothing about the terms of the insurance. Those without insurances found themselves having to pay full price whenever going to the hospital (U1, U2, U3). Therefore, unregistered migrants suggested that insurance should also be available to them.

#### Accessibility of Administrative Services

Migrants access administrative services for various reasons: to change resident permits, to change addresses, and to have documents issued. Migrant interviewees generally had positive experiences with administrative services, particularly for its efficiency, speed, convenience (particularly as many services can be done online), and helpful staff. For instance, an international student was "very satisfied with the public administrative services" and "gave 10/10 level of satisfaction" (S1). However, there were also reported problems of inefficiency, unhelpful and indifferent staff (N2). Main sources of information that the migrants tend to utilize are: personal network of friends and coworkers, the internet and social media, multicultural family support center, workplace, and immigration district offices.

Few interviewees answered in the affirmative when asked whether they considered themselves sufficiently aware of the administrative services available to them. Various possible reasons were discussed, including "language barrier for one thing, changing policies that I'm not aware of, lack of contact with public services here, lack of interest with public services sometimes, like any other citizen" (E1).

Though the majority of participants said to never experience discrimination on the basis of race or country of origin, there were reports of cases of prejudice against foreigners in public services (M1, R1, R2), as in “I’m a foreigner so I don’t know anything” (M1). Gender discrimination is mostly experienced by marriage migrants and women refugees accessing administrative services. One marriage migrant said due to patriarchy, “You are not a person, you are your husband’s asset” (M1), thus administrative officials tend to prefer to deal with the Korean husband, instead of the migrant wife, even when she can communicate sufficiently in Korean. The refugee researcher (R1) also confirmed that refugee women often leave it to their husbands to deal with all the administrative matters, and, due to cultural features, they often only passively wait for and follow the instructions from the authority instead of actively seeking for help and information. Refugee women also face technological difficulties when accessing services or even searching for information. It was suggested that there should be a more customized platform for refugees, which should be widely promoted. (R1.)

### Accessibility of Welfare and Social Services

The majority of interviewed migrants said that they have never received welfare assistance from any organization, state or non-state. Many do not know whether they are eligible to get welfare support (E2, I1) – including childcare support and emergency relief funds, and they “don’t want to take advantage of the welfare system [because there more] people who need the welfare more” so they may feel “guilty” to try “to milk it” (O1).

In regard to social support, Multicultural Family Center is the governmental service organization claimed to be helpful among marriage migrants. Catholic Migrant Center also provides considerable support for migrant workers and unregistered migrants<sup>21</sup>. The support services highlighted by the respondents as the most effective ones mainly include Korean class, medical service and legal advice. Although the services provided are overall helpful in responding to the migrants’ needs, it is also reflected that the quality of educational programs do have room for improvements. This is evident in the responses of the marriage migrants (M2, M3) as they found the Korean classes were not available for them, but mostly for certain larger nationality

groups. According to the respondents, “(the services) were made for wives from Vietnam and Cambodia” (M2), and even the public advertisement of multicultural family centers tend to “portray families from Southeast Asia or the Middle East” (M3). From which, the lack of inclusiveness and the official’s racial stereotyping were identified.

In addition, certain NGOs and service organizations were frequently mentioned by the respondents while their services were positively evaluated. Local NGOs including Gwangju International Center (GIC) and Universal Culture Center (UCC) (E1, M2, R1) are regarded as the most commonly accessed service centers where general services are provided to all types of migrants.

There is also evidence indicating that refugees have comparatively high dependency on NGO services, due to the lack of other sources of support. However, the small-scale NGOs that are not specialized in refugee services are deemed to be rather incapable when handling refugee-related affairs. Refugees as a specific group of migrants that have experienced a completely different kind of migration process, whose problems should be tackled in a more professional manner according to the refugee expert (R1). In this case, it is suggested that refugee services shall be differentiated from other migrant services. Professional, refugee-only service organizations are claimed to be demanded in order to meet the refugees’ specific needs (R1). The issue of patriarchy was once again mentioned as one of the hindrances that prevented the migrant women from directly accessing certain welfare services and the information they needed.

*[T]he Multicultural Family Support Center also provided some kind of support, around \$100, but they never called me. They called my husband and gave the money to him but that money was for me. In my case it wasn’t a problem, but what if my husband were an alcoholic? (M1)*

### Effects of COVID-19 Pandemic on Migrants’ Access to Services

Migrants are considerably affected by the COVID-19 Pandemic. However, its effect mostly occurs in daily life and not too significantly on their accessibility to public services (Table 7). Most interviewees confirmed that COVID-19 has little to no effect on

21 It is important to note that the Center was the location for our interviews with migrant workers and unregistered migrants.

their access to healthcare and administrative services. It is either because some of them have not had the need to access healthcare during the pandemic or because they found the screening procedure necessary in ensuring their own and everyone else's safety.

Updated information on COVID-19 was received from phone alerts, local government page, workplace, social media, and personal networks. Besides, non-state organizations such as GIC and GFN are also working as important information sources and translating mechanisms for migrants to understand healthcare-related materials and COVID-19 updates. While many regarded updated information on new cases adequate, others admitted that they did not fully understand the content of the phone alerts, which were only available in Korean. They either had to resort to translator applications or ignored them all together while seeking information in other sources (E1). Some also admitted they had trouble finding information on new regulations (E1) and where to get COVID-19 test (U3).

There is a disparity in welfare support in which COVID-19 financial support was received by naturalized Koreans and multicultural families, while no financial support was reported in other groups of migrants.

**Table 8 Most common impacts of COVID-19 on migrants**

Impact	Examples from Interviews
On work and income	"We have less hours of work, thus less income." (U2)
Harder to travel, domestically and internationally	"Going to Seoul [for prenatal appointments] during COVID-19 pandemic is a big deal." (E1)
Impacts on personal life and social life	"Can't communicate or meet with friends, so minimal social life" (S1) "[B]ecause I'm a person who likes to socialize and go out. It's very difficult. I don't feel free to go with friends" (M2) "But yes in a positive way it help me to understand more and myself because I am more alone at that time so you know more of yourself." (S2)
Increased health risk, mental health crisis, reluctance to visit hospitals	And even you scared maybe you are the person who might going to give the Covid-19 to other person, so it definitely affects in a negative way." (S2) "If you get sick, you have to spend a lot of money and health in danger." (S3)
Lack access to services	"[W]e run the educational programs through Zoom due to COVID-19 and multicultural family members (marriage immigrants) are likely to have a difficulty in using internet and computer. So, their accessibility is a problem." (SP4)
Confusion caused by changing information and policy	"Information constantly changing." (E1)
Positive perception of change	"There's some good in that, for example the advancement of Technology. I've experienced working at home for the first time in my life. I'm actually enjoying it in some aspects. It's very comfortable. Students actually quite like it. My upload towards it has changed a little bit. I think I might do that more in the future. Even with disasters like this, some good things have come out." (O1)

## Service Providers' Perspectives

To present the data findings, this part consists of four parts: healthcare services; administrative services; welfare services and social assistances; experiences supporting migrants; and responses to the COVID-19 pandemic.

### Healthcare

Our interview was conducted with an international coordinator in Chosun university hospital. Migrants were believed to have equal access to healthcare services, because "if someone wants to see a doctor, they have rights to get medical services regardless of their nationality and we do not have rights to turn them down" (SP1). They provide translating and interpreting services for foreigners who cannot speak Korean and make a reservation in advance. Again, the issue of language barrier was particularly stressed as the core problem.

*Since we are mostly dealing with medical terminology, there is a difficulty in communication. I can say that most of the difficulties are caused by language problems. (SP1)*

### Administrative, Welfare, and Social Support

Gwangju International Center, Gwangsan-Gu Multicultural Family Support Center, and Gwangju Danuri Call Center were interviewed as provider of welfare and social supports as well as administrative assistance for migrants (Table 8). The service providers had positive evaluation of public services and how they are provided in Gwangju. Gwangju is believed to be "a stable and peaceful place for foreigners compared to other cities" (SP2)

According to the service providers, various services have been sufficiently provided by the national and local governments, particularly childcare and education services (SP3), corona subsidy for pregnant women, and the Nutrition Plus program (SP3).

At the same time, the service providers also acknowledged the prominent problems of language barrier and lack of access to information (SP2, SP3, SP4).

*There exists limited access to certain groups of people. They have no understanding of the system, documents required, place of document issuing. Different system of Korea from home country, so no understanding of the situation, which is worsened by language limitation even with interpretation. Service providers want to use their own language. Some immigrants have fears to access information due to lack of understanding. (SP4)*

The most vulnerable migrants are children of marriage migrants and labor workers (SP2). There are also limited services for long-term migrants (SP4). Service providers, upon working closely with the migrants, have witnessed a degree of isolation between migrant community and Korean community as well as the problem of patriarchy, particularly among marriage migrants (SP4). Upon discussing the issue of discrimination, SP2 considered it mainly a matter of language barrier.

*[I]f [Korean] people talk with them, they know that they are not Koreans because of their accent or something like this. Then they say things to them in a lowly way and say to them "Let me talk to Korean person." Then they feel a little discrimination and the most difficult part is, of course, because these people are foreigners and are not fluent Korean speakers in Korean public institutions or daily life. Since there is no consideration or respect for that, it seems that they still think that they are ignored and that they are somewhat discriminated against. (SP3)*





**Table 9 Interviewed organizations providing administrative, welfare, and social support**

Organization	Major Beneficiaries	Services Provided
Gwangju International Center	<ul style="list-style-type: none"> <li>English teachers</li> <li>International students</li> </ul>	<ul style="list-style-type: none"> <li>Language classes</li> <li>Space</li> <li>Culture and community programs</li> <li>Consulting</li> <li>Translation</li> <li>Administrative service</li> </ul>
Gwangju Danuri Call Center	<ul style="list-style-type: none"> <li>Marriage migrants</li> </ul>	<ul style="list-style-type: none"> <li>Information service</li> <li>Training courses on issues related to violence and divorce law</li> </ul>
Gwangsan-Gu Multicultural Family Support Center	<ul style="list-style-type: none"> <li>Marriage migrants</li> <li>Multicultural families</li> </ul>	<ul style="list-style-type: none"> <li>Education</li> <li>Korean language class</li> <li>Counseling</li> <li>Case management</li> <li>Interpreters to accompany migrants to administrative and legal agencies</li> </ul>

## Educational Services

Discussion on educational services was conducted with the Office of International Affairs and Language Education Center of Chonnam National University.

The service providers acknowledged that not all international residents are treated equally when accessing educational services: those without D-2 or D-4-2 visas often found it difficult to access educational programs, particularly Korean language classes (SP5, SP6). Even though there have been more classes open for non-student residents, they are still available for some specific types of visas (SP6). Even free programs to provide Korean classes and Test of Proficiency in Korean (TOPIK) fee as part of the Urban Regeneration New Deal Project require a visa, which means that unregistered migrants cannot participate in the program (SP5).

There also exist language problems in educational services. “Korean, English, and Chinese are provided, but no other languages (Vietnamese, Mongolian, Uzbek, etc.) are available. Therefore, students from minority countries have difficulty in receiving information when it comes to notices or official announcements” (SP6).

New-coming young international students in ages of 18 and 19 are prone “to wander when their life goals are not clear”, thus they are monitored by country groups (SP5). SP5 suggested that professional counseling (depression counseling, suicide prevention, etc.) is needed for students in their own language. She “felt that there was no sufficient communication between the Ministry of

Education ([regulating] education guidelines) and the Ministry of Justice ([regulating] visa/stay guidelines) when it comes to the guidelines for foreign students. As a result, there need to be more “discussions between the institutions to make programs or policy decisions for these foreign students” (SP6). In addition, more financial and in-kind support should also be considered for international students (SP6)

## Experiences supporting migrants

Disparities of cultures and administrative systems between Korea and home countries also contributed to the lack of understanding and at times miscommunication between migrants and service providers (SP2, SP3). SP3 from Gwangsan-Gu Multicultural Family Support Center considered many migrants lack the will to get education and get acquainted with Korean system. According to her,

*[T]hese people are supposed to be active. We would do things actively because if we immigrate, we just have to survive. But Southeast Asians are a bit weak in those areas. In some ways, some people say that we have made them less aggressive because our country has good welfare and there are interpreters. They have to survive on their own, learn the language, and go about what information is available, but first of all, they got married because of their family economy. And so they focus on making money at a workplace like factories as soon as possible and send the money to their family back home rather than getting education. When something happens, then they ask where they should go. (SP3)*

Service providers also discussed how supporting migrants can affect service providers' wellbeing, for instance, the lack of healthcare support and guarantee for service providers:

*The current government system does not guarantee the health of the councilors. Some councilors protect themselves by keeping no feeling or detaching themselves from the migrant women in trouble while working. (SP4)*

Service providers, as governmental employees, received education on human rights provided by the Gwangju City Hall. However, they are not particularly educated on specific issues of migrants. Interviewees from educational services providers acknowledged that they have never received education about the rights of international residents to access educational services nor the organization

provides any staff training to deal with international residents (SP5, SP6). To rectify this lack, they organize classes on different countries' cultures as part of their internal training programs (SP3).

### Responses to COVID-19 Pandemic

COVID-19 pandemic has created various unprecedented obstacles for providing services to migrants. The number of visitors to access services have dramatically dropped because of the pandemic and social distancing policy. However, timely and appropriate responses were initiated and conducted by service providers, such as virtual classes (SP2, SP3, SP6) and home-delivered family kits (SP3). However, online classes prove to be inaccessible for a number of international students (SP6) as well as marriage migrants (SP5), who do not have access to computers or the internet.

**Table 10 Summary of data analysis on services from perspectives of migrants and service providers**

Service Area	Migrants	Service Provider
Healthcare	<ul style="list-style-type: none"> <li>Overall satisfactory experiences, particularly in terms of efficiency, friendly staff, and affordability</li> <li>Disadvantage of having no insurance for unregistered migrants</li> </ul>	<ul style="list-style-type: none"> <li>Ensure equal access to healthcare services for every resident status</li> <li>Disadvantage of having no insurance for unregistered migrants</li> </ul>
Administrative	<ul style="list-style-type: none"> <li>Discrimination is experienced by certain disadvantaged ethnic groups</li> </ul>	<ul style="list-style-type: none"> <li>Disparities of cultures and administrative systems between Korea and home countries lead to lack of understanding and difficulties</li> </ul>
Welfare and Social	<ul style="list-style-type: none"> <li>Majorly rely on service organizations, little to no knowledge on financial support available for them. Quality of education services shall be improved</li> </ul>	<ul style="list-style-type: none"> <li>Sufficiently provided by the national and local governments, particularly on childcare and education services</li> </ul>
COVID-19	<ul style="list-style-type: none"> <li>Little to no effect on access to healthcare and administrative services. Difficulties mainly on understanding information in Korean</li> </ul>	<ul style="list-style-type: none"> <li>Alternative ways to provide services have been developed due to COVID-19</li> </ul>
Prominent Problems	<ul style="list-style-type: none"> <li>Language barriers</li> <li>Lack of information</li> </ul>	<ul style="list-style-type: none"> <li>Language barriers</li> <li>Migrants' lack of understanding of Korean system and culture</li> <li>In need of more incentives and supports from the government</li> </ul>

## Discussion and implications

This section discusses the key themes found in the findings in combination with collected secondary statistics and literature to present a more comprehensive picture of the lived experience of migrants accessing public services in Gwangju. It is shown that though there is a high level of satisfaction of healthcare and public services among migrants in Gwangju, there still exist issues related to accessibility of services. Intertwined factors of language barriers, a lack of information given to migrants, difficulties in navigating the health and administrative systems, and at times discrimination lead to many migrants' lack of knowledge of available services and reluctance to access them. COVID-19 reveals and intensifies the systematic existing disadvantages of migrants. However, the attempt to find timely and appropriate solutions by the service providers should be acknowledged.

### Overall service access

Migrants reported a high level of access to healthcare and administrative services. No migrants reported being unable to access the two services, regardless of their visa status. An important point to note is that even unregistered migrants were able to access healthcare services. In this respect, the Korean and Gwangju governments can be seen as fulfilling their basic obligations toward migrants in upholding their right to access public services. However, with regard to welfare and social services, a different picture emerged. The majority of migrants reported never having received welfare assistance. Reasons for this may include benefits only being available to holders of permanent resident visas, a reluctance to "take advantage of" the system, as well as a lack of information. As such, the Korean and Gwangju governments need to provide more equitable welfare support for migrants.

### High level of service satisfaction

Public services, in all three areas of healthcare, administrative, as well as social and welfare, receive a generally high evaluation from both the migrants and the service providers, with migrants being generally satisfied by both the level and quality of public services. From the perspective of the Right to the City, the high levels of service satisfaction and coverage could be seen as not only fulfilling the Right to the City, but ensuring that beneficiaries do not only need to be content with low levels of

service. Two explanatory factors are suggested. The first is Korea's socialized healthcare system, which is world-renowned for its comprehensive coverage and quality. The second, related especially to administrative services, is the human rights education provided to all local government officials by Gwangju city. This demonstrates a way forward for other cities to improve their treatment of beneficiaries of administrative services. However, it is worthwhile noting that most of the interviewed migrants come from countries with inadequate health care systems, which might give them an overly rosy view of the Korean health care system.

### What were the barriers to service access?

The main barriers to service access faced by migrants in the study were a lack of knowledge about available services and how to access them, and general linguistic difficulties.

The lack of knowledge of entitlements and available services on the part of the migrants were perceived as the major obstacles to properly accessing services. The primary issues identified were the lack of information in other languages other than Korean, the absence of information given to migrants and difficulties in navigating the health and administrative systems. Migrants have difficulty in finding (and understanding) information which would assist them in negotiating the healthcare system. This may be primarily due poor Korean language skills and knowledge on how and where to access information, and a lack of adequate information in their mother tongues. As a result, most are forced to rely on informal sources, such as friends and acquaintances and social media groups, and thus run the risk of receiving incomplete and unreliable information.

The most cited barrier is linguistic barrier and thus lack of communication. Language problems are prominent in all areas of healthcare, administrative services, and welfare support, leading to the lack of information and the reluctance to access services. Many migrants reported that, lacking the sufficient language support from the facilities, they often had to rely upon family members and friends as interpreters. Lack of professional interpreting services was identified by many, migrants and service providers, as an important barrier to effective healthcare for migrants. Similarly, service provider participants systematically reported linguistic barriers as one of the main challenges they faced

providing care and services for migrants.

A further driving factor might be related to autonomy. Migrants might feel intimidated by the bureaucracy of service access as well as their distrust of the state. This is particularly applicable to those who are unregistered. Migrants might also feel undeserving of the services they are entitled to, believing they should be grateful for what they already receive.

### **Whose responsibility? – Discrepancy in perceptions and experiences between service providers and beneficiaries**

The difficulties caused by language barriers and limited access to information beg the question of who is responsible for them: the service providers who fail to take into account these disparities, or the beneficiaries who fail to learn Korean language and actively equip themselves with important knowledge and connections? This question is stated not to blame the 'fault' or push the responsibility to either side, but to locate the core cause of the problem and thus propose the most comprehensive solutions. The inability to solve language barriers exacerbates cultural and administrative barriers and this further hinders the process of providing and accessing services. As such, to fulfill its obligations regarding the Right to the City, and as a Human Rights City, the Gwangju government bears a responsibility to ensure that services can be provided effectively, irrespective of language and information barriers. However, it was reported by service providers that migrants are reluctant to participate in language programs, which exacerbates linguistic difficulties. Some responsibility, therefore, falls upon for migrants to fulfill their individual obligation under the Right to the City by taking an active interest in improving their Korean language skills.

### **Status-based differentiation - Discrimination?**

The findings show that there is a status-based differentiation when it comes to migrant's access to services, particularly educational programs and welfare assistance.

The most vulnerable group of migrants is undocumented migrants. While they have full access to the healthcare system, they are unable to subscribe to the National Health Insurance, and are thus burdened with full user fees when accessing

healthcare services, which might be a big burden for such already marginalized group.

Moreover, even though they are free to participate in cultural and community programs at organizations such as GIC, they are excluded from most governmental-run programs for migrants.

Korea focuses its welfare support on permanent residents, especially marriage migrants. The fact that marriage migrants and naturalized Koreans were the only recipients of COVID-19 disaster relief fund presents a failure in the system to equally support all types of migrants during this period of vulnerability and crisis.

Though explicit cases of discrimination were not reported in the interviews, there can be seen an implicit stereotyping against some particular groups of migrants. Marriage migrants from less developed countries such as Vietnam and Cambodia are largely seen as ignorant of Korean culture and system. This view is rooted from real-life experience in working with the migrants, slowly concretized, and made fact of.

### **What roles for state and non-state organizations in ensuring service accessibility?**

The findings illustrate the importance of both state and non-state organizations take in ensuring more equal and fluid access to services for migrants. State-run agencies such as multicultural family support centers play an important role in equipping marriage migrants with necessary survival knowledge of the system as well as assisting them in specific cases. On the other hand, organizations such as GIC and GFN are vital sources of information and assistance for all types of migrants.

It is necessary for these organizations dealing with migrants, one of the most vulnerable groups in the system, to assess their roles and importance as well as how they can improve and expand their services to serve and support a larger number of beneficiaries. This might include a feedback system and overall improved communication with the beneficiaries to understand their points of view, difficulties, and suggestions for improvement. It might also be a more in-depth look at the practice of other countries to draw out implications for Gwangju and South Korea.

## Limitation of the services in terms of the Right to the City components

In spite of the favorable analysis of migrants' experiences in the general services, different access levels in marginalized groups shows some limitations in certain components of the Right to the City: specifically, freedom from discrimination, gender equality, inclusive citizenship, fulfillment of social functions, and a city with quality public services and spaces. For example, discrimination based on visa status remains a barrier to equal access to public services, with a hierarchy of visa types based on which type migrants is considered more 'desirable' consistent with Korea's policy goals. It was clear from the experience of marriage migrants who felt invisible when accessing services that service provision reflects the general system of patriarchy in Korean society, and gender equality remains elusive. Inclusive citizenship grants equal rights to all inhabitants, whether permanent or temporary. Although migrants have access to many of the same services as citizens, there are still gaps, especially when it comes to welfare provision, which need to be addressed before inclusive citizenship becomes a reality. Gwangju partially fulfills its social functions by granting migrants access to services, but fails to provide them adequately to the most marginalized groups, refugees and unregistered migrants. Finally, Gwangju provides public services of a reportedly high standard, thereby fulfilling its obligation to quality public services.



## Conclusion and Recommendations

The report investigated public service access of migrants in Korea as an aspect of the Right to the City in Gwangju, a Human Rights City. The achievements and limitations of Gwangju in ensuring public service access for migrants were assessed through in-depth semi-structured interview undertaken with migrants from diverse countries, jobs, and with different visa statuses. The report was situated in the context of the COVID-19 pandemic, which serves as a shock which could expose shortcomings in public service provision for migrants. Based on the definitions and practice of the Right to the City, access to the benefits of a city is a collective right, as opposed to human rights protection (in the general sense), which focuses prominently on the individual. The Right to the City calls for the inclusion of all city dwellers, without exception. There should, therefore, be no basis for the exclusion of migrants from access to public services or unequal access dependent on being a citizen or not.

The report uncovered the following implications. First, migrants experienced a high level of service access irrespective of their visa status. Second, migrants reported high levels of satisfaction with health care and administrative services. Third, main barriers to service access were lack of information and linguistic difficulties. Fourth, to overcome linguistic barriers, responsibility should be shared by both providers and beneficiaries. Fifth, different levels of services were offered based on visa status, resulting in service gaps. Sixth, both state and non-state organizations played a crucial role in ensuring service accessibility.

Based on the above implications, we examine what actions should be taken to enhance the Right to the City of migrants.

First, **the information gap between government and migrants needs to be closed.** It is essential for both local and central governments to provide accurate and complete information that can be easily understood by migrants. This could be achieved through improving the quality of foreign language versions of public websites, expanding

the provision of public service helplines in multiple languages, developing and implementing government outreach programs to inform migrants of what public services they are entitled to, and how to access them, and developing internet platform providing information about all available services to migrants.

Second, **to ensure migrants are able to navigate the systems when accessing services, there should be brochures available at all government offices and health care providers giving step-by-step instructions on how to use them.** Facilitators should be placed in government offices and health care providers to assist migrants. These could be trained local employees, hired migrants, or even digital facilitators.

Third, **Korean language programs should be made more accessible to migrants.**

These programs are typically provided by government organizations, universities, and civic organizations. The programs could be offered at more convenient times, and in more convenient locations, such as workplaces. These should be open to all migrants, including those who are unregistered. Moreover, to encourage active participation, there needs to be a sense of 'buy-in' by migrants. This could be accomplished by migrant groups promoting active engagement with the wider community.

Fourth, **the Gwangju government could more actively collaborate with migrant community groups or migrant-support NGOs to become a bridge between themselves and migrants.** This would enable concerns and distrust to be cleared up, and give the local government an open line of communication with migrants. It is also necessary for more support to be given by the Gwangju City government to strengthen migrant

community groups in order for them to empower and support one another.

Fifth, **the National Health Insurance system should be expanded to include unregistered migrants, who are unreasonably shouldered with higher healthcare costs despite being the most vulnerable while paying taxes when they are paid.**

Sixth, **public welfare provision should be reassessed to ensure that it doesn't favor only certain groups of migrants.** Focusing only on those who are deemed to be eligible to 'become Korean' ignores the fact that the vast majority of migrants do not belong to this group.

Seventh, **to reduce discrimination, all public officers and health care workers who deal with migrants should receive training on how to deal with them.** As Gwangju City already provides human rights education to public officers, this education could be expanded to included (non-registered) migrants.

Eighth, **the current visa system promotes the notion of migrants as 'visitors' who are allowed to work for a certain period, but should then return home, leading to short-termist behaviors (such as not learning Korean) which are barriers to service access.** Immigration reforms to give migrants the option of continued residence in Korea are, therefore, necessary. These could include expanding the points-based visa system to include all migrants. Migrants could be offered an amnesty to get them back into the official legal system (which would also be good for the stability of society). In addition, policies should be formulated separately for short-term (e.g. those on training courses) and long-term migrants, based on their needs.



## Country's Key Takeaways

### Key findings

- Migrants report a high level of access to healthcare and administrative services, with no migrants reported being unable to access the two services, regardless of their visa status.
- Public services, in all three areas of healthcare, administrative, as well as social and welfare, receive a generally high evaluation from both the migrants and the service providers, with migrants being generally satisfied by both the level and quality of public services.
- The main barriers to service access faced by migrants are a lack of knowledge about available services and how to access them, and general linguistic difficulties.
- Service providers and migrants share responsibility for difficulties caused by language barriers and limited access to information.
- Access to certain services, particularly educational programs and welfare assistance, is discriminatory, as it is dependent on a migrant's status.
- Both state and non-state organizations play an essential role in ensuring more equal and fluid access to services for migrants.

### Recommendations

- The information gap between government and migrants should be closed by improving the quality of foreign language versions of public websites, expanding the provision of public service helplines in multiple languages, developing and implementing government outreach programs to inform migrants of what public services they are entitled to, and how to access them, and developing internet platform providing information about all available services to migrants.
- Improvements such as the provision of facilitators and brochures should be carried out by service organizations.
- Korean language programs should be made more accessible to migrants. To encourage the 'buy-in' of migrants, migrant groups should promote active engagement with the wider community.
- The Gwangju government should join with migrant community groups or migrant-support NGO's to become a bridge between themselves and migrants. This would enable concerns and distrust to be cleared up, and give government an open line of communication with migrants.
- The National Health Insurance system should be expanded to include unregistered migrants.
- Public welfare provision should be reassessed to ensure that it doesn't favor only certain groups of migrants.
- To reduce discrimination, the Gwangju government should provide all public officers and health care workers who deal with migrants with training on how to deal with them.
- Immigration reform is necessary to give migrants the option of continued residence in Korea.

### Limitations

The methods used to select the sample of interviewees could not ensure comprehensive representativeness due to the small sample size and the purposive sampling method. It is also possible that the most vulnerable migrants were omitted. Moreover, the study was conducted in only one city. The study therefore lacks generalizability. Finally, although in-depth interviews were able to elicit rich detail for the study, follow-up interviews were not conducted to further understand the reasons behind responses.

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# Urban Informality and The Right to the City in Indonesia



## About This Report

Indonesia is the third most populous country in Asia. As one of the world's largest democracies, Indonesia's journey to shape and refine its governance system has been long and winding. In Indonesia, the Right to the City is a relatively new concept within the state's practice. However, it has been acknowledged by the civil society movement in many human rights movements inquiring state's obligation to fulfill and protect rights.

This research seeks to discover and unpack the practices, exercises, and fulfillment of the Right to The City agenda in Indonesia from the case of three cities—Jakarta, Yogyakarta, and Solo—within the realm of urban informality. The three cities were chosen as they represent a unique pattern between their local policy and how it correlates to informality. This research investigates the experiences of many actors, both from civil society and grassroots organizations, and analyzes its regulatory environment operating within the policy circumstances. Urban informality was chosen as it plays an essential role as the backbone of the Indonesian economy, yet the sector remains largely unprotected and understudied. Furthermore, this research seeks to discover the common grounds within urban informality and the regional variants.

This research evaluates and observes urban informality in three cities using the Right to The City framework as stated and presented by the Global Platform Right to the City (GPR2C). The research utilizes the three main pillars of the Right to the City framework to analyze the practice of Right to the City and urban informality: spatially just resource distribution, socio-cultural diversity, and political agency. In this research, we emphasized and focused on three components of the Right to the City: Diverse and Inclusive Economies, Inclusive Citizenship, and Enhanced Political Participation.

# Urban Informality and The Right to The City in Indonesia

## Background & Context

### Urban Governance in Indonesia

Indonesia is the third most populous country in Asia, with a population of 270,625,568 people in 2019 and is rapidly urbanizing. According to data from the United Nations Population Division (2019), Indonesia's urban population made up less than 15% of the total population in 1960 and jumped to 55.9% in 2019, with expected rise in the future. The growth rate of urban population reached its peak at nearly 6% in the 1980s. Recently, the rate has steadied at 2% as of 2019. Indonesia has seen rapid economic growth in the past two decades, having reached its status as a middle-income country and reducing its poverty rate by half (Government of Indonesia, 2018). However, this still leaves a significant number of citizens vulnerable to poverty; and not to mention inequalities related to income, gender, and urban-rural development.

As one of the world's largest democracies, Indonesia's journey to shape and refine its own governance system has been long and winding. The end of former President Soeharto's dictatorship spanning three decades also marked a historic reform in 1998-1999, with the start of a massive democratization and decentralization program across the country.

Civil society movements flourished in response to the prior repression and control in the Soeharto era. Decentralization also brought more autonomy for local governments in Indonesia, further supporting the rate of urbanization and development of second-tier cities.

In Indonesia, the relationship between the central and local governments is regulated through Law No. 32/2004 on Local Government. This law governs the division of authority between the central and local governments as autonomous regions. The central government regulates foreign policy, defense, security, monetary, justice, and religious affairs. Meanwhile, according to the law, the local government carries out government processes under its authority outside of what is governed by the central government.

The diagram (Figure 1) shows the administrative structure of Indonesia from the central government to the lowest level of administrations in the block level. Indonesia has 34 provinces across the country, each province comprising cities (or kota) and regencies (or kabupaten, mostly has a larger area than cities) at the second

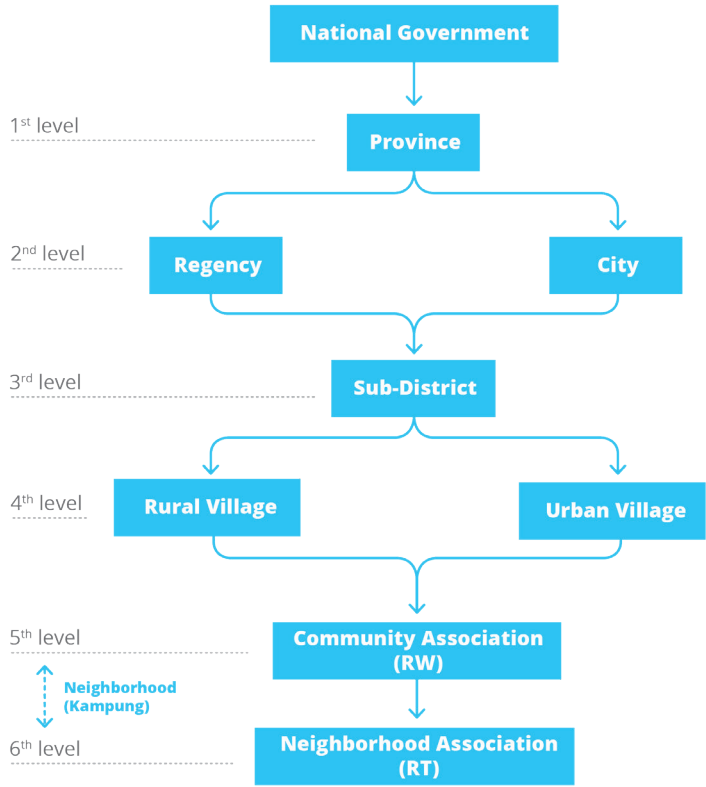


Figure 1: Indonesia's Administrative Structure



level of administration. After the city and regency administration, there are sub-districts (kecamatan) in the third level consisting of urban villages (kelurahan) and rural villages (desa). At the neighborhood level, there are associations called RT and RW as the smallest unit of administrative bodies. RT/RWs are semi-informal collective bodies as they are not directly governed by the higher level of administration, but are managed by a neighborhood leader. At the RT/RW level, small working groups are formed to be responsible for community affairs such as administrative process, community services, or other activities.

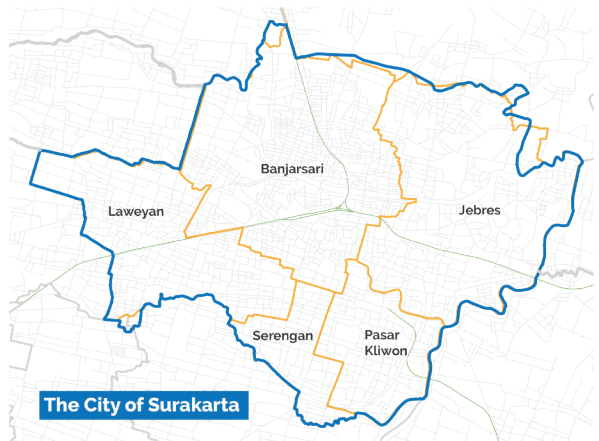
In this research, we investigate the practice of the Right to the City framework in three Indonesian cities (kota) Yogyakarta, Solo, and Jakarta. The research focuses on understanding the aspect of informalities and its relation to local policy as a manifestation of fulfilment or exercises of Right to the City. The three cities we selected are located on Java island, which has the densest population in the country. Currently, more than half of the population live in Java, with a majority living in highly urbanized cities such as Indonesia's capital city of Jakarta. Jakarta has a population density of 14,464 people per square kilometer, the highest number especially when compared to Yogyakarta and Solo with 11,000 and 12,000 people per square kilometer respectively. These facts illustrate how cities in Java significantly influence urban characteristics in Indonesia, and how Jakarta, Yogyakarta, and Surakarta represent particular roles of cities in Java, underlining our decision to explore the three cities for this research.

**Figure 2:** Jakarta, Yogyakarta, and Surakarta; the three case cities in Java Island, Indonesia



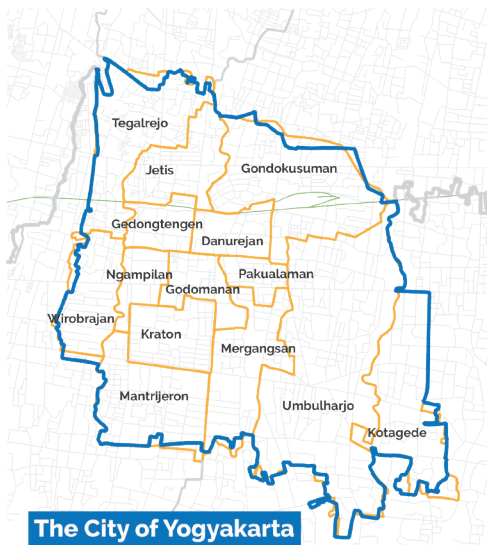
### City of Surakarta (Solo)

Surakarta — popularly known as Solo — is one of the major cities in Java Island, alongside cities such as Semarang, Yogyakarta, Surabaya, and Jakarta. Solo has a total area of 44,02 km<sup>2</sup>, consisting of five subdistricts (kecamatan), 54 neighbourhoods (kelurahan), 626 unified blocks (RW), and 2,784 blocks (RT); with total population of 572,560 people. Solo is known as a trading and business centre for Central Java Province with its economy supported by the trade, tourism services sector (hotels, restaurants, culture, and performances).



**Figure 3:** The City of Surakarta, Source: Information and Geospatial Agency of Indonesia

Since the 2000s, the city's long-term development plan has explicitly sought to improve the welfare of the people and to improve the city in accordance with the idea of Solo as a 'cultural city' in Java. The city has often stated support for a 'people's economy' (ekonomi masyarakat) as the first development priority translated into several policy programmes, including micro-economic development, support for cooperatives, street trader management, revitalisation of traditional markets, and promotion/capacity-building for market traders (business management). Besides these progressive missions, the city lacks an explicit vision or policy programme for street food vending and food markets.



**Figure 4:** The City of Yogyakarta, Source: Information and Geospatial Agency of Indonesia

### City of Yogyakarta

Yogyakarta is a medium-sized city in Central Java comparable to Solo, known as a city of students (200,000 attend a total of 140 colleges and universities). It has aimed to become a quality education city, a centre of cultural tourism, a people's economy and a place offering environmentally friendly services. Yogyakarta has a total area of 32,5 km<sup>2</sup>, consisting of subdistricts (kecamatan), neighbourhoods (kelurahan), unified blocks (RW), and blocks (RT); with a total population of 427.498 people. The city is part of a special region of Yogyakarta that is governed by the Monarchy of Ngayogyakarta Hadiningrat - a socio-political system that existed since the 18th century.

The city is home for 33 traditional markets that stimulate an economy highly supported by informal trade and small-medium enterprises (SMEs). Despite its efforts to improve services in the tourism sector and attract more tourists, the province is known to have the lowest regional minimum wage in Indonesia. Yogyakarta as urban agglomeration is the main destination of people living in the surrounding suburban and rural areas to find work. Commuters or circular migrants from rural areas originally living in the other 4 surrounding regency are very common.

### Special Capital Region of Jakarta

As the capital and largest city of Indonesia, Jakarta historically has drawn people from all over the country who are seeking opportunities and employment, often as informal workers. The city is home to more than 10 million people, named as the largest city with the highest economy in Indonesia by GDP per capita. BPS recent survey revealed that 2.43 million commuters travel within, into and out of the city daily. Of these, 1.38 million travel from the outskirts of Jakarta, comprising the cities of Bogor, Bekasi and Depok in West Java and Tangerang in Banten, into the capital. Jakarta has a total area of 662.3 km<sup>2</sup> with a total population and density of 10,562,088 and 16,262 persons/km<sup>2</sup>, respectively, in 2020.



**Figure 4:** Special Capital Region of Jakarta (DKI Jakarta), Source: Information and Geospatial Agency of Indonesia

Jakarta hosts the most significant business and office district in Indonesia as the capital province and the center for both administrative and economic affairs. This drives a character of pluralistic citizenship and a diverse economy, supported mainly through informal activities. More than 60 percent of Jakarta's economy is considered informal (ILO), from transportation services such as online ride-hailing to street vendors that sell almost everything. In short, the informal economy contributes significantly to shaping the city. Besides the relationship between formal-informal economy, Jakarta has a relatively long history of civil society and social movement that is rooted in the character of its vibrancy.

## The Right to the City Agenda in Indonesia: Historical and Regulatory Contexts

The term 'Right to the City' was first coined by French Sociologist Henri Lefebvre in 1968 as an idea to rethink and reclaim cities as a co-created urban space, putting inhabitants at the center of decision-making instead of the state. Lefebvre's idea was revisited and revived in 2008 by British geographer David Harvey as a call for cities to reshape urbanization by enhancing access to collective human rights. In Harvey's words: "The Right to the City is, therefore, far more than a right of individual access to the resources that the city embodies: it is a right to change ourselves by changing the city more after our heart's desire." Since Lefebvre's and Harvey's days, the Right to the City agenda has continued to be advocated to this day with the efforts of the Global Platform for Right to the City (GPR2C), a global network of civil society and organizations initiated by Habitat International Coalition and the Polis Institute from Brazil in 2014.

As a concept reference, this research uses the elaboration of the GPR2C which defines the Right to the City to be a framework in seeing cities and human settlements as "multifaceted entities which cannot be reduced to their material dimension (i.e. physical qualities such as buildings, streets, infrastructure and so on)." The Right to the City concept builds on three pillars: spatially just resource distribution, socio-cultural diversity, and political

agency. The focus on people as the core of the structural dimension becomes an integral foundation in building a city where marginalized and vulnerable groups — such as informal workers, among others — can equally contribute to shaping their city or human settlement.

In Indonesia, the Right to the City is a relatively new concept within the practice of the state, but has been acknowledged by civil society movement in many human rights movements inquiring state's obligation to fulfil and protect rights. After reforms in the 2000s, when the authoritarian regime was altered by a new democratic concept of governance, the Indonesian government started to embrace human rights in many of its policy frameworks. However, it is admitted that the adoption of human rights into government policy and political mindset is a long process, in which reports show that Indonesian government is still struggling with finalizing old homeworks to resolve human rights violations from the past regime as well as the current cases.

On the other hand, the Right to the City agenda emerged in the citizenship horizon and in organized campaigns by civil society organizations as means to promote human rights and mobilize movements for more democratic and socially-just cities. Based on our mapping of civil society organizations in Indonesia, there are at least 76 civic movements and organizations in Indonesia which have been key actors in promoting various dimensions of human rights issues — e.g., work security, food security, wealth distribution, housing, etc. — both in terms of individual rights and collective rights.



Figure 5: Mapping of key civil society organizations in Indonesia

## The legal framework analysis

In a legal and regulatory context, Indonesia has laid several significant milestones in ensuring the recognition and fulfillment of human rights. The Constitutional Law fully guarantees the enforcement of human rights, with every person having the right to have the capacity to equally access and enjoy the resources, services, and opportunities of their living environment. In article 34, the Constitution states that “The poor and displaced children are cared for by the state” — signifying the state’s obligation to deliver a social security system for all citizens, especially those who are vulnerable, through the provision of appropriate health and public service facilities for all. Indonesia’s Labor Law also acknowledges the right for work for vulnerable groups (Labor Law no. 13/2003): “Every manpower shall have equal opportunity to obtain a job without discrimination.” However, it should be noted that the clause remains to fall short of including informal work as it is still limited in the scope of formal work. In general, non-discriminatory and participatory languages are also present in Indonesia’s governance, with a law mandating public participation on local and regional level. Since 1998, Indonesia has also issued a five-year National Action Plan on Human Rights (RANHAM) that compiles an array of policies to promote and protect human rights, and in 2012, Indonesia’s Ministry of Law and Human Rights initiated the Human Rights City Programme to assess the extent to which cities/regencies have implemented human rights programmes. On an international level, Indonesia has also ratified at least eight major international human rights treaties — e.g., International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of Persons With Disabilities.

### Constitutional Law

Human rights enforcement is fully guaranteed in Indonesian Constitution. Rights of every person to have the capacity to equally access and enjoy the resources, services, goods, and opportunities of their living environment has guaranteed by the Indonesian Constitution In article 33, the constitution states that “The economy is structured as a joint effort based on the principle of kinship”, meaning that the state has authority over resources and is used for the welfare of citizens. Furthermore, article 34 ensures “The poor and displaced children are cared for by the state” in which **the state is obliged to develop a social security system for all citizens, especially the vulnerable ones, through the provision of appropriate health and public service facilities for all.**

### Governance

Indonesia’s law lays down the responsibility and obligation of the government to protect, uphold, promote, and fulfil human rights as governed in the law, other pieces of legislation, and international human rights law that Indonesia recognizes and accepts. Through regional autonomy, local governments can make sure that human rights principles form the foundation on which to implement local government affairs. **In the regional administration, local governments are mandated to encourage public participation.**

<b>National Action Plan on Human Rights</b>	<p>Since 1998, the national government has issued an array of policies on human rights promotion and protection that expressly and concretely confer powers to local governments through the five-year National Action Plan on Human Rights (RANHAM).</p> <p>Ideally, documents such as this National Action Plan are needed to synergize efforts to uphold human rights in Indonesia, as well identifying the right actors and stakeholders to push collaborative roles. <b>However, in its implementation, this national action plan is still considered not able to capture human rights problems in daily life so that it has not been very effective in the field.</b></p>
<b>International Law Ratification</b>	<p>Indonesia ratified at least eight major international human rights treaties, including International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of Persons With Disabilities through the enforcement of national laws.</p> <p><b>This marked the State's commitment to human rights, though the enactment in the field is still very limited and seen as merely a basic requisite.</b></p>
<b>Human Rights Cities in Indonesia</b>	<p>In 2012, Indonesia's Ministry of Law and Human Rights initiated the Human Rights City Programme to assess the extent to which cities/regencies have implemented human rights programmes. The Minister of Law and Human rights regulation no. 34/2016 set up criteria of Human Right Cities <b>consisting of right to healthcare, education, women's and children's rights, citizenship, decent work environment, housing, and sustainable environment.</b> Through the law, the achievement of local government performance on human rights is assessed in terms of the process, structural, and outcome aspects.</p> <p>From only 19 human rights cities in 2012, the number has been growing to 271 cities in 2018. However, this program has been criticized for supporting cities with the largest monetary means; thereby rewarding these cities unevenly without seeing a more contextual increase. In addition, in some cities, the achievement of the aspect of results is relatively low compared to the aspect of performance and thus shows a sharp gap between local government policies and their impacts.</p>

**Table 1:** Regulatory Environment of Right to the City in Indonesia

In reviewing the overall context of the Right to the City agenda in Indonesia, it is noted that an array of legal instruments and international treaties is actually already in place in ensuring the fulfillment of citizens' basic rights. What remains in question is the enactment and enforcement of these regulations and treaties. There is a need to further examine the practical ways that the state and civil society organizations have utilized those legal instruments for the benefits of citizens. This includes looking at how the government will ensure the channels for the informal sector to participate as citizens; or, in the absence of the state, how civil society has mobilized themselves to take action and claim their rights to the city.

## Urban Informality and Right to the City

There are many attempts to define what urban informality is. The dominant debates mostly present the narrative of legal assumption which have built a strong oppositional standpoint as formal is legally administered, and informal is illegal by law. However, a rather non oppositional standpoint suggested that informality has blended in our daily life and blurred the demarcation between legal and illegal. It is rather a spectrum which involves a wide array of formal policy to the less formal one, rather formal versus informal. Along with that, it is noted that there are contested definitions, prolonged debates and critical dialogues among academics and practitioners. Ananya Roy and Nezar AlSayyad (2004) defines urban informality as "... an organizing logic, a system of norm that governs the process of urban transformation...". When the debates of informality definition had been revolved around how informality is framed in a dichotomy of crisis (Hall and Pfeiffer, 2000) or heroic entrepreneurship (De Soto, 2000), Roy (2005) argued that the informality should

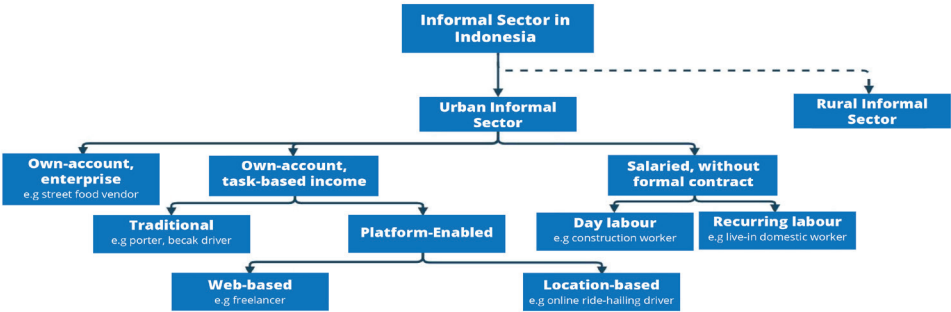
be seen more as a mode, rather than a sector. She also suggested shifting the rather black-and-white way of seeing what are “formal” and “informal”, and be more open to look at informality as “...series of transactions that connect different economies and spaces to one another” (Roy, 2005).

In this research, we take the notion of informality more as a means of transformation and phenomenon that should be carefully investigated rather than stigmatized. The practice of urban development in Indonesia is known for showing prominent characteristics of informality. Urban informality are practices we see everyday and play a very significant role: from modes of transportations, food suppliers, even a housing provider.

In Indonesia, what are now considered as informal activities was once a reality and part of everyday economy in many cities. Historically, the development policies enacted by The Dutch during the colonialism era in Indonesia were in fact already contributing to shaping the pattern and the features we see today. One of the example is that back in 1850s, their policy Regeeringsreglements which divided the citizen into three classes: the Europeans, East Asian, and then the Indigeneous (called Bumiputera); and followed by the segregation housing districts which separated the three groups later stimulated the form of urban kampung.

The process of shaping the Indonesian urban informality has since continuously evolved. Nevertheless, how the urban scene has developed forms similar characteristics of informality in most of the cities in Indonesia. In terms of housing supply, urban kampung provides more than 75% dwellings for urban households. Meanwhile, the informal economy in Indonesia employs between 61% and 70% of the total labor force.

Discussing urban informality, means dealing with a range of actors and activities. Informal economy by definition is “...diversified set of economic activities, enterprises, jobs, and workers that are not regulated or protected by the state. The concept originally applied to self-employment in small unregistered enterprises. It has been expanded to include wage employment in unprotected jobs” (WIEGO). Recent research by Joanna Octavia in The Centre for Strategic and International Studies (CSIS) categorizes informal workers in Indonesia shown by the figure below. It illustrates how actors in informal economy, especially in urban areas, work in many forms. They are not limited only to the more familiar type such as street vendors and other own-account works, but also salaried workers who do not get a formal contract from their employer. Moreover, contemporary forms of informal, for instance, that are enabled by digital platforms are getting more prevalent in bigger cities especially in Java.



**Figure 6:** Informal sector classification, adapted from Octavia, 2020

As a spectrum, informality in our urban reality is mixed in the citizens’ daily life with different degrees. Then, in order to see in a more comprehensive sense, we need to understand informality as a network of informal work, informal housing, informal citizenship, etc., that are integrated and influenced by each other. It also needs to be recognised that in reality, the system of regulation is often multiple, overlapping, and partial in their coverage and enforcement. Different forms of informality, for example in citizenship and economic sectors, both are regulated and registered by different branches of state. Thus, economic activities may be regulated in some ways (e.g taxation) but not in others (e.g social protection of workers or quality of control output), and it is characterised by the regulatory presence of some state actors, but the absence of others.



## Research & Methodology

### Research Objective

This research seeks to discover and unpack the practices, exercises, and fulfilment of the Right to the City agenda in Jakarta, Yogyakarta, and Solo within the realm of urban informality. It investigates the experiences of many actors both from civil society, grassroots organisation, and makes analysis toward its regulatory environment operating within the policy circumstances. Urban informality was chosen as it plays an important role as the backbone of Indonesian economy, yet the sector remains largely unprotected and understudied. Furthermore, this research seeks to discover the common grounds within urban informality as well as the regional variants.

The three cities (Solo, Yogyakarta, and Jakarta) were chosen as they represent a unique pattern between their local policy and how it correlates to informality. The structure of informality in respective cities also has certain characteristics that will be further analyzed and be used as a fundamental reason to select the research participants. For example, in Solo, women or female informal workers have predominantly shown interesting cases. In Yogyakarta, our preliminary assessment has found that the organization of the informal sector is very attractive to be further observed. Meanwhile, in Jakarta, our research team has been connected to groups of urban poors through SPRI and the National Coalition of Urban Poors. Apart from their characteristics and resource mobilization, the three cities were also chosen because of similarities in geographical locations and levels of urbanization. Jakarta, Yogyakarta, and Solo are all located in Java, Indonesia's most populous island. As an island made up of Indonesia's most developed urban areas as well as fertile rural areas running on an agriculture-based economy, Java has seen waves of urbanization that dates back to colonial era (Oktivanny, 2020).

The patterns of urbanization in Yogyakarta and Solo are also relatively similar. Both cities are located near the southern coast of Java, which has remained relatively rural compared to its northern counterpart, however, the growth of urbanization from villages in Central Java to Yogyakarta and Solo is faster than any other region (Setyono, Yunus, and Giyarsih, 2006). Jakarta, as Indonesia's capital city, faces a much larger wave of urbanization from not only

Java, but also from other islands in Indonesia. While Yogyakarta and Solo are smaller urban regions home to agriculture, simple industries, and small businesses running on people's economy (*ekonomi kerakyatan*), Jakarta is a megacity made up of a much more complex economy characterized by trade and a flourishing service industry. Hence, this research also seeks to uncover how different economic characteristics affect the daily lives of those working in the informal sector.

### Methodology

The paradigm used in this research is participatory action research, a paradigm that seeks to empower the subjects, usually those who belong to a marginalized group. The method used in this research is a qualitative study which deploys primary data collection through interview and focus group discussion with urban informal sectors, and civil society actors. Secondary data was gathered through desk review to regulations, policy documents, news, research reports and other relevant documents. The list of interviewees are annexed in the last section of this research report.

### Analysis Framework

This research evaluates and observes urban informality in Jakarta, Yogyakarta, and Solo using the Right to the City framework as stated and presented by the Global Platform for the Right to the City (GPR2C). The research utilizes the three main pillars of the Right to the City framework to analyze the practice of Right to the City and urban informality: spatially just resource distribution, socio-cultural diversity, and political agency.

Just distribution of urban resources is an important notion in understanding the practice of inclusive economy and how urban territory or spaces we live in is managed in a way that citizen can enjoy equal access to economy without discrimination and marginalization of the vulnerable and powerless individual/groups. In the context of this research, the expression of social and cultural life manifested in dynamic and contested citizenship will also be elaborated to understand the nuance of urban informality in relation to broader citizenship practices. This includes their political agency and how it is manifested in their struggle to claim the city.



Figure 7: Analysis Framework

## Discussion: Unpacking urban informal economy from the Right to the City perspectives

### Informal economy: Between struggle and manifestation of diverse and inclusive economy



#### Diverse and Inclusive Economies The Right to The City Components: GPR2C

*A city/human settlement with diverse and inclusive economies that safeguards and ensures access to secure livelihoods and decent work for all inhabitants, gives room to other economies (e.g. social and solidarity economy, sharing economy), recognizes the domestic care and community work developed largely by women and ensures the full development of women and girls.*

The informal economy encompasses a whole ecosystem of economic activities, from Micro, Small, and Medium Enterprises (MSMEs) working on small scale service businesses such as small vendors, street hawkers, and greengrocers to more recent jobs like freelancers and influencers. In total, the informal sector makes up most of the Indonesian economy at around 61% and 70% of the total Indonesian labor force (Alatas and Newhouse, 2010, Firdausy, 2000). The number keeps on rising due to the rise of urbanization, which results in informalization of the urban economy (Manning, 1998, in Rothenberg et al., 2016). This report in particular will focus on the small scale businesses, exploring the vulnerabilities faced by each different sector of the informal economy.

Hernando De Soto (1989, 2000) views informal firms as an untapped reservoir of entrepreneurial energy which is held back by government regulations. Therefore, reducing entry regulations and improving property rights will fuel growth and development. On the other hand, the development tradition of Lewis (1954), Harris and Todaro (1970), and Rauch (1991) views informality as a signifier of poverty (La Porta and Shleifer, 2014).

There are three advantages to the informal economy. The first and main advantage of the informal economy is its flexibility. The barrier to entry for one to enter the informal sector is relatively low, since it requires no particular experience and/or education level. It is much easier to start a small business than to enter the formal workforce. This shows that the informal economy is truly an inclusive economy, in which everyone can participate in it.

The second advantage to the informal economy is that due to its small and self-sustaining nature, people have direct ownership and control in managing their business, which ensures that most of the profit from the business goes to them. As opposed to the formal sector of economy with multi-level management in which most of the profit goes to the managing level officers controlling the business, times entry-level and small employees only get a portion of the company profit.

The third advantage is their exemption from administrative compliance. Since the informal economy is not regulated, they are free from paying taxes. In an attempt to formalize the informal sector, the Indonesian Government in 2018 Peraturan Pemerintah (PP) 23/2018, which obliges SMEs to pay 0,5% of Pajak Penghasilan (PPh) in return for recognition as a formal enterprise. This shows that the Indonesian government has attempted to formalize the informal sector, although the majority of the informal sector, especially micro and small businesses, ignores the PP and chooses to remain unregulated.

While the informal economy looks like an inclusive model of economy with more freedom and flexibility, it also has its own drawbacks. In general, the informal sector is one of the most impacted by the Covid-19 pandemic. While those with jobs within the economy are able to work from home to prevent the spread of the virus, the informal economy still works on the frontline due to the blue-collar nature of the job, putting them at higher risk of being infected by the virus. Despite being constantly exposed to the virus, the informal sector is deprived of job security as well as social security services. This part will illustrate the two cases of the challenges faced by the informal sector in Yogyakarta, Solo, and Jakarta.

### **The Case of Buruh Gendong in Yogyakarta**

Buruh Gendong, Indonesian for 'the carrying labor', are female grocery porters exclusively found in Yogyakarta, specifically in four traditional markets: Beringharjo, Kranggan, Gamping, dan Giwangan. In Yogyakarta, one does not simply sign up to become a Buruh Gendong—they are a part of traditional Javanese custom, as the profession is exclusively passed on from mothers to daughters through generations.

"We seek not to change the livelihood of Buruh Gendong, but to improve their lives."

—Amin Muftiyanah of Yayasan Annisa Swasti (Yasanti)

Our findings shows that buruh gendong face three main challenges:

#### **1. Vulnerable working conditions**

Since the work of buruh gendong is highly reliant on their physical strength, many buruh gendong are prone to various joint and muscle diseases, which puts them in a vulnerable condition. Soreness, stiffness, and heartburn is a common occurrence in buruh gendong's daily life. However, most choose to ignore their pain and keep on working, since taking a day off means losing a significant amount of their income.

Since the government has not yet provided adequate service for Buruh Gendong's physical constraints, CSOs such as Yayasan Annisa Swasti (Yasanti) has worked together with private companies to provide pijat urat or massaging services to help Buruh Gendong.

Apart from physical vulnerability, their position as a low-income women also makes Buruh Gendong vulnerable to sexual harassment, particularly verbal harassment which Buruh Gendong face on a daily basis.

#### **2. Exemption from social security services**

Buruh Gendong are not recognized as workers according to the Indonesian Labor Laws or UU Ketenagakerjaan, a law that grants social service benefits—from health to education services—to formal, registered workers. The health benefits, commonly known in Indonesia as BPJS Ketenagakerjaan, is considered by many formal workers as it provides adequate coverage for work accidents. Furthermore, BPJS Ketenagakerjaan makes doctor visits and medication much cheaper for those who have it. On the contrary, the lack of BPJS for the informal sector puts the informal sector at a disadvantage—despite being exposed to work accidents as well as the Covid-19 virus.

### 3. Financial Insecurity

Even before the pandemic, most Buruh Gendong are living on a low income, making around Rp 900.000-Rp 1.050.000 per month (in comparison, the regional minimum wage in Yogyakarta is Rp 1.765.000). Especially with Indonesian governments' measures to prevent the spread of Covid-19 through the social distancing and stay-at-home measures (also known as the Pembatasan Sosial Berskala Besar or PSBB), less people are visiting the market, contributing to the reduced economic activities in Indonesian markets. This puts the already precarious Buruh Gendong in a condition of dire financial insecurity.

Due to these problems, most Buruh Gendong live in precarity. Furthermore, those who already have children wish that their children wouldn't have to work as Buruh Gendong so they would live a better life. However, Buruh Gendong have organized themselves, building networks of alliances in order to raise their bargaining power, which will be elaborated in the next chapter.

#### **Jakarta: Loan Sharks and Jakarta's Urban Poor**

Most of Jakarta's urban poor work in the informal sector, providing small scale goods and services. In order to sustain the business operations or to cover for emergency needs in general, a lot of people rely on credit. This is due to the high standards of living in Jakarta makes it very hard for some to gain a significant amount of profit and save up. Due to their inability to provide collateral, the urban poor are often exempt from getting loans from banks. This leaves them with one choice: bank keliling, Indonesian for 'traveling banks', the Indonesian version of loan sharks that provides easy loans with little collateral, free from administrative charges. While it is relatively easy to get loans, paying them is a whole different story—the high interest rates provided by bank keliling makes it very hard for people to pay, putting the urban poor at a disadvantage. According to our findings, the predatory lending provided by the bank keliling makes most creditors struggle in paying back their debts.

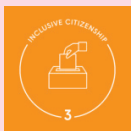
While the emergence of online credit has helped the urban poor youth to get loans for tertiary needs, it has not yet been utilized by the small business owners, since the risks and benefits are still uncertain and relies heavily on technology, which many of the older people are not familiar with. This illustrates the need for a new small scale credit model to provide funding for the urban poor. Until then, the urban poor are left with bank keliling as their only option for accessible credit.

All in all, the flexible, small, and self-sustaining nature of the informal economy drives many of those working in the sector to vulnerability due to the lack of social service and job security options. The vulnerability is further exacerbated by the Covid-19 pandemic where things become more and more uncertain for the informal sector. All three cases presented in this study illustrate the lack of services specifically directed to improve the lives of those who work in the informal sector. Furthermore, the informal economy can be a sign of structural poverty, with people working in the sector due to the lack of other options.

While further research needs to be done to navigate what needs to be done, it is important to note that the government in particular is responsible for providing better relations with citizen initiatives to fulfill Right to the City components, thereby providing more agency for citizens to make decisions for the betterment of their livelihood.



## What inclusive citizenship means to the informal



### Inclusive Citizenship

The Right to The City Components: GPR2C

*A city/human settlement of inclusive citizenship in which all inhabitants, (whether permanent or temporary) are considered as citizens and granted equal rights (e.g. women, those living in poverty or situations of environmental risk, informal economy workers, ethnic and religious groups, LGBT persons, people with disabilities, children, youth, the elderly, migrants, refugees, street dwellers, victims of violence and indigenous peoples)*

Both Indonesia's Constitutional Law and Labor Law stipulate that every person has the right to equal access to work and services. However, in practice, the degree of citizenship rights that is accessible and exercisable for all persons, including those who are in the informal sector, remains a continuing struggle of negotiations and dialogues.

When talking about citizenship in the context of urban informality, it is important to first note a shared understanding that citizenship is not limited to the possession of a legal status or document. The Global Platform for Right to the City (GPR2C) defines a city of inclusive citizenships as a city where all inhabitants — whether formal or informal, permanent or temporary — are considered as citizens and granted equal rights. Reflecting on this statement, the research defines citizenship beyond the legal status of inhabitants within the city/settlement and is instead examined by its socio-cultural characteristics and values. The distinction is important because a particular city or settlement may address the basic legalities of citizenships yet still face a gap in the fulfillment and realization of rights of all citizens. In *Inclusive Citizenship: Meanings and Expressions* (2005), Naila Kabeer summarized four values of inclusive citizenships [1]: justice, or “when it is fair for people to be treated the same and when it is fair that they should be treated differently”; recognition, which refers to “the intrinsic worth of all human beings, but also recognition of and respect for their differences self-determination, and solidarity”; self-determination, or “people's ability to exercise some degree of control over their lives”; and solidarity, “the capacity to identify with others and to act in unity with them in their claims for justice and recognition.”

In a legal context, the most basic recognition of citizenship in Indonesia is the national identity card, mandatory for all citizens when they reach the age of 17 years old. The card is the basis for the issuance of Indonesian passports, driving license, taxpayer identification number, social security, and other legal documents. In recent years, the Indonesian government has worked together with civil society organizations in collecting and verifying citizens' data to be included in the national database and receive an identification card. For instance, in Jakarta, the local civil registration agency (Kependudukan dan Pencatatan Sipil or Dukcapil) worked with SPRI in 2011 to verify the birth dates of urban poor citizens in the capital city and share information about the national identification card (KTP). According to data [2] from Indonesia's Ministry of Home Affairs, as of July 2020, around 99% of the 194 million Indonesian citizens who hold the national identity card have already been integrated into the electronic identity card (e-KTP) system. In that sense, almost all citizens — regardless of their working status — in Indonesia should have access to exercising their rights. Yet further examination on the practice of citizenship of those working in the informal sector in Indonesia cities reveals that there is still a long way to go for them to fully claim their rights in the city. In particular, while Indonesia's current labor law no. 13/2003 stipulates the protection of vulnerable groups, such as people with disabilities, women, and children, the scope regulated by this law is still limited to the formal sector.

The lack of inclusion of the informal sector in the current labor law brings several implications to the state of urban informality in Indonesia. First, in lieu of an umbrella law, governance over the informal sector in Indonesia is typically under the purview of city/municipalities, meaning that recognition and the fulfillment of basic services depends on geographical locations. Second, because informal workers are not yet included in the labor law, they are also excluded from their rights as workers e.g. decent pay and just working conditions, which exposes them to various vulnerabilities on a daily basis and particularly when faced with a crisis.

### Citizenship in times of crisis: “Death by virus or by poverty”

During crises, such as natural disasters or the ongoing COVID-19 pandemic, citizenship becomes a life-saving instrument in ensuring social security and

basic protection of citizens. This is particularly crucial for the informal sector which typically lack personal safety nets i.e. emergency savings and accommodations.

When the COVID-19 pandemic struck in 2020 and social restriction policies were enacted, informal workers — whose sources of income generally rely on public spaces and foot traffic — faced double vulnerabilities: health and income. The International Labor Organization estimated that the livelihood of 70.49 million informal workers in Indonesia were most at risk in the economic downturn due to the pandemic [link]. “The government has lagged in providing protection for formal workers, let alone informal workers,” Hadi Subhan, a labor expert from Airlangga University, as quoted in an article by the Jakarta Post on 3 April 2020. At the same time, exposure to public spaces and a lack of social or health protection puts informal workers at high risk of contracting the COVID-19 virus and suffering the most from it. All of the informal workers interviewed during the research noted that between avoiding the risk of infection and generating income, the most urgent task is to provide food for their families — regardless of the health risks. “There is nothing else that we can do. Our family has to eat,” said a woman porter in Gedhe traditional market, Surakarta, Central Java. A working paper by SMERU Research Institute, released in April 2020, cautioned that 8.5 million people were projected to fall into poverty this year as a result of the COVID-19 pandemic.

*“There is nothing else that we can do. Our family has to eat,”* said a woman porter in Gedhe traditional market, Surakarta, Central Java.

Amidst the vulnerabilities and challenges faced by the informal sector, Indonesia’s policy response and aid delivery for vulnerable groups was riddled with various misconceptions and mismanagement due to data discrepancies, leading up to a major fraud case involving Indonesia’s former Minister of Social Affairs [link]. In Jakarta, at least 2,892 low-income citizens reported that they had not received any COVID-19 social aid assistance during the early days of the pandemic, according to a participatory data collection conducted by SPRI in April-May 2020. The transition of many public services to digital platforms i.e. forms to apply for social aid, education, etc., further emphasized the disparity between the formal and the informal sector. In our interview with Dhika, Coordinator at SPRI, we found that internet data and phone vouchers were among the biggest burdens faced by the informal sector in Jakarta during the COVID-19 pandemic, severely hindering access to education for families with children.

Since the early days of the COVID-19 pandemic, progress has been made in ensuring that informal workers receive basic rights, thanks to the advocacy efforts of civil society organizations such as SPRI. For instance, in Solo and Yogyakarta, informal workers such as grocery porters, parking attendants, and merchants were among the first to receive the vaccine in January 2021 to ensure they are protected.

### **Citizenship at work vs citizenship at home**

A persisting deterrent in the recognition and fulfillment of basic rights for those in the informal sector, according to Key CSOs and informal actors in the research, has been mismatched administrative and bureaucratic processes, particularly in the context of rural-urban linkages. Informal workers who work in the city are typically migrants who are recorded as a resident in a nearby area. As access to public services such as health, education, social security, and workers’ rights are typically validated and governed at the city/municipality level, the policy response and the degree of rights’ fulfillment of the informal sector varies depending on locations.

For instance, most informal workers in Jakarta already have sufficient access to basic services such as health and education, fulfilled by the social security card program initiated by the Jakarta government, according to Dhika from SPRI. However, the same degree of rights fulfillment cannot be said for informal workers in Yogyakarta and Solo, who are often migrant workers living in satellite areas of the city while seeking employment in bigger cities. At least four out of eight informal workers interviewed in Yogyakarta and Solo lived in areas outside of the city borders. In the case of women porters in Yogyakarta, some chose to live in rental accommodations in the city (“kost”) to have a shorter commute compared to living in their permanent homes in the village. This places them



in a limbo phase, particularly in the context of aid delivery, as they are sometimes excluded from aid in their village because they are not present day-to-day but they are not eligible for aid from the city either.

A 40-year-old women porter in Gedhe market, Solo shared that she had not received any aid assistance from the Solo government because she did not live in the city, however, neither did she receive one from her area of residence — a village that's approximately 30 minutes away from the city — because it was assumed that she already received assistance from the city. While this information has become public knowledge, she did not know how or to whom to place a complaint regarding the situation.

As efforts to fulfil rights for informal workers continue to face administrative hurdles, Amin Muftiyanah, the Executive Director of Yayasan Annisa Swasti (Yasanti), an organization working to advocate for women informal workers in Yogyakarta, highlighted the importance of including informal workers in the current labour law. "Because informal work is not yet recognized in Indonesia's current labor law, informal workers are not protected by the workers' social security program (BPJS Ketenagakerjaan)," Muftiyanah said.

### **The Path to Inclusive Citizenship**

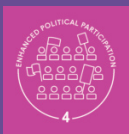
Taking note that citizenship goes its legal form, inclusive citizenship is, at its essence, a fluid and evolving process between citizens and the government to claim and realize basic rights in the cities they live in. During our research, the lack of social inclusion in governance in Indonesian cities can be most prominently seen in the discrepancies of the awareness and recognition of basic rights between informal workers across three cities. The fulfillment of basic rights — such as access to basic health and education services — may be seen more commonly in Jakarta, however, such challenges are still faced in other cities, such as Solo and Yogyakarta.

The efforts of Yayasan Annisa Swasti (Yasanti) — an organization focused on advocating women with informal jobs in Yogyakarta e.g., women porter, home businesses, factory workers, etc. to access their basic rights since 1982 — sheds light on the state of urban informality in areas outside of Jakarta, the capital city. With the absence of state presence as a safety net, informal groups have typically adapted to develop tight-knit social cohesion as a way to claim their Right to the City. Civil society organizations such as Yasanti tap into the collective nature of informal groups to raise awareness on the basic right and empower them to work together in reclaiming their rights. In Yasanti's case, the organization has worked to increase the awareness of informal workers on their basic rights, equip them with tools and information to reclaim their rights, and facilitate the gathering and mobilization in groups. Thus, collective rights became more relevant than individual rights.

For instance, Women porters facilitated by Yasanti are grouped by the four traditional markets that they work in. On a day to day basis, socialization and realization of rights occur within each traditional market. However, during a focus group discussion with four representatives of each market, we learned that awareness and identification of collective rights is not only seen within traditional markets, but also among women porters in traditional markets as a whole. For instance, when a group from one of the traditional markets faces a problem in their working space, they will be joined by representatives from the three other traditional markets when advocating the issue to the market operator. "Of course, we will be there. If something happens to one of us, it happens to all of us," said one of the 40-year-old women porters interviewed. It is this awareness of collective rights in shared space that highlights how inclusive citizenship can be achieved within the informal sector.



## Political agency and participation: How do people in the informal sector claim their rights to the city?



### Enhanced Political Participation The Right to The City Components: GPR2C

*A city/human settlement with enhanced political participation in the definition, implementation, monitoring, and budgeting of urban policies and spatial planning in order to strengthen the transparency, effectiveness and inclusion of the diversity of inhabitants and their organizations. The Right to the City implies responsibilities on all spheres of government and citizens to exercise, claim, defend and promote equitable governance and the social function of all human settlements within a human rights habitat.*

It has been a long way since early studies around urban informality indicated that most informal actors, primarily poor and vulnerable workers, are the ones whose voice has not significantly been taken into account in the formal decision-making process. Meanwhile, as we previously discussed, they have been facing challenges such as lack of recognition to access to fundamental rights and services or not being included in socio-economic schemes that will help flourish their quality of life - among other issues [1].

This condition puts them in a very vulnerable position. There are cases of informal street vendors evictions due to land disputes, for example. Most of the time, they are forced to leave without any certainty of decent compensation and better opportunities in the relocation site [2]. Will they be able to continue their work like before? Whether or not the relocation building provides all they need? These are some of the questions that should be asked in the conversation of urban informality and their vulnerability to displacement [3].

The lack of acknowledgment of the informal sector's economic contribution is thus related to and indicated in their political agency and bargaining position in the democratic process in the city. They are often framed as 'the other', the residual of the economic development in the modernizing cities. This puts them in a position where they are rarely involved in the formal process of decision-

making. For instance, in the participatory budgeting process, or what we call Musyawarah Perencanaan Pembangunan (Musrenbang), there has been a limited space for the workers in the informal sector or people who live in the informal settlements to participate meaningfully alongside the rest of 'formal' actors. Meanwhile, Musrenbang is one of the specific channels for development planning and programs, which the output will be policies that affect citizens directly in their daily life. Musrenbang could be the proper channel for citizens in the informal sector to claim The Right to the City, primarily to address challenges in the components we have discussed prior - inclusive citizenship and diverse and inclusive economy.

The research on Musrenbang conducted in 2016 showed that there were still loopholes in the practice of making all the voices heard [4]. Vulnerable groups, such as women, the urban poor, people with disabilities, and the informal workers, frequently are not invited to such forums. The underrepresented voices of vulnerable groups like people in the informal sector are further reflected in the decision-making process's output. Most policies and programs lack inclusive perspectives that will not make it fulfill the needs of all and inefficient; both in the conceptual realm and in the implementation.

Lack of opportunities in the participatory budgeting process is only one of many challenges faced by the informal communities in terms of their political participation. Electoral politics often see people in the informal sectors, especially the poor, only as constituents for the election. Their voice and aspiration are considered only as votes; their participation often is nothing more than tokenism [5]. It was an open secret that the politicians and candidates would suddenly be interested in issues like slum upgrading, prices of basic commodities, and other exaggerated concerns and promises in the campaign period. They begin to invite the marginalized groups to their meetings and discussion forums to show that they are willing to listen [6]. However, there were cases in which, even with a political contract, the elected politicians ended up not following up the aspirations from the marginalized groups they previously had been agreeing to support.

The challenges mentioned above are some examples of the limitations faced by the informal actors. This research found that to address those gaps in the decision-making process, they have formed a collective action in cities. Although the scattered initiatives do not yet have solid and integrated strategies among the diverse actors in the informal sector, we have seen some pattern that might be seen as an opportunity in the future.

In Indonesia, collectivity is one of the fundamental traditional values embraced by the people in daily life. The term “gotong-royong”, which means “to do things together”, is widely used to promote the spirit of solidarity among the citizens [1]. For instance, various collective bodies, such as small-scale and local associations called paguyuban, play an important role in Indonesian society, especially in the informal sector. These paguyubans are mostly local and informal, defined by shared identities and aspirations among the members. In the context of the informal sector, people who work in the same job, for example, tenants in one particular market or street vendors in one particular corridor, form a paguyuban that represents them collectively.

Forming an organizational basis is the strategy shared by most of the sources we interviewed for this research, pointing out the importance of a union or organization as means for claiming their fundamental rights. This kind of organization is might be a surviving mechanism from the precariousness of their working conditions. Most of them develop a various kind of community saving program that the member can use for urgent needs, for instance, hospital expenses when they are sick, or cost for repairing their house, and other expenses that is not covered both by the government and employer because of their status, as we already discussed in the previous section. These are some stories of organizations and what they have been doing:



**Figure 8:** Neighborhood meeting in one *kelurahan* in Solo, Indonesia

### **1. Organizations are building collective awareness about their own community's fundamental rights.**

In Jakarta, the urban poor in grassroots communities has been consistently organizing, from one neighborhood to another, and eventually build a strong network of community leaders and organizers. Serikat Perjuangan Rakyat Indonesia (literal meaning: Indonesian People's Struggle Union) or SPRI is one of the potential organizations with broad members across 36 sub-districts in Jakarta. Most of its members and supporters are women and mothers.

Started from the idea of building collective agency and political bargaining power of the urban poor in urban kampungs in Jakarta, the organization was founded in 2003 and has been growing ever since. SPRI advocates the accessibility of basic services such as education, healthcare, and other forms of social protection by assisting poor households in claiming those rights. They work with the communities to ensure that everyone has an ID and other documents that prove their citizenship to have the right to claim services provided by the government.

*“In most kampungs in Jakarta, women and mothers are the key actors in social movement. Now, women community leaders (in RT and RW) are common. In Jakarta, it is women who are socially active, because they are highly involved in social activities, for instance community healthcare or Posyandu. They understand best the conditions of the neighborhood, women and mothers know better rather than men...”*

*Dika Mohammad, Indonesian People's Struggle Union (SPRI)*

This continuous process of assisting the urban poor in accessing their basic rights has been a learning process for the communities, eventually building up their awareness of their rights and how to claim them. For example, SPRI has been set up as an information desk which community members can refer to whenever they need assistance. This program is needed since the government does not have proper and accessible channels to spread this kind of information. The gap between reliable sources of information from the government and the services that are actually provided hinders the community members from accessing the rights. Most of the general public, especially the urban poor, who more likely have a lack of access to information, perhaps do not know which services are their rights. Consequently, there have not been demands to improve the practice of the fulfillment of the basic rights. Without these demands, the quality of government as a service provider will less likely drive improvements.

In many traditional markets in Yogyakarta, there are women porters who carry through people's groceries, often called *buruh gendong* or *kuli gendong*. They together formed an organization, facilitated by Yasanti, a local NGO who focuses on women informal workers. As an NGO, they promote education and awareness as one of their three central advocacy focuses. Yasanti has been facilitating the informal *buruh gendong* since 1983 in Beringharjo Market and expanded their work into the markets of Giwangan (2009), Gamping (2010) and Kranggan (2011). Currently, there are 413 porters represented by the NGO in 5 traditional markets in the city.

Before they started this advocacy work, women working as porters in markets were even more vulnerable: no healthcare, no social security, not even recognition as workers. NGO Yasanti then began to facilitate the discussions and they identified Women porters' work is dependent on physical strength and thus, with lack of safety in their working environment, they are extensively exposed to accidents and physical injuries. The power relation between these women porters, the market visitors who use their service, and merchants, put the women porters in a position where they did not have a bargaining position to define the cost of their service. Later, after they began organizing, with the help of facilitation from NGO Yasanti, they proposed the improvement of infrastructure in the markets and the authorities then installed the handrails

in the stairs. They as well collectively agreed and advocated the basic fee of the porter service.

Yasanti started their work with the agenda of introducing the idea of an organization, why it is important, and how changes can be pushed through collective actions. They consistently organize and build a network. Now, these women have more power and space to decide and to make initiatives. They have a monthly meeting, messenger group for coordination, and other opportunities for them to network, discuss challenges, and share aspirations between the members.

Stories like SPRI, *buruh gendong* association, or other *paguyubans* of informal workers are getting more common in Indonesian cities. There are many of these organizations; the culture of collectivism and why it is important to the communities are always there. Collective awareness is a necessary start, but the next discussion would be, how do these small, informal organizations survive? What can, or should, they do to scale-up the impact?

## **2. Organizations are strengthening their advocacy missions and upgrading their capacity.**

In parallel with the process of building collective awareness about their rights, some organizations have been strengthening their advocacy strategies in order to scale up their practices. Capacity building of the community members play an important role in advancing their activities and, further, their impacts.

Organizations like Yasanti, for example, facilitate learnings for their women porter members. Not only the practice of organizing, but as part of it, they encourage their members to read more and be more literate to digital information, they improve their public speaking skills, they learn how to identify problems with various tools and lenses. In the regular community meetings, they often invite external experts and guests to dialogue the problems they face or issues in their surroundings. They're starting a community library in which they can read and borrow books. They were introduced to several practical workshops and interacting with other organizations.





*"Organizing requires a lot of things, particularly how to strengthen community members' capacity. Of course, organizing takes a long process, but it is important as it could connect us to policy-making and programs in the city. We know that it takes time; starting from building collective awareness on why organizations matter, later building their awareness about their rights. From organizations they learn how to engage and persuade the public, how they can talk in front of stakeholders, how to network, and how to interact with the government, etc."*

Amin, NGO Yasanti

SPRI has been taking this process of upgrading their advocacy strategy even further, in which they have begun initiate collaborations with external partners. They have been working with international NGO, as well as researchers and practitioners, conducting a data collection to support their data-based advocacy approach. They have been learning tools from their collaborators, comparing them with their own experiences and contextual knowledges, and later incorporating the learning process with their actual advocacy strategies.

Data-based advocacy is a powerful tool and not many organizations of informal workers in Indonesian cities have been exposed to this kind of approach. In order to do this, small organizations need capacity building opportunities. Actors like academics and professionals are needed to enrich the methods and activities of skill upgrading. Here, the roles of NGOs like Yasanti in Yogyakarta, or Kota Kita, are significant for bridging the gap between the communities and practitioners.

From the experience of these small organizations like paguyuban of women porters in Yogyakarta, or SPRI, spaces for capacity building and skill upgrading should be nurtured, as it is one of the key factors of movements' sustainability. Organizations need to acknowledge this factor and should promote the spirit of learning within their members, and be open to such opportunities.



### 3. Organizations are consolidating and advancing their targeted advocacy methods and channels.

We've seen that some initiatives have been consistently gaining more support and attention, both from the other civil society organizations, from the authorities, and from other stakeholders. How do they do that? Our findings show that to better identify target and actors of advocacy efforts is one of crucial task of social movements.

Given the current political situation in Indonesia, some of organizations think that direct protests in the streets are no longer strategic for their long-term advocacy goals. As we previously mentioned, data-driven strategy has been seen as one of the most potential tools. Bridging the gap between the unfulfilled basic rights and the policy-making process, some see that to participate in such formal process is a must. To do that, informal workers organizations needs to be proactively engage themselves and bring more evidence-based aspirations and practical ideas in forums like Musrenbang or other meetings.

In this COVID-19 pandemic, SPRI has been monitoring the implementation and distribution of social aids to the poor. In the early months after the pandemic hits Indonesian cities, the organization found that there was an inevitable economic impacts where 65% percent of more than 2500 poor households out of 3900 respondents in Jakarta had their income decreasing and struggled to make ends meet. More than 2000 people were losing job. Informal merchants had no customers in the first weeks of social distancing instruction. Amid the situation, the organization and with the help of other CSOs, began a mapping initiative to capture the needs of their community members in the crisis. They invited their members across kampungs in Jakarta to participate. Throughout their mapping work, they began found violations. 73% of their respondent households didn't get social assistance when they were eligible to. They compiled the members' experiences and used these informations to advocate the issues to the responsible authorities. They managed to have a forum with the City Government of Jakarta and the Anti-Corruption Commission (KPK), attended by high-level officials, to report their findings and demand follow-up actions.

This is one of the examples of how the organization of urban poor and informal citizen could push and advance their advocacy methods. In their effort, they have already identified the strategy to capture

their challenges with data and evidence-based information, as well identified the right stakeholders to channel their demand.

Meanwhile, Yasanti and the women porters have been developing a similar strategy. They have been bringing up their findings and aspirations in the formal process of policy making. They approach and build connections with officials and government's agencies. They are present in several meetings, not only in the local level with institutions that manage the markets, but also at the city level, even at national level. For instance, Yasanti once conveyed that informal workers in Yogyakarta, mostly migrants that originated from the rural areas in peripheral villages, didn't get access to some social security facilities in the city since they were not registered as residents of that city. Meanwhile, back in their hometown in the rural villages, they weren't acknowledged as residents as well, because they have been living and working in the city. They then advocated to regional authorities for more universal access to those facilities.

These efforts that targeted vertical change from policies came from a long process of identifying best ways to convey their aspirations. Started with building collective awareness and upgrading their capacity, they begin to be more aware of their options and reiterate their way of developing strategies. They are aware that in order to sustain their advocacy work and amplify their voices, they need to not only broaden their reach horizontally on making more solid organizations, but also push structural change and work with diverse partners in the actual process of policy-making. They are aware of the need of more creative and more targeted campaign for public.





However, small-scale organizations working with informal actors have come far but we're not yet there. Despite those achievements discussed above, there is still an existing gap in the practice of the fulfillment of rights to the city. These organizations, in fact, still have some limitations and challenges in terms of bringing a radical and comprehensive change in cities. We have also need to acknowledge that spaces for social organizing are not always the case in every city across Indonesia.

One specific kind of informal actor, for example informal food vendors, tend to occupy one area or one neighborhood. They then developed a reciprocal relationship, an ecosystem, that comes from the interaction between the space and people surrounded them - such as customers who are mostly employees or workers, ingredients suppliers, local neighborhood leaders, the residents, and so on. Most of the time, it will eventually forms one own system with their way to govern themselves. This kind of local system is developed organically, in response to actors' needs to make their existence survive. Later, these actors incorporated in one informal community became dependent on this informal governance and agreed to a non-written consensus. Nevertheless, there are some cases that this community governance later develops 'conflicts' with government's programs and regulations instead.

As we previously discussed, the incompatibility between regulations enacted by the government with the dynamic reality of informal communities began from how the regulations itself are made. Frequently, policies that govern the informal actors were not coming from an thorough research and tended to misunderstand and simplify the complexity of urban informality. Nevertheless, specific characteristics of one informal community are difficult to be fitted into standardized and top-down paradigm of governing. This is also related to the issue of under-representation of the informal communities in the policy-making process. Even though there are examples where the organizations of informal actors manage to influence the process, but that's still not a common story.

What we need is a more radical change: democratization of urban governance. This means not only the call for more opportunities for participatory planning in formal policy-making, but in a larger sense, this also means a socio-political system where power is distributed to the citizens to govern their communities -- for example with an authority for the community members to create local regulations, with more community meetings, and/or other form of community governance and facilitation. Small-scale governance that acknowledges all of its constituents' aspirations needs to be a form of organizing that is encouraged.

Rame-Rame Jakarta (RRJ), a youth-led organization that focuses on urban informality especially in the capital city of Jakarta, believes that there is a need to develop a systemic change in the governance of informal actors in cities. In order to do that, they think that we need as well shifting the narrative on how urban informality has been perceived by public in general so they will have a more sense of agency. They need to be seen as political subject that have a political power; as they have a public acknowledgement that urban informality plays a significant role in the socio-economic development. Support from the general public is needed to encourage and demand a more democratic process which includes informal actors as a key subject of the proposed democratic governance.

Initiatives like RRJ works to shift the narrative of the informal sector and its structural stigmatization by shaping the public discourse with activities such as research, discussion, and content production that explore knowledge of urban informality in Jakarta. These efforts are targeting the younger generation and use more creative approaches to campaigning. Building a coalition of youth-led initiatives and continuously shaping the discourse of the role of urban informality are strategies that should be encouraged to gain more supporters. People are more aware of urban issues. Currently, there are a growing number of alternative media discussing urban issues, utilizing social media such as Instagram and Twitter, with thousands of audiences across cities in Indonesia. They have been exchanging conversation, nurturing debates, and promoting more intersectionality of urban topics including urban informality.

## **Conclusion: Key Takeaways and Recommendations**

### **Inclusion of the urban informal in Indonesia's governing laws is urgent and crucial**

Urban informality remains a crucial aspect to Indonesia's development, yet, state recognition of informal groups is still far from ideal. At the most fundamental level, the work of the informal sector is not yet acknowledged by Indonesia's current governing labor law. The labor law no. 13/2003 ensures that acknowledges and protects the vulnerable groups in labor, such as people with disabilities, women, and children; however, in general, the scope regulated by this law is limited to the formal sector. Furthermore, in many governance and urban policies in Indonesian cities, the informal sector is often still framed as the residual of the economic development in modernizing cities, as evidenced by a string of eviction and displacement cases. The loopholes in the *musrenbang* — a state mechanism originally intended to promote participatory budgeting — is one of the various incidents on the limited, if not decreasing, space available for informal groups to gain political agency and reclaim their rights.

The absence of the government's political will to recognize informal sector workers as workers deserving of equal rights and responsibilities — whether at the city, provincial, or national level — leaves them out of labor protection law, with little to no access or bargaining power to exercise their rights. Thus, the informal sector remains to live in a state of conundrum. Our research points towards the need for more recognition of informal work at the most fundamental level, notably Indonesia's Labor Law no. 13/2003. The inclusion of informal work in the governing labor law would be a crucial step in the effort to ensure that informal workers have access to basic citizenship rights i.e., decent pay, working hours, health and social security, and set precedence of more inclusive, non-discriminatory practices at the local and regional level.

### **A paradigm shift on the notion of human rights will be a pivotal point in turning the Right to the City framework into policies**

Indonesia does not yet have explicit regulations that acknowledge and incorporate the term "Right to the City", both as a concept and practice. Therefore, the Right to the City can be only traced from the existing regulatory framework, which relies more on a Human Rights framework. The practice of the Right to the City is then accommodated by legal instruments derived from the paradigm of Human Rights fulfillment, such as, international law ratifications, Human Rights action plan, and programs such as the Human Rights Cities. The practice is not yet ideal, but to some extent, those instruments manifest the efforts of the government to regulate and ensure the fulfillment of citizens' fundamental rights.

Reflecting the call for a more comprehensive regulatory framework to ensure channels for citizens claiming the Right to the City, our research proposes governments and authorities to further refine the regulation products, along with room for discussion of the notion and practice of Right to the City. To start, the government should perceive and recognize the city and its citizens as legitimate entities of active subjects in urban governance with adequate regulations; rather than the conventional view of passive subjects. Full incorporation of the Right to the City framework might require more time and research; however, establishing a regulatory framework will be a pivotal starting point.

### **Efforts to empower informal workers must be coupled with high-level advocacy and a deconstruction of the narrative in order to bring systemic change**

The experiences faced by the informal sector in Jakarta, Yogyakarta, and Solo collected during the research have illustrated the role of citizens in reclaiming rights to the city through individual and community initiatives. However, we recognize that such initiatives have only succeeded in improving the livelihood of the informal sector on a micro level.

Systemic change has yet to be achieved as there is still a lack of state recognition and policy instruments that address and protect the basic rights of informal groups. Because of this, informal groups - in some cases, assisted by civil society initiatives - have instead relied on collective solidarity and self governance; rather than, participating in formal mechanisms. In addition to lack of state recognition, based on our research into the three cities, we found that advocacy approaches for the informal sector tend to be issue-specific, rather than adopting a comprehensive right to the city narrative. This lack of consolidation across and among key stakeholders related to informality is likely among the deterrents to state recognition of the informal sector in Indonesia.

Using the work of Yasanti and Rame-rame Jakarta as inspiration, our research proposes three important components in advocating for the rights of informal sector: 1) empowering informal workers through organizing and mobilizing; 2) harnessing collective agency to target policies at the city, provincial, and national level; and 3) reclaiming the narrative of the informal sector and their right to the city.

### **Strengthening The Right to The City in Practice**

Our research has noted that the application of the Right to the City agenda proposed by Lefebvre and Harvey — of reclaiming cities as a co-created urban space — is so far popular among civil society organizations focusing on urban issues, but is relatively unfamiliar among government leaders and non-urban CSOs. In general, the scope of Indonesia's laws, policies and regulations has focused on the issue of individual human rights, rather than the collective. Such conditions have further limited narratives and perspectives about the right to the city among the general population in Indonesia. In this aspect, coordinated efforts across civil society organizations are necessary to promote the Right to the City agenda.

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**Practices and Local Knowledge in  
Manila and Quezon City, Philippines,  
1970s to Present: Right to City  
Components**



## About This Report

This research was undertaken by the team at the Community Organizers Multiversity based focused on Practices and Local Knowledge in Manila and Quezon City, Philippines, the 1970s to Present: Right to City Components through reviewed legislation, regulatory mechanisms, local ordinances in the two cities, as well as the chronology of key policies containing values and principles serving as a foundation of Right to City. The review is then complemented with an analysis of finding from structured individual interviews of leaders from people's organizations, selected representatives of national and local government officials, and focus group discussions (FGDs).

The objectives of the research were to:

- To map institutions/civil society organizations/ national/ local government which cite principles practices Right to the City in their past –present (1970s-present) urban efforts I organizing/advocacy and in what forms
- To illustrate via examples of national laws reflecting Right to City key values/principles and their effects such as benefits to right holders
- To illustrate state and local enforcement mechanisms and interaction on the ground with citizens who are claiming/monitoring of implementation
- To map at least two to four successful initiatives by women-led grassroots (combination/integrated if any) which reflect components of the Right to the City (examples - production of settlements/ protection of women, girls, children/ inclusivity practices for diversity i.e. PWD/ Seniors/ Minority ethnic /LGBT), other practices which advance Right to City (transportation/ informal livelihood)
- To highlight issues of gender/women equality/role of grassroots women/leadership/ significant contributions advancing Right to City
- To map the language expression in how the Right to the City is defined by participants in the study.
- To describe the regulatory environment, challenges and opportunities

The people's organizations who participated in the research through interviews and FGDs are the city inhabitants who practice the tradition of resistance and the creation of solutions to stay in the city. The Philippine Urban Movement is rich in practice, although language, such as "Right to the City" is not spoken. In-city, onsite, upgrading, are the terms used. It is exceptional to hear leaders/ advocates/policymakers use "Right to the City".

The research report is an introduction that will illustrate the last 50 years of practice of urban inhabitants (as well as rural and indigenous) in their resistance, mobilization, advocacy, also their engagement and cooperation, under the six administrations from 1986 to the present administration. Manila and Quezon City's organized informal settlers of last 45 years to present organizing /advocacy/negotiation practices to claim spaces to stay in the city is among Southeast Asia organized city inhabitants who consistently drive the establishment of key urban policies, programs, projects which directly benefitted this marginalized Filipino urban population. This report highlights the grassroots women leadership in last 50 years' practices to claim their communities stay in the city.

They are likewise the responses from the citizens engaged in the civil society organizations (CSOs) of the martial law era, now comprised mostly of senior citizens; and today's youth, 35 years after the EDSA People Power Revolution. These three generations/clusters must now converge to celebrate and preserve gains from the sacrifice of many lives who fought for the Right to the City, democracy, and people's participation.



# Practices and Local Knowledge in Manila and Quezon City, Philippines, 1970s to Present: Right to City Components



Figure 1: Map of The Philippines Source: Google Earth

## Profiles

### Country: Philippines

An island country located in the western Pacific Ocean off the coast of Southeast Asia, the Philippines, with its 7,641 islands, has the world's fifth longest coastline of 36,289 km (WorldAtlas). The coastal areas of the country are the most densely inhabited, and roughly 60% of the population of the country, vulnerable to climate change (Philippines Environment Monitor, 2003). Most of its large cities, are found based along the coastlines of the country. Three major islands are the most populated: Luzon, Visayas and Mindanao. The country is located along the Ring of Fire zone of Pacific volcanoes. Philippines and Indonesia provides most of Asia Pacific clean geothermal energy, and rank in top three world's producer after USA (REVE News).

Total population in the Philippines has increased to around 101 million as of 2015. By 2020, the population is expected to grow to around 110 million. This amounts to an average annual population growth rate of 1.6 percent from 2015 (National Economic and Development Authority, 2017).

In recent years and until the onset of the COVID-19 crisis, the Philippine economy has made progress in delivering inclusive growth, evidenced by a decline in poverty rates and its Gini coefficient. Poverty declined from 23.3% in 2015 to 16.6% in 2018 while the Gini coefficient declined from 44.9% to 42.7% over the same period (World Bank).

However, since the start of the Duterte administration the slowing growth of country's economy began, with -6.1% in 2019, lowest in eight years (IBON Foundation, 2021). The size of the economy will however revert to its 2019 level in 2022 at the earliest – possibly even later to the extent that COVID-19 continues to spread and that economic scarring has a lasting effect. Unemployment will remain high and household incomes low (IBON Foundation, 2021).

In view of pandemic, government only had 1.02 million fully vaccinated as of May 25, 2021; 145,243 vaccinations per day (7-day rolling average) versus 615,930 needed to reach target 70 million Filipinos by December 2021; vaccines delivered to date just enough for 4.1 million Filipinos. (Ibon Foundation, 2021)



Earlier in 2014, the Asian Development Bank National Urban Assessment cited Philippines, a lower-middle income country, as historically characterized by uneven assets and opportunities resulting in one of the highest income inequalities in the region, and urban intra-urban inequities in cities are high.

## Metro Manila or National Capital Region

On November 7, 1975, Metro Manila was established through Presidential Decree No. 824 and Metropolitan Manila Commission was also created to manage the region. On June 2, 1978, through Presidential Decree No. 1396, the metropolitan area was declared the National Capital Region (Department of Environment and Natural Resources, Environment Management).

In 1986, President Corazon Aquino issued Executive Order No. 392, reorganizing and changing the structure of the Metropolitan Manila Commission and renamed it to the Metropolitan Manila Authority. Through Republic Act 7924, created in 1996 the Metropolitan Manila Development Authority (Department of Environment and Natural Resources, Environment Management).

All located in Luzon island, with two nearby regions, Central Luzon and Calabarzon and National Capital Region produce 61% of domestic production. The National Capital Region (NCR), also known as Metropolitan Manila is the country's political, economic, and educational center. The smallest region in the Philippines, it is the most densely populated region which is a home to over 12 million Filipinos. It has sixteen (16) highly urbanized cities.

In Metro Manila, which is the prime city, an estimated 37% of population or over 4.0 million Filipinos live in slums in 2010 and slum population growth rate is at 8% annually. These slum dwellers and informal settlers confront on a daily basis another dimension of poverty which is environmental poverty (Ballesteros, 2010).

Meanwhile, the Philippine Statistical Research and Training Institute (PSRTI) estimated a housing backlog of 5.6 million units from 2010-2016. Figures from the NHA indicate that there are around 1.5 million ISFs in the entire country. In the National Capital Region (NCR) alone, the NHA recorded a total of 584,425 informal settler families (IBON Foundation, 2007).

Each housing unit will cost an average of Php500,000 to construct, according to the National Economic and Development Authority (NEDA). This means an estimated Php2.8 trillion or Php467 billion annually will be needed for six years. IBON noted that the proposed Php4.4 billion budget for the KSAs does not even meet 1% of this annual budgetary



**Figure 2:** Map of The Metro Manila

**Source:** Metropolitan Manila Development Authority

requirement needed to address the housing backlog (Department of Trade and Industry).

## Cities: Manila and Quezon City

The Spanish city of Manila was founded in 1571, and by the end of the 16th century most of the coastal and lowland areas from Luzon to northern Mindanao were under Spanish control, except for the the Muslims of Mindanao and Sulu who were never completely subdued by Spain. The Manila Galleon trade with Acapulco, Mexico, together with Madrid became first global cities crossing Pacific Ocean to bring goods to Spain Region (Department of Environment and Natural Resources, Environment Management). Manila's location is one of the finest sheltered harbors of the Pacific region (Encyclopedia Britannica).

Quezon City is largest in land area, a landlocked highly urbanized city in the National Capital Region. Its population as determined by the 2015 Census was 2,936,116. Representing 22.80% of the total population of the National Capital Region. The Commission on Audit's (COA) list of cities with the highest revenue earned in 2015, Quezon City claimed the top spot with PHP16.37 billion in reported income and richest in assets yet income per capita is still lower, due to its population and still needs generation of revenues (Philippines Atlas).

Manila and Quezon City were selected for the research, aside from location of key economic, educational, political centers, these two cities are areas where main organized informal settlers of last 45 years to the present, succeeded in organizing/advocacy for national urban policies addressing land tenure, social housing, social protection of lowest income families.

## Overview of Philippine Experiences and Local Knowledge of Right to City Components

Forty-five years ago, in 1974, in the early years of martial law, the Zone One Tondo Organization (ZOTO), composed of 13 people's organizations close to the Manila port defied martial law (Repuno, 2012). With a throng of 5,000, ZOTO's members from people's organizations (POs) staged a mass demonstration protesting the massive planned demolition and distant relocation without livelihood of estimated 27,000 families. The ZOTO members marched to support its key leaders and three support religious leaders to present to Marcos their idea of onsite/incity relocation (Raymundo, 2018), the first time any urban poor community proposed the idea to the government. Marcos' planned to develop the Tondo Foreshore for commercial estate development (Raymundo, 2018).

Marcos agreed to meet with ZOTO's key leaders and saw on TV the massive rally at the Mendiola Bridge, few hundred meters from the Presidential Palace. Marcos agreed to stop demolitions while onsite and nearby relocation will be going on (Raymundo, 2018). Amidst martial law, ZOTO pursued organizing and advocating for "onsite upgrading" even in the face of frequent raids in the neighborhoods, surveillance, detention, torture of its leaders and members. Subsequently, Marcos issued Presidential Decree 772 criminalizing squatting and legalizing demolitions (Philippines Official Gazette).

ZOTO-UGNAYAN prior to the 1974 massive rally, had mobilized for small community basic services. As well as occupying a vacant site to set up their shelter. With the help from organizers from Philippine Ecumenical Council for Community Organizing (PECCO) steadfastly found more allies in the Catholic Church, Protestants, Misereor, academe, professionals, and activists from different political persuasions (Repuno, 2012).

The Tondo Foreshore Dagat-dagatan Development Project funded by The World Bank, followed basic agenda of ZOTO consisted retention of 17,000 families in situ and 10,000 families in Dagat-dagatan relocation (Poppelwell, 1994).

ZOTO in the 1970s under a dictatorship, provided an example of Henri Lefebvre's foundations of Right to City. May 1968, Paris was the backdrop to Lefebvre's writings on the Right to the City (*Le Droit à la Ville*) (Matthias, 2019). Lefebvre described the idea as "to claim space as resistance to alienation and exclusion and have a control of their life / fate with meaningful connections. Lefebvre's concepts translated in 1978, were not known by ZOTO but vigorously pursued concepts about foundation of Right to City perspective.

The lessons in resistance for those who were part of ZOTO shine a light on Lefebvre's key concepts on Right to City, People's Participation, and Democracy. ZOTO's history of struggle provides a deeper understanding of why ZOTO has become a symbol of fight for land and democratic rights for its inhabitants (Repuno, 2012). It illustrates Lefebvre's use of the term the "right to city" where access to and use of space of the city is a vital element in envisioning; in calling forth, and achieving a truly urban society. Lefebvre's terminology could be misleading. The Right to the City is not users claiming more access to and control over the existing capitalist city, a bigger slice of the existing pie. Instead, it is a movement to go beyond the existing city, to cultivate the urban so that it can grow and spread (Purcell, 2014).

On People's Participation, Lefebvre refers to not merely speaking at a public hearing or serving at a citizens' panel. It is the struggle that is controlled by its inhabitants and stewards of urban and collective lot towards a common purpose (Purcell, 2014).

## Appropriating the city and Protection of Space

Lefebvre ordains that the urban constitutes a revolution, but one that comprises a million everyday acts of resistance. Lefebvre's thinking of a sharp distinction between notions of democracy and the democratic state (Purcell, 2014) is most relevant to the ZOTO struggle in 1975 and significantly applies to the current situation in the Philippines.

During Martial Law, any citizen that protested against a government plan or directive was

arrested, detained and tortured. Those suspected of belonging to the Communist Party and its legal front organizations were likewise hunted down and arrested. Today, the Philippine Legislative branch passed the Anti-Terrorism Act of 2020, R.A. 11479, a Philippine law whose intent is to prevent, prohibit, and penalize terrorism in July 3, 2020 (Sy, 2020).

Petitions have piled up at the Philippines' Supreme Court to overturn the new anti-terrorism law championed by President Rodrigo Duterte, which could jail suspects without charge for weeks. Since the passing of that law, there have been numerous raids, arrests and murders of individuals and groups that have been "red-tagged" as belonging to the communist party (Commission of Human Rights, 2021). Significantly, Duterte's so-called "war on drugs" continues (Human Rights Watch, 2021).

Given this context, martial law 1972-1986, and the present terrorism of the poor by state actors, citizens' resistance is demanded to challenge the anti-human rights and anti-democratic policies and actions of the state's leadership. Lefebvre's idea on Democracy is nothing other than the struggle for democracy (Purcell, 2014). The struggle for democracy is the movement itself. Many democrats imagine that democracy is a type of stable condition toward which we can tend, toward which we must tend (Purcell, 2014).

Democracy is the movement itself. And the movement is the forces of action. And democracy is the struggle for democracy, which is to say the very movement of social forces; even a struggle against the State forces that come about are the very characteristics of Lefebvre's idea of democracy. The State tends to affirm itself as a whole, to become monolithic and to smother the society out of which it develops (Purcell, 2014).

There are unpublished cases of resistance to demolitions and resistance to military repression but waged in non-violent manner by urban poor communities. Such struggles are evidence of People's Power, which, in Lefebvre's terms, are daily acts of resistance and creation that come alive in

cities and villages (Purcell, 2014). In assessing the chronology of urban movements for land tenure security and adequate housing/livelihood in Manila and Quezon City, which gained traction after the EDSA 1986 People's Power resulting in the fall of the Marcos dictatorship, the ZOTO spirit of 1975 is a beacon to many in-city movements and marks the beginning of a vibrant tradition in the Philippines.

The documented chronology in this research report does not cover hundreds of resistances to evictions in cities outside of Metro Manila, including indigenous peoples fighting for ancestral lands, resisting intrusions by mining corporations and dam builders, and peoples resisting incursions on fishing areas, water source, etc. (Bagadion, n.d.).

On social media, one finds unpublished field reports from community organizers, researchers/unpublished studies. Communities are still remaining in sites where they successfully challenged the local authorities, organizing and creating solutions and directly engaging in negotiations, with support from local NGOS.

Thousands of NGOs had sprung during the Cory Aquino administration and a number of key leaders of the Martial Law resistance movement accepted high level government positions wherein they encouraged and advanced pro-poor, bottom-up practices and legislations (Racelis, 2005).<sup>1</sup>

Liberal democratic governments after 1986 EDSA People's Power and active urban CSOs were established as a result of the resistance to evictions of communities in projects by the state as well as the private sector. These were in the form of Proclamations, Community Mortgage Program, and In-city resettlement with a caveat of a People's Plan (Barenstein, Racelis, Rebullida, 2010).<sup>2</sup>

In the last 45 years, estimated 1.5 million or more inhabitants have secured tenure/shelter, thus illustrating that community-led initiatives have successfully benefited families aspiring to live in the city. Although this number is quite insufficient, and urban dwellers are hit hard by the joblessness

1 Civil Society, Populist Politics and the State – Philippine Democracy Today Mary Racelis Institute of Philippine Culture Ateneo de Manila University Presentation at the Institute for Asia and Africa Sciences, Humboldt University and the Institute for Foreign Cultural Relations Berlin, April 25, 2005, and the Institute for Asia Affairs, Asia-Africa Institute

2 SBarenstein, Jennifer Duyne, Racelis, Mary, Rebullida, Maria Lourdes G., et al, (June 2010, Unpublished) Land Tenure Security and Social Housing Projects in the Philippines, A Cross Sectoral Evaluation prepared for Misereor and its partner organizations in the Philippines, Volume 1, Quezon City, Philippines, Lugano, Switzerland

and immobility and hunger brought about by Covid-19 and its below-standard management by the present government, much remains to be done prior, during and post the Covid-19 pandemic with regard to Climate Change, disasters, Food Security and Human Rights violations especially targeting the urban poor victims of the state's "war on drugs".

The people's organizations who participated in this research through interviews and Focus Group Discussions (FGDs) are the city inhabitants who practice the tradition of resistance and creation of solutions to stay in the city. The Philippine Urban Movement is rich in practice, although language, such as "Right to City" is not spoken. In-city, onsite, upgrading, are the terms used. It is exceptional to hear leaders/ advocates/policy makers use "right to city".

The report is an introduction that will illustrate the last 50 years of practice of urban inhabitants (as well as rural and indigenous) in their resistance, mobilization, advocacy, also their

critical engagement and cooperation, under the six administrations since 1986 to present administration.

They are likewise the responses from the citizens engaged in the civil society organizations (CSOs) of the martial law era, now comprised mostly of senior citizens; and today's youth, 35 years after the EDSA People Power Revolution. These three generations/ clusters must now converge to celebrate and preserve the gains from the sacrifice of many lives who fought for "right to city", democracy, people's participation.

The three generations urgently need to revisit, confirm the ZOTO tradition, its defiance against repression and exclusion, and its insistence on creatively creating non-violent, bottom up, pro-people solutions to control of their fate, and seek a more just destiny as Filipino Citizens.

# **Chronology of Urban Movement/CSO Claims, Gains, Challenges vis-a-vis State, 1970-Present**

Period/CSO Claims	Successes	State	Results/Outcomes
<p>1974</p> <p>Zone One Tondo Organization (ZOTO) marched with 5,000 members<sup>3</sup></p> <p>Defied martial law, demanded for onsite / upgrading vs distant relocation</p>	<p>17,000 families in situ upgrading families / 10,000 relocated to Dagat-dagatan in estimated 350 hectares including reclaimed sites</p>	<p>Ferdinand Marcos approved onsite upgrading vs distant relocation. He planned Tondo Foreshore for commercial development</p> <p>Ferdinand Marcos issued Presidential Decree 772 criminalizing squatting</p>	<p>Raids by police and military in ZOTO areas became frequently. Even prior the march a number of leaders had been arrested.</p> <p>Subsequently, under the state, Marcos issued Press Decree 772 criminalizing squatting and legalizing demolitions.</p> <p>World Bank supported upgrading for the Tondo Foreshore -Dagat-dagatan</p> <p>ZOTO was supported in organizing by PECCO /advocacy by Church, academics, and Miseror for organizing.</p> <p>First onsite/upgrading</p>
<p>1986</p> <p>By Sama -Sama demand for proclamation 148 hectares of Nat Gov. Center West for 3,000 bona fide occupants<sup>4</sup></p> <p>Prior 1986, SAMA-SAMA barricaded to resist demolition. Violence resulted to injury to Sama-sama members<sup>5</sup></p>	<p>Proclamation No. 137 (s. 1987) , certain portions of land consisting of One Hundred Fifty (150) hectares, more or less, and now referred to as the NGC West-side, open for disposition to bona fide residents thereat; Executive Order 90 s. 1986</p>	<p>Under Cory Aquino Government</p>	<p>Sama-sama mobilized for row house instead of vertical development / received mandate 50% vote in the NGCHC</p> <p>Variety of models of re-blocking/upgrading accdg to occupant's consensus. Examples PHASE-LAD</p> <p>Few received Titles/ ongoing amortization of 20,000 bona fide occupants.</p>
<p>Annual Kalbaryo as cultural action on urban issues such as demolition portrayed in passion/death of Christ and Christmas search for inn by Joseph and Mary.</p> <p>Philippine Education and Theatre Arts or PETA, Asian Council for People's Culture (ACPC) provided support to urban poor groups for performances<sup>6</sup></p>	<p>Annual Tradition every Holy Week and Christmas variety of cultural events /street performances / advocacy of urban poor issues ie demolitions specially</p>	<p>Cory Aquino Government</p> <p>Began 1987 to present (34 years tradition)</p>	<p>Ownership of sector cultural action tradition / localized in Metro Manila /visibility/ voices of urban poor through religious/cultural action</p> <p>Public education/ awareness of urban poverty and urgent issues of urban poor sector</p> <p>Coverage by national TV/ press/ radio , incl international in the 80s alternative to tradiitional flagellation and Crucifixion re-enaction in the province</p>

1987 by ALMATAG with 5,000 members of Taguig to segregate 385 hec from Military Lands to be used for social housing by bona fide occupants <sup>7</sup>	Proclamation No. 172 which declared 385 hectares of the barangays of Lower Bicutan,  Upper Bicutan, Western Bicutan and Signal Village situated for social housing	Cory Aquino Government	Organizing united retired military personnel, urban poor, workers who are long time settlers in the proclaimed lands  Post People Power Coalition project of left-wing groups (democratic socialists, socialist, independent national democratic helped organizing the ALMATAG -PCUP and allies in government supported / Cory Aquino Govt open to CSO efforts in urban poor Cory Govt/To date more half recipients have received their title
Demand by National Congress of Urban People's Organizations (27 federations) to establish Pres Commission on Urban Poor) <sup>11</sup>	Executive Order 82 s. 1986 Creating the PCUP	Under Cory Aquino Government	Urban poor movement from various city federations in Metro Manila /nearby cities held a massive rally during Cory Aquino Urban Poor Event held at the community, Manila December 1986  NACUPO served as core group for initial PCUP  PCUP was led by advocates for urban poor/housing activists served as ally for urban poor interests
To prevent demolitions, especially on private lands. Without access to govt finance aid, a mechanism was created by housing advocates for poor population (Cebu City urban poor community with support of HUDCC Chair Dory Katigbak. Spearheaded together with founder Bimbo Fernandez of Pagtambayayong together with NGO housing activists and worked out a govt mortgage financing scheme with loans at 6% interest payment over 25 years, Organized groups, registered can avail of this program <sup>12</sup>	Community Mortgage Program launched in 1988	Under Cory Aquino Government	212,000 families have been assisted more modestly under slum upgrading programs at a much less cost of nearly PhP8 billion—153,000 families under the Community Mortgage Program (CMP) for an average cost of PhP52,000 per family, and 59,000 families under the program of the National Housing Authority (NHA) for an average cost of PhP1,300 per family. Both these NHA and CMP programs mainly address tenure regularization and the provision of basic services of informal settlers and usually lack affordable connectivity to places of employment and income and livelihood opportunities <sup>13</sup>



Year 1996: 5,000 marchers from urban poor communities /organized from various political orientation to Mendiola entrance close to Malacanang Palace to protest/ resist massive evictions planned by Ramos Government on 1996 APEC Summit <sup>8</sup>	Demand to stop demolitions in Metro Manila	Fidel Ramos Government	Demolitions were stopped
1998 by Federations of NGC East demand for (Hectares)NGC East Proclamation for (no of occupants)	Proclamation No. 1169, Series of 1998  Thirty Eight (238) hectares in the NGC East-side	Fidel Ramos Government	Ongoing amortization by 30,000 (NHA Estimate) awardees
1992  Urban Land Reform Task Force, Catholic Bishops  PAKSA-LUPA/Fred Repuno and NACUPO	Urban Development and Housing Act 1992 /Republic Act 7279	Fidel Ramos Government	Served as foundation of government policies to address poor population in urban areas /deterrence versus arbitrary evictions
Years of advocacy/ mobilization campaign by various urban federations/ Church support  CSO Delegation presented Philippine Status on ECSR where PD 772 as a violation of HR. Advocacy of repeal of PD 772 was supported by international housing rights groups, ESCR condemned contradiction between Urban Dev and Housin Act and anti-squatting/legalization of demolitions <sup>14</sup>	Republic Act 8368: Anti-Squatting Law Repeal Act of 1997 -AN ACT REPEALING PRESIDENTIAL DECREE 772 ENTITLED "PENALIZING SQUATTING AND OTHER SIMILAR ACTS.	Fidel Ramos Government	UN ECSR condemned PD 772 as contradiction to UDHA 7279
CSOS from various sectors and political orientation established a formation to bring together priority reform agenda / political participation by establishment of official high-level engagement with executive Dept. <sup>15</sup>	Social Reform Agenda (SRA)-an advocacy platform of all CSOs from various sectors	Fidel Ramos Government	Support for CSO national advocacy / agenda building/consensus building
Demand by Kabalikat for Proclamation in Baseco <sup>9</sup>  Series of Petitions and mobilizations to Presidential Palace /support from Church <sup>10</sup>	Proclamation 145 , Year 2002	Gloria Macapagal-Arroyo Government	Various NGOs helped with housing / Kablikat insisted their reblocking plan to accommodate more occupants after negotiation with Manila Mayor/ ensured gain from P50B in city resettlement benefited community People's Plan (2018)

	National Anti-Poverty Commission (NAPC) - advocacy by all CSOs as a quasi-govt insti /elected sectoral reps by regional/national elections by CSOs	Gloria Macapagal Arroyo Government	NAPC was established directly under Office of the Phil President /provided budget for convening NAPC and pol representation in high level decision/sectoral representation were strengthened /CSO platform for consensus building on agenda and national issues / democratic election among sectors representation
National Congress of Community Mortgage Program Lobbied for SHFC <sup>16</sup>	20 January 2004 - Signing Executive Order 272 authorizing the creation of SHFC lead govt agency for social housing /low income / Community Mortgage Program (transferred from National Home Finance Mortgage or NHFMC)	Gloria Macapagal-Arroyo Government	Ensured annual appropriation for CMP  Localization of CMP, partnership with Local Government Units (LGUs)/ provided technical and finance
2010 Urban Poor Alliance or UP-ALL <sup>17</sup>	Covenant I with Urban Poor committed to in-city resettlement / People's Plan	Benigno Aquino Government	Estimated 10,000 families along waterways benefitted from incity resettlement fund <sup>20</sup>
Advocating for In-city Resettlement during Pres. Campaign of Aquino <sup>18</sup> 2012 - UP-ALL issued national media demanding for presidential commitments ie Urban Poor Covenant <sup>19</sup>	Memorandum on P50 B for 100,000 informal settlers along waterways for in-city resettlement with caveat of People's Plan	Benigno Aquino Government	<p>People's Plan by organized incity resettlement advocates /Peoples' Organizations (POs) served as urban poor groups transparent, participative planners/ implementors, partners of national and local government</p> <p>No Executive Order was issued out by Incumbent President which didn't provide a strong implementation/left to Technical Working Group and prospective recipients had no clear finance/technical support to organize/plan people's plan/</p> <p>Government didn't maximize mandate to designate proclamations for social housing for in-city resettlement/groups had to do their own research / Government agencies were not transparent Out of P50B for in-city only used P38 B for Low rise buildings/ High Density benefitting X out of targeted 100,000 households.</p> <p>NHA secured rest of P50 B for distant relocation absent with basic services/livelihood</p>

UP-ALL demand for amendment of UDHA 7279 to establish coherent policy/housing programs implementation coordination / representation of CSO in new department <sup>21</sup>	Republic Act 11201-establishing a central authority for housing policy coordination/ of all housing agencies ,the Department of Human Settlements and Urban Development (DHSUD)	Rodrigo Duterte Government	Ongoing advocacy for following Implementation Rules and Regulations(IRR) of new Law named RA 11201 to include: resettlement fund to be regularly monitored by pertinent agencies not only by National Housing Authority and Dept. of Budget ,Representation of CSO in the SHFC and DHSUD
UP -ALL spearheaded Housing Summit re UDHA issues (Failure of distant resettlement, non-implementation of Proclamations, i.e. Taytay, Arenda	Congress allocated  P1.8 B to address resettlement issues in poor quality, basic services PCUP was designated to implement the fund 2in 017	Rodrigo Duterte Government	Accomplishment of P1.8 B still to be accounted for/ CSO and targetted resettlement communities urgently need to report PCUP implementation of fund

- 3 1974 ZOTO and Tondo Foreshore Development Project pls. See Overview of Urban Movement Section
- 4 Murphy, Denis et al (July 2001). A Social Movement of the Urban Poor: The Story of Sama-Sama, Denis Murphy, Ed Gerlock, Elena Chiong-Javier, Ana Marie Dizon, Salome Quijano, Condensed by Agnes Lorenzana, Urban Research Consortium
- 5 Same as above
- 6 Writer served as 1986 to 1987 team leader of community organizers, members of political formations for a coalition project named People's Foundation for Community Empowerment (People's Force) after 1986 EDSA People's Power to help establish organizing and advocacy of the Alyansa ng Maralita ng Taguig (ALMATAG) to segregate military reservations for social housing of long time settlers
- 7 Writer served as member of committee from various People's Organizations' leaders and NGOs to conceptualise/organize annual from 1987 to 2001 the Cultural action of Kalbaryo based on Traditional Passion and Death Religious Events during Holy Week. Later the Search for Inn was also organized at Christmas time. Kalbaryo and Joseph, Mary's Search for Inn designed for popular Christian symbols interpreted along issues of urban poor sector in the community
- 8 CO Multiversity (formerly COTRAIN) which spearheaded w an urban poor march/rally to protest planned demolitions in Metro Manila on occasion of APEC 1996
- 9 Kabalik, Baseco Leaders Interview September 2020
- 10 Same as above
- 11 Background/History, Republic of Philippines, Presidential Commission for the Urban Poor, [pcup.gov.ph](http://pcup.gov.ph)
- 12 Barenstein, J.D., Racelis, M., Rebullida, M. L., et al, (June 2010), Unpublished, Land Tenure Security and Social Housing Projects in the Philippines, A Cross Sectoral Evaluation prepared for Misereor and its partner organizations in the Philippines, Volume1, Quezon City, Philippines, Lugano, Switzerland
- 13 Ballesteros, M., Ramos, T., Magtibay, J. 2017, An Assessment of the Community Mortgage Program Implementation Research, .Research Paper Series No. 2017-01
- 14 Leckie, Scott (2003), National Perspectives on Housing Rights. <https://books.google.com.ph>
- 15 Untitles/National Anti-Poverty Commission, <https://nafc.gov.ph>
- 16 Barenstein, Jer Duyne, Racelis, Mary, Rebullida, Maria Lourdes G., et al, (June 2010), un Land Tenure Security and Social Housing Projects in the Philippines, A Cross Sectoral Evaluation prepared for Misereor and its partner organizations in the Philippines, Volume1, Quezon City, Philippines, Lugano, Switzerland
- 17 Herrle P and Ley A, Fokdal J, Eds., 2015 From Local to Global Networks :Housing the Urban Poor ,Published by Ashgate
- 18 Same as above
- 19 [www.ucanews.com/news/dialogue-with-aquino-worth-the-wait](http://www.ucanews.com/news/dialogue-with-aquino-worth-the-wait)
- 20 Chanco, C.J. (May 2015) Squatters of Capital: Regimes of Dispossession and the production of subaltern sites in urban land conflicts in the Philippines ,Land Grabbing, conflict and agrarian-environment transformations: perspectives from East and Southeast Asia, International academic conference ,Chaing Mai University, 5-6 June 2015, [https://www.iss.nl/sites/files/concludes\\_that\\_dispossession\\_is\\_not\\_a\\_one\\_way\\_process\\_but\\_is\\_mediated\\_and\\_shaped\\_by\\_diverse\\_sets\\_of\\_actors\\_acting\\_at\\_multiple\\_scales](https://www.iss.nl/sites/files/concludes_that_dispossession_is_not_a_one_way_process_but_is_mediated_and_shaped_by_diverse_sets_of_actors_acting_at_multiple_scales). Social Movements resisting evictions and mobilising around the right to urban space can gain from a more cohesive understanding of the factors driving dispossession in various contexts. Taking structural violence and accumulation by dispossession as lenses through which to deploy counter narratives expounding on the inherent violence of state-backed capitalist accumulation ,discourses of fear and othering can be replaced by imaginaries of resistance and hope.
- 21 [https://www.lawphil.net/statutes/repacts/ra2019/ra\\_11201\\_2019.html](https://www.lawphil.net/statutes/repacts/ra2019/ra_11201_2019.html)

## Regulatory Environment

The Philippines is a republic with a presidential form of government wherein power is equally divided among its three branches: executive, legislative, and judicial<sup>22</sup>.

	Function/Mandate	Issuances
Congress <ul style="list-style-type: none"> <li>Lower House</li> <li>Senate</li> </ul>	Legislates state laws based on national constitution  Only House of Representatives and Senate can amend or revoke state legislations	Legislations have full force of law that can be enforced
Chief Executive	<ul style="list-style-type: none"> <li>Implements the laws enacted by Congress.</li> <li>Chief Executive's Issuances may be revoked, amended or changed by the succeeding President (Chief Executive). Laws enacted by Congress, the House of Representatives and the Senate, -Chief Executive, neither can amend nor revoke legislations.</li> <li>Government issues Instruments to implement legislations.</li> <li>Certain regulations can be issued through executive fiat, which are implemented by the concerned government department (ministry)</li> </ul>	<ul style="list-style-type: none"> <li>Regulations I the form of Executive Orders, Ciculars, Presidential Proclamations to direct firms, individuals concerned</li> <li>Implementing Rules and Regulations (IRRs), are the legal instruments used to implement a law enacted by Congress.</li> </ul>
Constitutional Bodies	Commission on Audit, Commission on Human Rights, Ombudsman, Commission on Election Sandigan	
Local Governments <ul style="list-style-type: none"> <li>Provincial</li> <li>Municipal</li> <li>City</li> </ul>	<ul style="list-style-type: none"> <li>Enjoy autonomy but have remained partly dependent on the national government's fiscal transfers to finance local development expenditure.</li> <li>The 1991 Local Government Code devolved and decentralized taxing, borrowing, and service delivery powers, specifically, health services to local governments.</li> <li>An approval process at local councils have a process to approve issuances</li> <li>Local government issue</li> </ul>	<ul style="list-style-type: none"> <li>Local government regulations based on legislations</li> <li>Permits and Licenses</li> </ul>

## Experiences in View of Regulatory Environment

The 1986 People's Power which led to collapse of martial law regime under Marcos consolidated the strong people's organizations together with other sectors of civil society pushed key legislations (please see Overview section) as well as victories in major urban land reform in view of the size of lands of government proclaimed these sites to provide land tenure and access to social housing for long time settlers. The creation by civil society of government reforms in urban development to address urban poor population led to access to deterrents to demolitions, access to land tenure/finance /in-city resettlement, proclamations as well as government distant resettlement.

22 Philippine Government / Official Gazette of the Republic of the Philippines, <https://www.officialgazette.gov.ph>

These civil society led reforms are constrained by bureaucracies, politics, commercial interests, the politics/commercial interests together. The findings illustrate these obstacles and constraints (Barenstein, Racelis, and Rebullida, 2010).

In a 2020 Assessment of 1987 Philippine Constitution<sup>23</sup> it cites that many of the promises of the Constitution have yet to be realized. Partly to blame is the nature of Philippine politics centered on families and ties between patron -politicians and clients-subjects. Equality remains an area of contention, especially in relation to questions of rights and privileges. One of its recommendations, the creation of the centralized urban and housing policy and implementation was advocacy by civil society since was finally legislated as Republic Act.

The 2020 Assessment cites that the lack of disciplined political parties and the presence of political dynasties provide the President with much leeway in co-opting Constitutional Performance Assessment of the 1987 Philippine Constitution. Stockholm: International Institute for Democracy and Electoral Assistance (Atienza et al., 2020). Sitting President can also not issue an Executive Order to hasten a Memorandum to implement an in city initiative in view of disaster risk reduction. (See Urban Movement Chronology) when the official mandated

belongs to a rival party.

While citizens have been consistently vigorous organizers, advocates to engage with the Legislative Branch of Government, succeeded in bills favorable to urban poor population, amended the Urban Development and Housing Act or RA 7279, the Implementing Rules and Regulations (IRR) which will be critical in implementation of the law need to be more transparent to key stakeholders through consultations, fora and roundtable, media dissemination. Provisions for more rigorous monitoring of downloading of project funds for instance National Housing Authority (NHA) , a government corporation but has produced economic dislocation of relocations, poor quality of distant resettlement aside<sup>24</sup>, yet has received the bulk of government housing for the poor but in distant sites without basic services and livelihood (Ballerenos and Egana, 2013).

There is a need to review the stock of regulations, but more an issue of ineffectual political leadership and weak institutional capacities (Llanto, 2016). The pivotal role of champions<sup>25</sup> for regulatory enforcement and reforms in the various branches of government together with civil society in chronology of urban movement is consistent: from various sectors: church, political.

Geographical Information

Region	2
Province	81
City	146
Municipality	1,488
Barangay	42,046
Autonomous Regions	2 (Muslim, Cordillera)
Metropolitan City	3

23 Volume 2 of this 2010 Sectoral Evaluation of Misereor Partners in Philippines consist of 18 case studies illustrating CSO work in anti-eviction, Community Mortgage Program , Community Savings, Incity resettlement organizing illustrate accomplishments and challenges with bureaucacies, anomalies, natural disasters.

24 See Chronology of Urban Movement 2018 citing Housing Summit where key issue was poor quality of facilities in distant resettlement resulting to P1.8 B to correct resettlement issues.

25 Same as above

## Country Analysis

### Specific objectives

- To map institutions/civil society organizations/ National/ Local Government which cite principles /practice of the Right to the City in their past –present (1970s-present) urban efforts / organizing/advocacy and in what forms
- To illustrate via examples of national laws, their effects/ benefits to right holders/
- To illustrate enforcement mechanisms and interaction on the ground by claiming/monitoring of implementation by citizens
- To map at least two to four successful initiatives by women-led grassroots (combination/integrated if any) which reflect components of Right to the City (examples - production of settlements/ protection of women, girls, children/ inclusivity practices for diversity i.e. PWD/ Seniors/ Minority ethnic /LGBT), other practices which advance Right to City (transportation/ informal livelihood)
- To highlight issues of gender/women equality/role of grassroots women/leadership/ significant contributions
- To map the language expression in how right to city is defined by participants in the study.

### Methodology

#### Background

Community Organizers Multiversity coordinated the research for Philippines two key cities, Manila and Quezon City. COM has organized and mobilized since the 1990s in resistance to demolitions and to distant resettlements. It is a second generation organization of COs/Trainors trained under Philippine Ecumenical Council for Community Organization (PECCO) during martial law. Since its establishment in 1994, it has undertaken anti-eviction /advocacy campaigns in Metro Manila and in Southeast Asia, with global housing rights organizations and coalitions. CO Multiversity is also a member of global grassroots coalition, Huairou Commission

COM invited Urban Poor Associates who currently spearheads anti - eviction efforts of NGOs locally and until recently also in Asia, ( See Annex 2 / Misereor Evaluation with partners, 2010), COM and UPA partners - grassroots organizations from Manila and Quezon City: Kabalikat, ULAP Manila of Valderama, Soler and Del Pan Home Associations, pioneer leaders of Sama-Sama and Dampa, Institute of Church and Social Issues to provide support for this research project.

The Philippine Report on Manila and Quezon Cities: Experiences, Practices and Local Knowledge on Right to City Components.,1975-2020 is part of an Asian regional research project follow up after Global Platform Right to City (GPR2C) research successes and challenges in Europe on Right to City. This Asian

research on Right to City is an initial investigation to understand the experiences, local knowledge, insights of Eight Cities from four Asian countries, namely: South Korea, China, Indonesia and Philippines.

#### Research Method During Pandemic

The results of the research came out from qualitative research. A total of 20 community women leaders, three men leaders, 1 LGBT leader participated in interviews. Ten women/men leaders had individual interviews and two Focus Group Discussions were held, both were held face to face in the community. In Quezon City, three senior community women were interviewed face to face in view of government's movement restrictions for elderly due to pandemic. One male leader also had face to face interview in Quezon City.

Two interviews were conducted via Zoom for two coalitions consisting of grassroots women leaders. One coalition secured passage of Legislation in Bicameral Committee approval 4Ps or Conditional Cash Transfer Annual General Appropriation (GAA). The 4Ps was authored by 'Senator de Lima' which provided fund to families below poverty income level, to support up to three children up to secondary school, mother with children below school age, required to have health checkup regularly with children. The other coalition with local federation in Quezon City succeeded in advocating with Local Govern-



ment City Council to enact anti-sexual harassment in public spaces.

Individual interviews via Zoom were held with senior representatives of local non-government organizations in long time work with organizing urban poor communities. Two women and two men were from NGOs. One woman official was from a national government agency and two men were from city hall and another national agency. Interviewees were given a list of questions regarding their knowledge about right to city /and if such term was not used, what terms/phrases they were using that elicited the same/similar meaning as “right to city.

Questions for leaders were mainly about their experiences in struggle for land/shelter, resisting demolitions, participation in local special bodies of local governments in which they represented their communities, enumeration of successful claims for land, basic services, and legislations.

Desk review on legislations involving urban development, proclamations of government lands awarded for social housing of occupants, and access to shelter finance for purchase of government/ private land for onsite or in-city land security or low-rise buildings.

## Profile of Respondents

Community leaders from Manila who participated in individual face to face interviews and two Focus Group Discussions total to 11: 8 women, 2 men, 1 LGBT. These people’s organizations can be considered second generation, referring to the period (1990s -present) their informal settlements got involved in mobilization to resist demolitions; insisting on staying in the city, and joining local and national mobilizations for community and sectoral and national issues in solidarity with partners, coalitions.

Two other organizations from Quezon City drew out a total of seven (7) interviewees, six women and one man belong to first generation. Their organizations mobilized during the martial law period to resist demolitions and distant relocations(1970s) One grassroots women’s coalition from Metro Manila and nearby cities was established in 2016 to lobby and advocate for conditional cash transfer to become a state policy and to be covered by General Annual Appropriations. Majority have no secure tenure in

their homesteads.

Government officials are from national agencies and city officials directly involved in implementing the key legislations i.e. Provision of adequate housing and finance, people’s participation, protection of inhabitants versus unjust demolitions. Established in the late 70s (martial law) to 1987 Post EDSA People Power, Local non-government organizations had 4 interviewees, two (2) women and 1 man, 1 LGBT, key leaders of organizations in organizing, advocacy, research supporting urban poor issues in demolitions, social housing , basic services , people’s participation in local special bodies, cultural action. Theirs are the first-generation NGOs when the term “NGO” did not yet exist during martial law.

## Elements Investigated

The following elements were investigated: Characterization of Right to City, Normative terms incl economic, political, cultural), State Obligations, Municipal Obligations /Guarantees, Fundamental Values, Enforcement Mechanism for Implementation, State Holders Obligations, Non-state Holders obligations, Grassroots Women Experiences in Advancing Right to City, Violations, Remedy, Administrative, Implementation Indicators

The following Themes are illustrated in the Elements Investigated. Pls. See Matrices Below: Democratic, Participation, Autonomy, Inclusion, considering that R2C as an idea is not currently being recognized in the legal framework of many Asian countries, Inclusive Citizenship, Enhanced Political Participation: space for articulating agency, Representative democracy, effectivity tool to propose policies The content of this section is based on interviews with representatives from national government agencies, local government, and non-government organizations. Focus group discussions were held with women leaders of grassroots organizations from informal settlements in Manila and Quezon City and a national coalition of grassroots women.

## Characterization of Right to City

(or the terms nearest to the R2C concept that they use or are familiar with, which refers to distinct feature of a person, phenomenon or idea.)

Examples of Characterization cited below and rest of the content of matrices are based on Leaders/ Government /NGOs narratives (\*translation from Tagalog to English)

- People's right to housing allows people to develop economically through onsite upgrading. Other institutions support poor people. People's participation is core of right to city.
- Workers who built the city are the justful recipients of the benefits of the city, the [urban poor] are the beneficiaries because [their manual labor] built the city."
- The urban economy is inclusive, i.e., the contribution of the workforce living in poor communities is recognized.
- People are free to advance their agenda in creative ways. In the Philippines, organized informal settler communities participate in the street re-enactment of the Passion of Christ (Kalbaryo) during Holy Week or the Nativity (No Room at the Inn) story (Panunuluyan) at Christmas time as symbolic assessments of the situation of the urban poor.\*
- People' participation is the core of right to city.
- Communities are supported in determining appropriate responses to their collective needs. For example, organized informal settlers, with significant leadership and participation of women, can develop their "people's plan" for permanent housing and propose alternatives to distant resettlement. This requires raising people's awareness of their rights and responsibilities and enhancing their knowledge and capabilities in decision-making and participation\*

## Normative Terms

(As normative language or behavior, practice for what it used that is close to the Right to the City; normative terms refer to language which reflect aspiration of behavior, rejection /disagreement with action.

Examples:

- We do not agree that people [should] be brought anywhere." A vibrant city must include and benefit the poor. It allows them to dream of a better life and the city must support them in making this possible.
- Migration must be open to those who need to live in the city and inclusivity means citizens must be given time, resources, space to speak and be heard. Those who built the city, who provide it a steady stream of goods and essential services to make it function, produce and thrive should likewise justly benefit from the city.
- The poor, most especially, the women should have the agency and the freedom to assert their rights to demand from government basic services and other benefits.

**Matrix 1.a. "Right to the City" /2 Normative terms from Civil Society Perspective**

Civil Society Organization	Characterization of The Right to the City	Normative Terms
Urban Poor Associates (UPA), an NGO organizing informal settler communities	<ul style="list-style-type: none"> <li>• People's right to housing is upheld as this allows people to develop economically and socially. This is best achieved by in situ upgrading which ensures people's access to their sources of livelihood, the main reason for staying in or moving to a city</li> <li>• People, especially the poor, are given the chance to engage duty-bearers (i.e., government) for matters that concern their wellbeing and development. This includes allowing them to organize peaceful mass mobilizations and demand face-to-face dialogues with policymakers.</li> <li>• There is broad support from other social institutions (e.g., business, academe, religious) for the causes of the poor and underprivileged in the city.</li> </ul>	<ul style="list-style-type: none"> <li>• "We do not agree that people [should] be brought anywhere." A vibrant city must include and benefit the poor. It allows them to dream of a better life and support them in making this possible.</li> <li>• Slum upgrading must be the priority solution to homelessness and informality of settlements.</li> <li>• The voice of the people should be heard and respected. This presupposes an empowered citizenry that can demand good governance and hold leaders into account.</li> </ul>
Sentro ng Alternibong Lingap Panlegal (SALIGAN), an alternative law organization providing legal aid and empowerment	<ul style="list-style-type: none"> <li>• "The core of Right to the City is people's participation." People participate in governance, e.g., through representation in the city housing board, which recommends policies to the city council that address the housing needs of informal settlers and ensures that safeguards are observed during eviction and demolition.</li> <li>• Adequate shelter and gender equality are components.</li> <li>• "The [urban poor] are the beneficiaries because [their manual labor] built the city." The urban economy is inclusive, i.e., the contribution of the workforce living in poor communities is recognized.</li> </ul>	
Philippine Education Theater and Art (PETA), a theatrical association of artists and educators	<ul style="list-style-type: none"> <li>• People enjoy their freedom of movement, i.e., they have access to various places and spaces, including those where they can access and enjoy art. They can negotiate the use of spaces "to be able to live decently."</li> </ul>	<ul style="list-style-type: none"> <li>• "We should be provided [with spaces that allow for artistic expressions in the urban space]."</li> </ul>
Kabalikat sa Kaunlaran ng Baseco (KABALIKAT), a people's organization in Baseco, one of the biggest informal settlements in Manila	<ul style="list-style-type: none"> <li>• The poor have a voice to resist unjust eviction and violent demolition. This is enshrined in the 1987 Constitution and the Urban Development and Housing Act (UDHA) of 1992.</li> <li>• Communities are supported in determining appropriate responses to their collective needs. For example, organized informal settlers, with significant leadership and participation of women, can develop their "people's plan" for permanent housing and propose alternatives to distant resettlement. This requires raising people's awareness of their rights and responsibilities and enhancing their knowledge and capabilities in decision-making and participation.</li> <li>• People, especially the poor, are represented in city governance structures such as the local housing board.</li> </ul>	<ul style="list-style-type: none"> <li>• The poor, including women, should have the freedom to assert their rights and demand from government services that they are entitled to benefit from as citizens.</li> </ul>

Civil Society Organization	Characterization of The Right to the City	Normative Terms
People's Plan Homeowners Association, a people's organization composed of families from so-called "danger areas" in Manila that banded together to push for an in-city, high-density housing project	<ul style="list-style-type: none"> <li>Informal settlers are adequately consulted instead of subjected to unjust eviction. This underscores the importance of forming and building the capacity of community organizations that can speak to government on behalf of the affected families during meetings and dialogues to rescind eviction orders and consider housing proposals.</li> <li>People are free to advance their agenda in creative ways. In the Philippines, organized informal settler communities participate in the street reenactment of the Passion of Christ (Kalbaryo) during Holy Week or of the Nativity story (Panunuluyan) during Christmas as symbolic assessments of the situation of the urban poor.</li> </ul>	
Samahang Maralita Para sa Makataong Paninirahan (SAMA-SAMA), a people's organization founded in the late 80s to represent bonafide beneficiaries of an urban land distribution program in the National Government Center in Quezon City	<ul style="list-style-type: none"> <li>An organized urban poor engages government to resist eviction and fight for their rights, including the rights of women. This requires a citizenry that is aware of their rights and the laws that protect these.</li> </ul>	<ul style="list-style-type: none"> <li>A policy that upholds people's Right to the City must prioritize on-site and in-city resettlement for citizens without security of land tenure. This is already reflected in the existing housing program of the national government called the Community Mortgage Program (CMP).</li> <li>A policy on Right to the City must serve as a clear basis for the right to have security of shelter and for the people's engagement with decision-makers.</li> </ul>

**Matrix 1.b. "the Right to the City" 2. Normative terms from the Government Perspective**

Government Agency	Characterization of The Right to the City	Normative Terms
Department of Human Settlements and Urban Development (DHSUD)	<ul style="list-style-type: none"> <li>The Right to the City involves openness to in-migration of people who seek opportunities that enable them to provide for their needs.</li> </ul>	<ul style="list-style-type: none"> <li>There must be a national legislation that protects people's Right to the City. Guaranteeing this right cannot be granted only by the local government. A national law establishes the obligation of municipal and city governments.</li> </ul>
Quezon City Housing Community Development and Resettlement Department (HCDRD)	<ul style="list-style-type: none"> <li>The Right to the City ensures inclusivity, "the need to embrace diversity and [to] promote equity among [citizens]." For the poor to benefit from the progress of the city, government allocates funds for programs and provides opportunities for them to engage in discussions and decision-making.</li> </ul>	<ul style="list-style-type: none"> <li>Cities must be inclusive, i.e., funds are allocated for programs; the voice of the people, especially the poor, is heard; organized communities participate in decision-making.</li> </ul>

## Fundamental Values

### Inclusivity

Everyone must be included in access to space to secure shelter and have a voice in decision making on matters that affect their lives, freedom to make meaningful connections in their lives, producing , creating solutions and improvements of space , protection, appropriation.

### People's Participation

Formal and Informal mechanisms must be provided to Citizens the space, time, to voice needs, priorities, solutions to citizens' condition with aim to be part of development and transformation of communities, governance, resource allocation of citizens priorities.

### Democracy

Freedom of citizens to speak/ to voice out their beliefs, to organize and pursue their interests in a non-violent method. Direct democracy refers to citizens freedom to voice /participate in gatherings/ movements their protest or support for state or local and citizens' policies that threaten/violate individual /community / national interest. Representative democracy refers to electoral contest where citizens are free to select their representatives to legislation/executive departments. Further, citizens can be mandated by law to

### Human Rights

Recognition of human rights means that each human being has civil, political, economic, social and cultural rights that must be protected and respected by the state. What matters is that each individual must be given the opportunity to pursue one's aspirations in a life of dignity. Access to land, space is a human right

## Key Legislations (State Obligations)

### Themes illustrated: Democratic participation, inclusion

- The 1987 Philippine Constitution declares the Government is a republic, restoration to a democratic liberal government. It is main regulatory framework to guide implementation of policies in governance, reform in land for urban and rural sectors.
- 1991 Local Government Code decentralized government, mandating local governments to be in charge of their constituents for their welfare, protection and participation in local bodies to be established, as well as raise revenues,
- 1992 Urban Development and Housing Act was acknowledged as foundation for urban poor to prevent demolitions and, mandate agencies that displace families, must be provided consultation, and humane relocation.

**Table on State Legislations/State Obligations**

Year	Name of Legislation	Aim	Example of Concrete Benefits	Effect on Citizens
1987	Philippine Constitution	<p>It enables the people to have access on the information on matters of public concern and enable them to form independent unions, associations organizations within the democratic ideals and spirit.</p> <p>For the urban poor, it provides legal framework for the state to undertake continuing program for urban land reform and housing, and to protect them from demolition and eviction without adequate consultation and not in accordance with the law. (See Article 13, Section 9 on "Social Justice and Human Rights")</p>	<p>SAMA-SAMA succeeded in advocating for a land proclamation in the National Government Center that would distribute 150-hectare land to informal settler families.</p> <p>Source: SAMA-SAMA and UPA</p>	<p>The important regulatory frameworks and national/local government mechanisms are essential to enforce provision mandates of national legislations related to urban development and human settlement cities.</p> <p>Source: DHSUD Official</p>
1991	Local Government Code (Republic Act No. 7061)	<p>This policy recognizes the local autonomy of the Local Government Units to enable them to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national goals.</p> <p>LGUs are likewise enjoined to recognize the role of People's Organizations and Non-Governmental Organizations in their jurisdiction to become active partners in the pursuit of local autonomy.</p> <p>Lastly, LGUs are ordered to create local special bodies in their jurisdictions such as but not limited to local development council, local health board, local school board and the likes.</p>	<p>LGUs can do anything for the general welfare of their constituents. In 2018, a National Urban Development Housing Framework was developed to guide local government units in drawing up their plans for housing and urban development within their localities. The Comprehensive Land Use Plan (CLUP) and Local Shelter Plans (LSP) also provide a "roadmap" for LGUs in addressing the formal and non-formal sector housing requirements.</p> <p>Source: DHSUD Official</p>	<p>People's organizations and NGOs are given space to participate in local governance. For example, SALIGAN sits in the Local Housing Board of Quezon City and the People's Council in Naga City, an urban center in the province of Camarines Sur.</p> <p>In Manila, KABALIKAT has representatives in local special bodies. It also participates in community-based disaster risk reduction management activities of the city. It takes part in the Barangay Bottom-Up Budgeting Committee, Baseco Inter-Agency Network - Housing Committee, and Barangay Disaster Risk Reduction Committee.</p> <p>In Quezon City, SAMA-SAMA is given 50% voting rights in the National Government Center Housing Committee (NGCHC) and actively engages the barangay council. Women have been active leaders of SAMA-SAMA.</p> <p>ULAP in Manila has leaders elected as urban poor representative in the city's Local Housing Board. In some barangays, ULAP's leaders serve as council member or are designated as point-persons for the Violence Against Women Desk, the Children Protection Committee, Disaster Risk Reduction Committee, and Local Youth Development Committee. Some of them took part in the Local Poverty Reduction Action Team (LPRAT) at the city level.</p> <p>Source: SALIGAN, KABALIKAT, SAMA-SAMA, and ULAP</p>



Year	Name of Legislation	Aim	Example of Concrete Benefits	Effect on Citizens
1992	Urban Development and Housing Act of 1992 (UDHA or Republic Act No. 7279)	<p>It aims to uplift the conditions of the underprivileged and homeless citizens in urban areas and in resettlement areas by making available to them decent housing at affordable cost, basic services, and employment opportunities.</p> <p>It provides for the rational use and development of urban land to reduce urban dysfunctions, particularly those that adversely affect public health, safety, and ecology.</p> <p>It provides for an equitable land tenure system that shall guarantee security of tenure to Program beneficiaries but shall respect the rights of small property owners and ensure the payment of just compensation.</p> <p>It protects the urban poor from forcible demolition and evictions without adequate consultation and due process.</p> <p>It encourages more effective people's participation in the urban development process and improvement of the capability of local government units in undertaking urban development and housing programs and projects.</p>	<p>UDHA enabled the poor to prevent unjust eviction right away. With partners in civil society, organized communities were able to discuss issues and negotiate with government. People are not just relocated or evicted without any discussion. The law has served as a deterrent to unlawful eviction. When people dialogue, they cite the law. Government must listen because the law tells them what must be done. The law is not perfect, but it is helpful.</p> <p>Source: UPA</p>	<p>Prior to 1992, there was no law protecting the urban poor against summary eviction and demolitions.</p> <p>Source: SALIGAN</p>
1994	Comprehensive and Integrated Shelter Finance Act (CISFA) of 1994 (Republic Act No. 7835)	<p>It was passed to make available funds for the socialized housing programs of the different housing agencies. A total of Php38 billion (US\$760 million) over a five-year period was allocated for this purpose by the government, with the Community Mortgage Program receiving the biggest share of Php12.8 billion (US\$256 million), or almost 34% of the funds. Much of this amount came from pension funds such as the Social Security System</p> <p>MUNICIPAL OBLIGATIONS / GUARANTEES Government Service Insurance System, and the Home Development and Mutual Fund or Pag-IBIG Fund.</p> <p>Source: ombudsman.gov.ph</p>	<p>Bistekville is a city-led housing program in Quezon City supported by government (specifically the Social Housing Finance Corporation, NHA, PAG-IBIG) and other private entities in some projects. There are residents who accessed loans from PAG-IBIG to be able to qualify for the program. To accommodate more ISFs without stable sources of income and are not members of PAG-IBIG, the city government increased units allotted for rental housing. Families can rent until they can afford to secure a unit. Rent-to-own is also an option.</p> <p>Source: QC LGU</p>	<p>"I feel happy when I learn that one community of informal settlers have been provided housing loan under the Community Mortgage Program."</p> <p>Source: SAMA-SAMA</p>

## Municipal Obligations / Guarantees

### Themes illustrated: enhanced political participation, local citizenship

Both Manila and Quezon City have established Local Housing Boards which consisting of CSO and Government representatives that will serve as a platform for consultation and discussion on issues pertinent to urban poor priorities. Quezon City has enacted Anti-Sexual Harassment in Public Spaces advocated by a coalition grassroots woman as well as a gender fair ordinance which prohibits anti-discrimination based on sexual orientation i.e. LGBT/SOGIE

Manila passed ordinance for vulnerable groups providing monthly allowance and access to PWD and senior citizens in partnership with fast food establishments.

#### Manila

##### Ordinance No. 8564<sup>26</sup>

Date enacted: July 22, 2019  
Implementation date: January 2020  
Benefit: P500 monthly allowance from the local government  
Beneficiaries: Public school grade 12 students in "good standing"

##### Ordinance No. 8565<sup>27</sup>

Date enacted: July 22, 2019  
Implementation date: January 2020  
Benefit: P500 monthly allowance from the local government  
Beneficiaries: Manila senior citizens, PWDs, and single parents

##### Ordinance No. 8568

Date enacted: July 29, 2019  
Implementation date: January 2020  
Benefit: P1,000 monthly allowance from the local government  
Beneficiaries: Universidad de Manila and Pamantasan ng Lungsod ng Maynila students "in good standing"

##### Memorandum of Agreement with Jollibee, Chowking, Mang Inasal, and Greenwich

Date signed: August 23, 2019  
Benefit: Contractual employment of at least 2 senior citizens and 1 PWD for each fast-food restaurant chair<sup>33</sup>

##### Ordinance No. 8730<sup>28</sup>

Date-March 22,2021  
To progressively promote the right of Manilenos to an adequate and dignified standard of living including access to decent and affordable housing, having in mind the general welfare and sustainability of housing projects and partnership to its stakeholders."

#### Quezon City

**Ordinance No. SP-2771** provides for the Quezon City Comprehensive Socialized Housing Code of 2018

- A special account for urban development and socialized housing fund created exclusively for the execution of urban development and socialized housing projects<sup>29</sup>

**City Council Ordinance No. SP-1111**, Quezon City Local Housing Board (March 22, 2002) Convened 2011

- Mandated to formulate, develop and ensure the implementation of policies in the provision for housing and resettlement areas /clearing house for demolition<sup>30</sup>

##### Ordinance No. SP 2501

- Enacted February 2016. An Ordinance Amending Ordinance No. SP-1401,
- An Ordinance Providing For a City Gender and Development Code and For Other Purposes, "To Harmonize With The Provisions Of Republic Act No. 9710, Otherwise Known As "The Magna Carta of Women And To Adopt UN Women's Safe Cities and Safe Public Spaces Initiative. (i.e. prosecution vs offenders committing sexual harassment in public spaces)<sup>31</sup>

Gender-Fair Ordinance Ordinance No. 2357 was authored by Councilor Mayen Juico and passed on November 28, 2014 by then-mayor Herbert Bautista<sup>32</sup>

The ordinance prohibits discrimination against LGBTQ+ members in their workplace and educational institutions and in the delivery of goods and services and accommodation.

<sup>26</sup> <https://www.rappler.com>

<sup>27</sup> Same as above

<sup>28</sup> <https://manila.gov.ph/2021/03/news-alert-manila-signs-ordinance-to-boost-housing-projects-amid-pandemic/>

<sup>29</sup> An Ordinance Providing for the Quezon City Comprehensive Socialized Housing Code sp-2771,s-2018-1-Quezon City Council, <http://quezoncitycouncil.ph>

<sup>30</sup> Ordinance Creating Quezon City Local Housing Board, <http://quezoncitycouncil.ph>

<sup>31</sup> Entitled an Ordinance Providing for a Gender and Development Code to harmonize Republic . Act with Magna Carta of Women and to adopt UN Safe Cities and Safe Public Spaces Initiative, <http://quezoncitycouncil.ph>

<sup>32</sup> Gender Fair Ordinance-Quezon City Council, <http://quezoncitycouncil.ph>

**Table on Mechanism of Enforcement**

Mechanisms for Implementation, Enforcement, Example Policies	Rights Claiming By Communities
<p><b>1. Memorandum Order No. 74, s. 2002: Directing the Housing and Urban Development Coordinating Council (HUDCC) to Formulate and Adopt Certain Guidelines and Implement Post-Proclamation Activities in the Areas Proclaimed as Socialized Housing Sites</b></p> <p>This policy directed the HUDCC to fast-track the implementation of the Proclaimed sites for Socialized Housing by formulating and adopting a certain guideline to implement the post-proclaimed sites. In addition, to fast-track the implementation, it directed the HUDCC to confer with the Local Government Unit (LGU) within fifteen (15) days from the issuance of the Presidential Proclamation for the purpose of facilitating and expediting the post proclamation activities.</p> <p>It provides avenue also for the People's Organizations, Non-Governmental Organizations and Private sectors to have a maximum participation in the planning and development of their housing community in order to demonstrate a new and effective alternative method of implementing a social housing project within a proclaimed area. Lastly, it enjoined the DENR, NHA, PCUP and NAPC to provide the necessary assistance in facilitating and implementing the activities in the proclaimed site.</p>	<p>In the National Government Center (NGC) in Quezon City, the policy provided avenues for the people's organization SAMA-SAMA to:</p> <ul style="list-style-type: none"> <li>• secure 248 hectares of the east side of the property, which was declared by the administration of Corazon Aquino (through Presidential Proclamation No. 137) as a socialized housing site;</li> <li>• be given 50% voting rights, through another memorandum, in the committee that decides the housing development in the area;</li> <li>• insist on their rejection of the proposed vertical housing project and pursue onsite upgrading, reblocking, and individual detached units</li> <li>• secured approval of their subdivision plan; and</li> <li>• negotiate on the amortization policies</li> </ul> <p>Source: Interview with Leaders of SAMA-SAMA</p>
<p><b>2. Executive Order No. 152 s. 2002: Designating the Presidential Commission For The Urban Poor (PCUP) as the Sole Clearing House for the Conduct of Demolition and Eviction Activities Involving the Homeless and Underprivileged Citizens and Establishing for the Purpose a Mechanism to Ensure Strict Compliance with the Requirements of Just and Humane Demolition and Eviction Under the Urban Development And Housing Act of 1992, and for other Purposes.</b></p> <p>Note: This was amended by Executive Order 708 series of 2008 – The clearing House functions by PCUP was devolved to Local Government Units through their Local Housing Board. However, certain functions as regards to monitoring of demolition and eviction in violation to section 28 of RA 7279 remains to PCUP, especially point number 4 to 11 of Section 1 of this Order</p> <p>This policy designated the Presidential Commission for the Urban Poor (PCUP) as the sole clearing house for the conduct of demolition and eviction activities involving the homeless and underprivileged citizens pursuant to Section 28 of RA 7279.</p>	<p>In Manila, KABALIKAT and ULAP engaged with the PCUP to resist eviction of families, demolition of their communities, and relocation to distant resettlement projects of government. The people's organizations urged the PCUP to side with the people during negotiations with the city government and other national government agencies such as the Metropolitan Manila Development Authority (MMDA), which was resolute in clearing waterways of structures of informal settler families.</p> <p>PCUP is expected to intervene to keep threats of demolitions at bay until an acceptable solution to improve the housing situation of informal settlers is decided on (e.g., onsite development and in-city low-rise housing). It coordinates with the members of the local inter-agency body that decides on eviction and demolition and arranges "pre-demolition conferences" with agencies such as the National Housing Authority (NHA) where options, including entitlements and compensations for affected families, are discussed.</p> <p>Source: Interview with Leaders of KABALIKAT and ULAP</p> <p>The establishment of PCUP helped decrease the number of demolitions. Planned demolitions were either delayed or completely stopped. It also resulted in increase in fund under the Congress' General Annual Appropriation (GAA) which enabled PCUP to promote, advocate, and implement its mandate as "clearing house" for demolitions in compliance with Urban Development and Housing Act of 1992. The "clearing house" function of the PCUP, however, has been transferred to the local government units, particularly to the Local Housing Board, the Department of the Interior and Local Government (DILG), with concurrence of the PCUP, pre-demolition conferences were required before the conduct of any demolition.</p> <p>Source: Hernani Panganiban, Former PCUP Chairman</p>

### 3. Joint Memorandum Circular for 50 billion or Alternative Housing Proposal Fund Policy Guidelines on the Operationalization and Utilization of the P50 Billion Housing Fund for ISFs in Danger Areas of the National Capital Region, 2013

In 2013, the government issued a Joint Memorandum Circular and signed by the secretaries or heads of DILG, DSWD, DBM, DOF, DPWH, DENR, HUDCC, CHR, PCUP, NAPC, MMDA, DPWH, NHA and SHFC. The Policy Guidelines will guide all the stakeholders in the operationalization and utilization of the P50 Billion Housing Fund for the ISFs in danger Areas of the National Capital Region.

The circular explicitly stated the term People's Plan. According to the definition of terms of JMC, "People's Plan is formed by People's Organizations, with or without the support of NGOs or NGAs, and refers to a community development plan, having undergone a process of consultation with and endorsement by the beneficiaries, which contains a site development plan and may include non-physical development such as livelihood, self-help development, and capacity building, trainings among others"

For ULAP, a people's organization in Manila, the policy allowed them to resist eviction and distant relocation. It gave them the chance to strengthen the organization:

- establishment of a homeowners' association (HOA)
- accreditation with the city government of Manila
- conduct of land research to look for properties that can be proposed to government for expropriation and to be used for in-city housing
- development of a "people's plan"
- engagement in negotiations with stakeholders such as the Department of Budget and Management (for funds), Government Services Insurance System (landowner), Social Housing Finance Corporation (for housing finance), and Presidential Commission for Urban Poor
- working with NGOs such as Community Organizers Multiversity (partner for organizing /advocacy), Foundation for Development of Urban Poor (for finance/technical support assistance), and TAO Pilpinas (for housing design)
- conduct of regular meetings (officers and members)
- participation in lobbying and advocacy activities

Eventually, the DBM allotted ₱230 million for the housing project of ULAP. This money, however, came not from the ₱50 billion fund but from the DPWH. GSIS then approved the sale of its property at discounted price. SHFC, as the fund holder, released the payment to GSIS in December 2019. Funds were also secured for site development and licenses and permits for this set of activities are being obtained from the city government. While the housing project is being constructed, the families are staying at a "staging area" in Manila.

Source: Interview with Leaders of ULAP

Another people's organization in Manila, KABALIKAT, managed to access ₱36 million from the ISF Fund for onsite upgrading. KABALIKAT is in Baseco, a reclaimed community, and has a housing project called Dubai Housing. For its counterpart, KABALIKAT raised ₱0.9 million for its programs and projects for its members, including assistance during emergency situations. (Note: There are other housing projects supported by NGOs such as Habitat for Humanity and Caritas Manila.) KABALIKAT's main advocacy is for onsite upgrading of the communities in Baseco, awarding of lots to families, and developing a plan to reorganize the structures so that these follow building standards.

Source: Interview with Leaders of Kabalikat

## Claiming by Right Holders/ Non-Right Holders

### Policies vis-à-vis Rights and Non-state Holders

Period	Key Events/National Policies	Right Holders	Non-State Holders
1986-1996	<ul style="list-style-type: none"> <li>People's Power/ Removal of Dictatorship/ Restoration of Democracy</li> </ul> <p>Proclamation 137 *</p> <ul style="list-style-type: none"> <li>Establishment of Presidential Commission of Urban Poor (PCUP) Proclamations for Social Housing/</li> <li>Passage of UDHA (1992), Repeal of Presidential Decree 772 which criminalized squatting, Passage of Local Government Code</li> </ul>	<p>SAMA-SAMA</p> <ul style="list-style-type: none"> <li>"The organization participated in the protest to remove Marcos during EDSA Revolution. The members were positioned at the ABS-CBN national broadcasting station, threatened by hostile military forces."</li> <li>"After snap election, the NGC community marched from Rotonda-España Avenue to Don Bosco to hold a rally to insist on the promise of NGC Proclamation by Pres. Corazon Aquino."</li> <li>"SAMA-SAMA marched to the Batasang Pambansa (House of Representatives) to advocate for the early proclamation and implementation of NGC Socialized Housing Program."</li> <li>"We participated in a Senate rally to support the UDHA 7279."</li> </ul>	<p>UPA</p> <ul style="list-style-type: none"> <li>"The Catholic Church is influential in the Philippines. If you have the support of the Church, especially the hierarchy, then half of the problem is solved."</li> <li>"We organize everyone to understand the issues of the poor, so you need a lot of organizing not just the urban poor people but from the other sectors: the academe, the business, the Church, etc. But the Church is really the strongest support that we had ever since we started organizing."</li> <li>"In a democracy, protest is the only solution that can change everything. Without that, without the strong people's organization that is ready to protest to demand what is really entitled to them and to demand that this is what the government should do, nothing is going to happen."</li> </ul> <p>SALIGAN</p> <ul style="list-style-type: none"> <li>"From the realization—why don't we train workers to be empowered themselves, to access justice, and to go through legal procedures—we began the paralegal formation program."</li> <li>"Immediately, the engagement with urban poor and advocacy for the implementation of UDHA was pursued to protect them from summary eviction and demolitions."</li> <li>"There are Local Housing Boards like in Quezon City and also People's Council in Naga City. These mechanisms advance citizens' priorities."</li> </ul> <p>PETA</p> <ul style="list-style-type: none"> <li>"For PETA, the issues of the urban poor, the informal settlers are important because PETA has always taken the position of those who are in difficult situations, those who are less privileged. We have always sided with them."</li> <li>"We have always wanted to become the voice of the voiceless. Through the arts, we bring the stories of the voiceless upfront so that the people will know what is happening and understand the characters in the story of the underprivileged."</li> </ul> <p>ICSI</p> <ul style="list-style-type: none"> <li>"The 1987 Constitution contains social justice provisions mandating the state to establish an urban land reform law to be</li> </ul>

Period	Key Events/National Policies	Right Holders	Non-State Holders
			<p>legislated. People's movement which included us in ICSI joined the advocacy for this law."</p> <ul style="list-style-type: none"> <li>"Cardinal Sin led the Catholic Church in pushing the Congress to pass the Urban Development and Housing Act in response to violent evictions occurring then."</li> <li>"After EDSA people's uprising of 1986, the urban poor movement was quite strong. The spectrum of political groups consolidated and succeeded in establishing the Presidential Commission on Urban Poor, one of first mechanisms of post-martial law to protect urban poor sector."</li> <li>"Various policies to implement the UDHA were contributions from the national coalitions/networks of urban poor communities and NGOs and the Church with allies in post-martial law government."</li> </ul>
1997-2007	<p>Proclamation for NGC West and NGC East for 30,000 bonafide occupants</p> <p>Baseco was proclaimed as socialized housing site in 2002</p>	<p>KABALIKAT</p> <p>KABALIKAT mobilized its more than 1,000 members at a land awarding ceremony attended by then President Gloria Macapagal-Arroyo. The demand was to include renters in the housing project for Baseco residents. The leaders sent volumes of letters to the president, reached out to religious figures, made their issues known to international civil society groups, and talked to the Philippine Reclamation Authority (PRA). Every day, KABALIKAT would send around 200 people to hold camp in front of the Palace and held a marathon of dialogues with various agencies until the PRA decided to halt its project that would displace families. This success was not only for the organization but for the whole community. Water supply was installed, houses were connected to power sources. The city government built a school, multipurpose buildings, roads, a huge playground, etc. The biggest success is the land proclamation.</p> <p>After these successes, the organization continues to train its leaders (leadership, gender sensitivity, anti-violence against women and children, lobbying).</p> <p>ULAP</p> <p>With CO Multiversity, ULAP's member-organizations were able to resist eviction and demolition of their communities. They engaged the NHA and MMDA. Hundreds of people were gathered in mobilizations.</p> <p>For those with 'people's plan', the organizations were assisted in holding meetings and community consultations, establishing their group savings, conducting land research, developing livelihood projects, and negotiating with government to stop demolitions.</p>	<p>Fr. Joel Tabora ,SJ, Parish priest of Kristong Hari Parish was strong advocate in cooperation with Bishops -Business Conference (BBC)</p>
2007-2017	<ul style="list-style-type: none"> <li>Series of disasters: Tropical Storm Ondoy (Ketsana) in 2009 in Metro Manila and Typhoon Yolanda (Haiyan) in 2013 in Tacloban City and provinces Central</li> </ul>	<p>ULAP</p> <p>Advocacy on:</p> <ul style="list-style-type: none"> <li>stopping demolition</li> </ul>	<p>KABALIKAT-BASECO</p> <p>Key NGOs and institutions that supported the people's organization:</p> <ul style="list-style-type: none"> <li>Urban Poor Associates</li> </ul>

Period	Key Events/National Policies	Right Holders	Non-State Holders
	<p>Visayas</p> <ul style="list-style-type: none"> <li>Eviction threats arising from the national order to relocate 100,000 families along waterways and high-risk areas</li> <li>Urban Poor Covenant with President Benigno Aquino III which led to the establishment of the ISF Housing Fund, Bottom-Up Budgeting Approach, etc.</li> <li>Advocacy for social protection for poor families which led to the implementation of the Conditional Cash Transfer Program (also known as Pantawid)</li> </ul>	<ul style="list-style-type: none"> <li>accessing funds for projects through the bottom-up budgeting process</li> <li>passage of an ordinance in Manila such as the establishment of local housing board and clearing of three-meter easement</li> <li>pushing for their people's plan (funds from DBM, land acquisition)</li> <li>access to legal connection of water and electricity</li> <li>installation of public toilets</li> <li>formation of youth organization</li> <li>representation in the Local Housing Board, LPRAT</li> </ul> <p>Samahan ng mga Pantawid 4Ps (SNP)</p> <ul style="list-style-type: none"> <li>DSWD trained members on lobbying and supported mobilizations to Senate. These helped in pushing for the passage of Republic Act No. 1130 that institutionalized the Pantawid program.</li> </ul>	<ul style="list-style-type: none"> <li>PHILSSA (national NGO network)</li> <li>Baseco Inter-Agency Network</li> <li>Barangay LGU</li> <li>Manila Social Welfare and Development</li> <li>World Vision</li> <li>Lingap Pangkabataan</li> <li>Mercy Relief</li> <li>Kaya Natin</li> </ul> <p>SALIGAN</p> <p>There are Local Housing Boards like in Quezon City and also People's Council in Naga City that advance citizens' priorities.</p> <p>UPA</p> <p>In Tacloban, UPA, together with influential figures from the Catholic church, was able to mobilize 7,000 people to demand immediate action and services from the city government. Support was also received from many NGOs and academe.</p> <p>QC LGU</p> <p>Urban poor associations have been actively influencing city resolutions and implementing rules.</p> <p>DHSUD</p> <p>Private sector and NGOs are important stakeholders.</p>
2018 – Present	<p>Implementation of the ₱50 Billion In-city Resettlement Fund for Informal Settlements Along Waterways</p>	<p>Samahan ng mga Pantawid 4Ps (SNP)</p> <p>Four years of advocacy resulted in the passage in October 2018 of Republic Act No. 1130 which allocates annual appropriation for the Conditional Cash Transfer Program.</p> <p>ULAP</p> <p>The organization continues advocacy for the construction of low-rise residential buildings for 300 families based on their "people's plan". It was able to access livelihood enterprise fund from the Office of the Vice President.</p>	<p>POs and NGOs</p> <ul style="list-style-type: none"> <li>ULAP Manila</li> <li>CO Multiversity</li> <li>TAO-PILIPINAS</li> <li>Foundation for Development of Urban Poor (FDUP)</li> <li>Kabalikat-Baseco</li> <li>Urban Poor Associates</li> <li>Institute on Church and Social Issues (ICSI)</li> </ul>



## Grassroots Women in Manila and Quezon City Experiences

### Themes illustrated: autonomy, democratic participation

Grassroots women leaders shared their roles in local community mobilizations, leadership and organizational tasks, resistance to demolitions, creating alternatives for in-city resettlement or People's Plan or onsite upgrading through Presidential Proclamations. These were organizations in Manila and Quezon City.

National women's coalition succeeded in lobbying Congress to provide Conditional Cash Transfer under the General Appropriations Act. The CCT program would provide cash assistance to poor families with infants and schooling children. The National women's coalition of Dampa or Solidarity of Federations of the Poor with local QC chapter succeeded in advocating for a city ordinance prohibiting sexual harassment in public spaces to protect children, girls, women.

Components Of Right To City Ensuring Gender Equality/Women Empowerment (Women Right To City Manifesto/GPR2C)	Experiences Of Grassroots Women Leaders		
	ULAP (Manila)	KABALIKAT (Manila)	SAMA-SAMA (Quezon City)
A city that guarantees parity in women's full and effective political participation and equal opportunities for leadership at all decision-making levels in the political, social, cultural, economic, and public dimensions of life, while strengthening women's voices and creating spaces and resources for their agendas.	<ul style="list-style-type: none"> <li>Loida Cillo: "Community members changed their outlook about me because I assumed the task of undertaking census in the community. I approached each of them to explain the importance of doing the survey for our plan for in-city housing. I earned the respect of our community because I was also able to speak with high officials like those at the Pasig River Rehabilitation Council (PRRC). Community members also commend my perseverance to be able to send my children to school and finish their studies and get a stable job."</li> <li>Corazon Diego: "After my children finished their studies, I faced the challenge of demolition. As a leader, I asserted our cause and agenda for our community, engaged with government, and explained during community assemblies the process and results of our negotiations with agencies."</li> <li>Anita Dayson: "I served as president of our community."</li> </ul>	<ul style="list-style-type: none"> <li>"I got recognized while undertaking census."</li> <li>"I participated in various negotiations and advocacy with government agencies and local village council to secure the proclamation for Baseco and ensure onsite social housing."</li> <li>"I helped with local community efforts like feeding program, relief operations, cleanup drive, and other volunteer work."</li> <li>"As a woman leader, I got to participate in and learned a lot from seminars and training activities. These were efforts to support our local organization, specifically in setting up a livelihood committee which I now oversee."</li> <li>"I am a 'parent leader' for the Conditional Cash Transfer (Pantawid) Program. I am now overseeing our organization's environment committee."</li> </ul>	<ul style="list-style-type: none"> <li>Estelita: "As a community leader, I took part in land research and facilitated meetings."</li> </ul>

	<ul style="list-style-type: none"> <li>• Clair Fajardo: "After my capacity got acknowledged to lead our community, I got trained as a 'second liner' to become an active full-time leader."</li> <li>• Genesis Cortez: "Because I was active and contributed valuable effort, I got recognized. I continue being active in our organization. Being an LGBT, I am often subjected to discrimination. Nevertheless, I continued exercising my responsibilities as a community leader and ensuring success in undertaking projects."</li> </ul>		
<p>A city that guarantees access to adequate housing, security of tenure, ownership of property for women, heritage rights, access to drinking water, sanitation and hygiene, in particular for women who have sole parental and household responsibility.</p>	<ul style="list-style-type: none"> <li>• Loida Cillo: "We ourselves designed our housing project plan. We spoke with—even debated—government officials about our housing issues. We facilitated meetings to plan how to stop demolitions. We looked for properties and negotiated with the landowner. Women drew up the list of beneficiaries in our 'people's plan'."</li> <li>• Clair Fajardo: "We joined cultural actions to advocate our housing rights. We keep pushing for our people's plan and took advantage of available avenues such as the National Housing Summit. We also took part in dialogues tackling amendments to the UDHA."</li> <li>• Genesis Cortez: "We participated in negotiations with government agencies; developed our people's plan for an in-city housing."</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• "As a leader, I led community actions to promote our right to secure shelter."</li> <li>• "We advocated our people's plan for our community social housing."</li> <li>• "We joined community actions to demand basic services such as clean water, power connection, livelihood, health, and education."</li> <li>• "We have programs that support education for health rights and services for women (maternal and reproductive rights)."</li> </ul>	

## **Experiences of Coalition Women Led Succeeded in Advocating National and Local Legislations**

### ***Samahan ng mga Nanay ng mga 4Ps- Mothers for Conditional Cash Transfer (4PS)***

Based on a structured group interview of an all women organization , national six coalition women leaders based in Metro Manila and cities in Bulacan and Batangas (Located close to Metro Manila) advocated for the Republic Act 1130 proposed by Senator Leila de Lima providing for lowest income families to receive financial support for children up to secondary school maximum of three children whose attendance will be regularly checked , regular health check up of mothers /infants , and mothers as recipients of money .These are conditions of this cash allowance.

Six leaders are not familiar with the terms “Right to the City”. One common belief of the six leaders is their acknowledgment of their citizenship in the country for having freedom and right to advocate law that will address their needs as lowest income families.Except for one, outside of Metro Manila the five have no secure tenure in their current occupied land/shelter and experienced threat of eviction . One leader expressed desire for an onsite resettlement . One expressed that their city mayor is working to implement the regularization of their land /house tenure.

Department and Social Welfare and Development former Secretary Soliman with other NGOs , accountability of government institutions, facilitated the support for SNPP leaders ‘ capacity building about process of how legislations become laws of the country .After four years, Republic Act 1130 mandating the establishment of General Annual Appropriation(GAA) Conditional Cash Transfer for Lowest Households.

### **DAMPA -Solidarity of the Federation of the Poor**

A group interview of three leaders who led the campaign for a Quezon City Ordinance for Safe Cities , Prohibiting Sexual Harassment in Open/ Public Spaces .The three grassroots women leaders have experienced threats or

actual demolitions which they resisted, served as village council leaders and led their local organizations. One senior leader has served to represent urban poor sector in PHilippine Cmmission on Women and the National Disaster Risk Reduction Management Council as well as in UN Women Advisory. One is a member of a successful Community Mortgage Program recipient in the 90s and community has acquired title to their land/ improved their homes and settlement. The second leader resisted eviction through community action at the National Housing Authority .

Third is organizing engaged with local goverment to regularise their land tenure. DAMPA in partnership with UN Women and Quezon City Local Government undertook community mapping of risky areas for women and girls subjected to sexual harassment. Community awareness raising through trainings, capacity building through theater presentations ,conductt of communit walks, surveys, focus group discussions, case studies and researches sharing .Various sectors, seniors, youth, CSO networks, and local organizations includiing local village councils(Barangay) in their local Quezon City communities , Payatas and Bagong Silangan were mobilized, local members of DAMPA.

Quezon City Ordinance was entitled Ordinance SP2501,enacted February 2016,an Ordinance Providing For a City Gender and Development Code and For Other Purposes, “To Harmonize With The Provisions Of Republic Act No. 9710, Otherwise Known As “The Magna Carta of Women And To Adopt UN Women’s Safe Cities and Safe Public Spaces Initiative. (i.e. prosecution vs offenders committing sexual harassment in public spaces

## Violations, Remedy and Legal Administrative Intervention

State Policy	Background and Violation	Legal Remedy / Administrative Intervention
<p>Philippines enacted Republic Act 7279 or the Urban Development and Housing Act (UDHA) in 1992 aimed to uplift the condition of the underprivileged and extend access to them at and with basic services and employment opportunities. UDHA operationalizes the just and humane relocation procedure, including Adequate Consultation.</p> <p>Section 28 of UDHA stipulated the just and humane procedure, while Section 21 and 22 stipulated the rights of the affected families to basic social services, livelihood, and employment opportunity.</p>	<p><b>Case Study 1:</b> <b>Community Organizing – Community Development Program of Presidential Commission for the Urban Poor (PCUP) in ten (10) Resettlement Sites of the OPLAN LIKAS</b></p> <p>In 2011, the Government launched its relocation program to transfer Informal Settler Families (ISFs) living along waterways in the National Capital Region to the suburbs of Bulacan, Cavite, and Rizal (Department of the Interior and the Local Government (DILG), 2011).</p> <p>In 2015, the Presidential Commission for the Urban Poor (PCUP) conducted research and found out that the relocation sites lack livelihood and employment opportunities and the inadequacy of basic services such as water, power, access to health, and children's education. (Navarra &amp; Ranque, 2015).</p> <p><b>The situation of the resettled families is contrary and violated Section 21 and 22 and Section 28 of the Urban Development and Housing Act (UDHA) of 1992.</b></p>	<p>The PCUP launched its Community Organizing – Community Development (CO-CD) Program in Ten (10) resettlement sites in Bulacan, Cavite, and Rizal. The program aims to address the inadequate access to basic services and lack of livelihood and employment opportunities of the resettled families (Presidential Commission for the Urban Poor (PCUP), 2017).</p> <p>The PCUP and the resettled families won for 1.8 Billion Peso fund to address gaps in the resettlement sites. (Presidential Commission for the Urban Poor (PCUP), 2017).</p>
<p>Same as UPDHA 7279 Objective/provisions /Please see above</p>	<p><b>Case Study 2:</b> <b>The Case of Radial -10 Informal Settler Families</b></p> <p>In 2016, the Department of Public Works and Highways (DPWH) began the road widening of Radial Road -10 (R-10) in Navotas City. To pave the way for the construction of the infrastructure project, the DPWH conducted forcible demolition and eviction, and the families were left homeless without assistance, neither housing nor financial (Presidential Commission for the Urban Poor (PCUP), 2017).</p> <p><b>In this case, the violation is clear that the families affected by the infrastructure project based on Section 21, 22 and 28 of UDHA shall have adequate consultation and adequate relocation or financial assistance at the decision of the affected families. Further, the Financial Assistance is not in place of the housing assistance.</b></p>	<p>The affected families who were left homeless conducted a month-long picket in front of the DPWH Main Office. With the pressure from the people, other government agencies such as PCUP, CHR and NAPC, and media, the DPWH were forced to heed the families' call to provide them financial assistance (Presidential Commission for the Urban Poor (PCUP), 2017).</p> <p>In August 2017, the NHA downloaded the sum of Php 3,638,580 to the PCUP. (Presidential Commission for the Urban Poor (PCUP), 2017).</p>
<p>Same as UPDHA 7279 Objective/provisions /Please see above</p>	<p><b>Case Study 3:</b> <b>The case of Pook Manatili Neighborhood Association Inc at Pook Manatili, Brgy. San Vicente, Quezon City</b></p> <p>On May 6, 2021, the Department of Public Works and Highways, together with Brgy. Chairman of Brgy. San Vicente, Quezon City, was about to implement a Road Rehabilitation Project, including a Fencing Project at Pook Manatili, Brgy. San Vicente, Quezon City (Presidential Commission for the Urban Poor (PCUP), 2021).</p>	<p>The affected families who were left homeless conducted a month-long picket in front of the DPWH Main Office. With the pressure from the people, other government agencies such as PCUP, CHR and NAPC, and media, the DPWH were forced to heed the families' call to provide them financial assistance (Presidential Commission for the Urban Poor (PCUP), 2017).</p>

The residents claimed that the project has inadequate consultation. Residents set up a human barricade to resist the implementation of the project. Quezon City Police District (QCPD) dispersed the human barricade to pave the way for implementing the fencing project. DUrign a commotion .One Urban Poor leader was arrested (Presidential Commission for the Urban Poor (PCUP), 2021).

**The implementation of the project violated Section 28 of the Republic Act 7279, which requires Adequate Consultation and Adequate Relocation before implementing the project. (Presidential Commission for the Urban Poor (PCUP), 2021).**

In August 2017, the NHA downloaded the sum of Php 3,638,580 to the PCUP. (Presidential Commission for the Urban Poor (PCUP), 2017).

## Takeaways

**1.** The setting of the Philippine investigation starts from massive evictions under a repressive martial law regime beginning in September 1972 that culminated in a People's Power Uprising in 1986. This non-violent overthrow of the dictator Marcos ultimately restored liberal democracy under the 1987 Constitution.

Zone One Tondo Organization (ZOTO) is a symbol challenging a brutal dictatorship by insisting on living where they have established their neighborhoods. Manila, Quezon City and other cities in Metro Manila have a long tradition of mass mobilizations for local and national issues. ZOTO and other organized informal settlers who resisted during martial law won in-city upgrading but also greatly suffered arrest, detention and torture under Marcos.

Marcos issued a Presidential Decree 772 that criminalized squatting, putting tens of thousands of urban poor settlers in fear of arrest and eviction. Sustained campaigns for international solidarity behind this issue led to the condemnation by the UN ECOSOC. In the late 90s of continuing violent evictions and distant relocations. The UDHA 7279 was enacted in 1992 to counter PD 772, almost twenty years after its repeal.

**2.** CSOS cite role of grassroots women, in past decades, have vibrant resistance and creative ways to secure their space in the urban areas. For the last 45 years, urban history has been highlighted by evictions that were diligently resisted by the women who created solidarity mobilizations from adjacent neighborhoods. However, women's interests and priorities contained in Legislation and policies, but vigorously implementation needs to be addressed by cities' authorities and urban movements.

**3.** The Community Mortgage Program, spearheaded by NGOs and government allies, enabling settlers to secure land tenure/shelter is considered the most responsive social housing program with 100 local LGU partners providing financial support and technical requirements. Still, its scale

is insufficient to address the humongous housing backlog nationwide.

**4.** Presidential Proclamations have granted more than 1,000 hectares and benefitted land tenure security in city resettlement at least 100,000 informal settler families bona fide inhabitants in last 45 years. Numerous pending Proclamations demand mobilization and advocacy in order to address systemic, legal impediments coming from either politicians or commercial interests.

**5.** Ongoing advocacy of CSOs re Implementing Rules and Regulations (IRR) of RA1101 amending Urban Development and Housing Act Of 1992 for more CSO representation in policy and regulatory mechanisms, more transparent, accountability in project budgets of implementing mechanisms. Advocacy for Congress to pass National Land Use Act which provides protection on social, economic, environment land, water, and energy.

**6.** Filipino CSOs and the general public have consistently been vigilant about impending delays in elections as mandated by the 1987 Constitution. There have been equally rigorous efforts to resist any and all efforts to change the form of government, i.e. Charter Change; Federalism although said efforts at resistance have been greatly affected by the continued killings of the war on drugs as well as the passing of the Anti-Terror Law in addition to the control of mobility for all citizens during the pandemic.

**7.** Grassroots leaders with commitment to democratic, accountable, pro-poor interests have been elected in local elections in the village council or city council. A number are also designated in local special bodies to advance bottom up organizing/ decision-making and seeking accountability in policy implementation and budgeted.

## Advancing The Right to the City

**1.** Academics, scholars, researchers who promote and support long time urban poor agenda need to establish a core or team to develop strategic research support.

**2.** Advance and popularize sector innovations, accomplishments and creative, non-violent methods of claim to city by establishment social media platforms (you tube, channel) where young leaders can convey, promote and disseminate local knowledge and narratives about the need for housing and land tenure/meaningful urban solidarity

**3.** Maximize People's Participation/Networking/ Advocacy with Local/National/International Levels sharing CSO experiences. Victories in People's Participation based on key state legislations promoting the partnership of the state and all levels of government with citizens such as Local Housing Board and local special bodies focused on specific issues, such as disaster risk reduction, community climate change adaptation / resilience building, bottom-up budgeting, health, child protection, etc.

**4.** Strong tradition in resistance/organizing/critical engagement characterizing urban movement in number of cities. However, there is no clear strategy part of Urban Movement to Institutionalise Monitor Enforcement/ Regulatory Institutions. Urban movement must be part of development of regulatory system planning, evaluation, public consultation.

**5.** Round tables/fora with policy researchers are not connected with one another- debate and discussion, discourse do not exist. A handful of scholars who engage in strategic efforts with urban networks: localized dissemination of discourse, ideas to sharpen urban movement vision. Practice in various platforms of engagement will be enriched. Allies and policy makers should be engaged towards strategic advocacy and/or research for evidence policy/reform building.

**6.** While tradition in mobilization, advocacy,

negotiation and victories in legislations and citizenship participation, in general, CSO and urban grassroots movement need to the analysis of a city dominated by accumulation of capital/ ie land, infrastructure, services. Consensus needs to be deepened on principles of Right to City to broaden beyond housing/ secure tenure but advancement of urban space for citizens based on democratic governance, access to basic services, livelihood, sustainable perspective on basic resources like water, land, energy, and food. Sustainable Development Goals (SDG 2030 ) and New Urban Agenda agreed UN state members like Philippines must be popularized /localized as tools of advocacy and organizing for marginalized populations.

**7.** Consolidation of current generations activists/ leaders, advocates to review last 70s-present experiences with an introduction or sharing with basic ideas of Right to City based on key principles of Lefebvre. For instance: Democracy, People's Participation, Right to City. Local urban movement must refresh lessons of early urban movement round land, democratic rights in context of martial law/dictatorship. Its updated analysis must study Lefebvre's basic principles in foundations of Right to City in context of climate change, economy, local governance, and technology in context of pandemic .

**8.** Asian networks with long tradition of urban movements example Leaders and Organizers of Community Organizations in Asia undertake similar research of experiences/dialogues/exchanges vis a vis Global Platform for the Right to City that can advance the Right to City in Asia in respective cities and Asia region, also with other organizations such as Huairou Commission to ensure grassroots women priorities and participation are included.



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