

# Child Abandonment and Adoption in South Korea: A Post-Korean War and Present-Day Analysis

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When a family member is faced with making the tough decision of relinquishing their child due to circumstances within the household, the options available to them should be alternatives that place the child's health, safety, and well-being as the highest priorities. Options, such as adoption and the ability to anonymously drop off a child one is no longer able to care for at a "safe haven" location, should be available and encouraged to ensure the optimal welfare of the child, as opposed to abandonment in the streets or any other unsafe environment.

This paper will discuss the issues of child abandonment and adoption that have persisted for several decades in South Korea. It will detail the historical evolution of child abandonment in South Korea, a country that once served as the world's largest source of unwanted children, driven by poverty, governmental regulation, a culture of racial purity, homogeneity, family bloodlines, shame, and taboos against domestic adoption (South Korea Child Law Sees More Babies Abandoned, 2017, para. 4). This analysis will also review the state of child abandonment and adoption in the post-Korean War era, in comparison to present-day South Korean society. Furthermore, the consequences of the current tightly restricted adoption policies - that have reduced both international and domestic adoptions while increasing ongoing child abandonment cases, will be discussed. This paper concludes with recommendations on potential policy reforms with respect to the protections provided to parents and families wishing to relinquish a child they are unable to raise.

## **Policy Problem and Historical Context**

Child abandonment<sup>1</sup> and adoption in South Korea have had a troubled history. When the Korean War ended in 1953, bi-racial children, who were the product of foreign servicemen and Korean women, became known as, "waifs or dusts of the streets", because they were often abandoned and left to fend for themselves on the streets throughout the country (South Korea's Orphans Pity the Children, 2015, para. 2). Consequently, South Korea soon became one of

the largest sources of infants for international adoption, enabling thousands of foreign homes to take in abandoned children. In the 1950's alone, 11,000 South Korean babies were adopted

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<sup>1</sup> For the purpose and context of this paper, the term child abandonment refers to the desertion of a child by a parent to the extent that the child's welfare, health, and physical

safety needs are not adequately cared for or met. Adoption refers to the voluntary choice to take another parent's child as one's own.

by families in the United States. The outflow of adoptions from South Korea served as one of the largest exoduses of infants from one single country and continued long after the Korean War (South Korea's Orphans Pity the Children, 2015, para. 3). The total number of orphaned and abandoned children that South Korea has sent overseas into adoption is approximately 200,000 children, where three-quarters of those children were adopted by American families.

The incidence of child abandonment has been impacted by a number of factors including; an increase in unwanted children as well as government-imposed quotas limiting births and overseas adoptions. The South Korean government tailored its policy on child abandonment to prove that they can take care of their own children - by setting a limit on the number of overseas adoptions (South Korea's Orphans Pity the Children, 2015, para. 2). On the other hand, the government also enacted birth restrictions which characterized families with more than two children as unpatriotic (South Korea's Orphans Pity the Children, 2015, para. 4).

On August 4, 2011 the South Korean government amended its adoption laws and enacted the South Korea's Special Adoption Act. This adoption law had two purposes; first, the Act incorporates The Hague Convention's recommendation, which focuses on keeping children with their birth families, and second; the Act seeks to reduce the number of foreign adoptions and to promote domestic adoptions (Kim, 2015, p. 710 para. 2). Derived from these broad goals, several requirements contained within the Act created restrictions which increased child abandonment cases throughout South Korea. For example, Article 13.1 of the Special Adoption Act states that consent for adoption shall not be granted to birthparents no earlier than one week after birth. Furthermore, Article 13.3-4 requires that birth parents requesting adoption must receive counseling from an adoption agency about available resources should they decide to commit to raising the child themselves. Article 11.4 specifies that birth parents must appear in family court to

formally consent to placing their child up for adoption (Special Adoption Act of 2011, 2012, Article 11.4 & Article 13.4-13.4, p. 4). By implementing the Special Adoption Act, the government intended to reduce child abandonment and encourage domestic adoption.

### **Systemic/Legal Context: Revised Adoption & Citizenship Laws**

Once the trend of high rates of international adoption became apparent, the Korean government adopted systematic policy changes to veer away from the country's reputation as the world leader in international adoptions. Therefore, hoping to show that the South Korean government "can look after all of its children", a quota was put into effect in 2007 – that limited the number of children that could be sent overseas for adoption, reducing international adoptions by 10% a year (South Korea's Orphans Pity the Children, 2010; 2015). This regulation further stipulates that any child put up for adoption must also remain in South Korea for at least five months, which is intended to allow agencies time to look for a local home with the hope that domestic adoptions will increase.

A few years later, in 2012, additional revisions were made to South Korea's adoption law. These changes mandate that all children who have been put up for adoption be registered in court. Before 2012, South Korean parents who wanted to give up their children were obliged to give adoption agencies written consent. However, there were circumstances where, either false information was given, or no records were provided (South Korea Child Law Sees More Babies Abandoned, 2017, para. 17). These requirements were implemented as an attempt to align with The Hague Adoption Convention, which South Korea eventually signed in 2013. This convention tied in the provision that all adoptions must be registered in the court to make the process more transparent and allowed all adoptive children the right to trace their birth parents. Ultimately, The Hague Adoption Convention was established to promote the idea that children should preferably be adopted by

families in their own country (South Korea's *Orphans Pity the Children*, 2015, para. 5).

The South Korean government's revised adoption law has been only partially successful. The critical successes of the amended law include a reduction in international adoptions, adopted South Korean children being able to trace their birth parents, and the one-week counseling component as a condition of adoption has encouraged some parents to reconsider and choose to keep their children, as opposed to proceeding with adoption. These are tremendous accomplishments when compared to the previous system, characterized by a mass exodus of Korean children being sent overseas, and a system that lacked accurate record-keeping and transparency.

However, the law also has numerous shortcomings that have been associated with many adverse consequences for parents as well as children. For example, it established a new set of mandates making the adoption process more difficult for biological and adoptive parents. Because of the complex nature of the revised adoption law, many parents have resorted to abandoning children they are unable to raise, which has led to a large number of children needing families. In addition to a reduction in the number of international adoptions, the number of domestic adoptions has also declined. In 2016, international adoption fell to 334 from 916 in 2011. Meanwhile, domestic adoption dropped from 1,548 to 546 over the same period (Wei, 2017, para. 9-10). Consequently, the prospect of orphaned children finding homes remains a big concern even after several decades of government efforts to address this issue.

Another explanation for the increase in child abandonment cases in South Korea over the past several decades is related to the South Korean citizenship law. Before June 13, 1998, South Korean citizenship law conferred citizenship only to children born to a father who was a Korean citizen (the father had to legally validate paternity) (Peterson, 2017, para. 9). Children of Korean citizen women who either had a non-Korean citizen father or no known father (no Korean citizen father to confirm

paternity), were not deemed Korean citizens even if they were born within Korean territory. Although Korean citizenship is no longer based merely upon paternity established by a Korean citizen father, Korean citizenship was not, and is not, conferred based upon having been born in the country. Moreover, Korean citizenship is conferred based on a principle of nationality known as *jus sanguinis* ("right of blood"), according to which one is only deemed a Korean citizen if one or both parents are Korean citizens (Peterson, 2017, para. 10). Interestingly, children who were found within Korean territory but for whom "right of blood" cannot be determined, either due to having been adopted, abandoned, or orphaned, are deemed Korean citizens. Therefore, it is speculated that many single or unwed Korean mothers, prior to 1998, made the devastating choice to abandon their "fatherless" children so that they would have full rights and access to social services, education, and employment as Korean citizens (Peterson, 2017, para. 12). Strict adoption laws, and the "right of blood" principle, are only a few factors that have played a role in the incidence of child abandonment cases in South Korea. Social and cultural factors, such as taboos against adoption, racial purity, and conservative views of unwed women with children, have also contributed significantly to child abandonment in the country.

### **Social/Cultural Context**

All societies have cultural norms that have an impact on the attitudes, values, and behaviors of its citizens. South Korea is often characterized as a socially conservative and homogenous society that has had a long-standing history of treasuring bloodlines to maintain racial purity. Another reason for the high rate of international adoption cases in South Korea is connected to Confucian values, where Korean families are reluctant to raise a child who does not share their bloodline (Borowiec, 2013, para. 6). Moreover, Confucian values are the underlying factors perpetuating taboos regarding adoption, causing domestic adoptions in South Korea to remain uncommon. Likewise, it is also taboo for women

to birth or raise children out of wedlock. Doing so would bring shame to the woman and her family. A single, unwed mother would receive nominal governmental financial support, and would stand to be rejected by the entire society (McGinnis, 2007, para 16). The unfortunate reality for women in South Korea is that the option to be a single, unwed mother does not exist. Since the 1950's, 80 to 90 percent of all South Korean children born to single mothers have ended up in orphanages and become eligible for adoption. (Peterson, 2017, para. 1).

The unwritten norms and prejudices rooted in Confucian values that make it taboo to adopt children outside of one's bloodline, or to raise a child out of wedlock have undoubtedly played a role in the decline in foreign adoptions. Likewise, they have caused an increase in the number of children who are abandoned, which subsequently has created an upsurge of children being raised in orphanages throughout South Korea. According to BBC, "South Korean orphanages are now brimming with children who might previously have found a new life in a foreign family" (Evans, 2015, para. 5). The cyclical effect of child abandonment and low domestic adoptions has led to crowded orphanages, which come at a cost to the children who are displaced, and to the Korean society.

Hollee McGinnis, a Korean-American who was adopted and subsequently conducted research on how adoption affected her personality later in life, told BBC, "Family is everything in Korea. Who you are and your character is based on your family, so if you do not have information about your family, you might find yourself having barriers in life" (Evans, 2015, para. 12). Some of the obstacles that abandoned and orphaned children may experience include: barriers to employment, difficulty accessing social services and support, and delays in cognitive and social development. Conversely, the impact on society involves increased abandonment, abortions, and infant deaths, youth homelessness, substance abuse, and human trafficking – to name a few.

## Consequences

The consequences associated with abandonment and low adoption rates, both domestically and internationally in South Korea, are detrimental and complicated for the parentless children and the society left to care for them. As previously mentioned, overcrowded orphanages are the first hardship that South Korea has faced. Since the 1950's about 2 million abandoned children have ended up being raised in orphanages (South Korea's Orphans Pity the Children, 2015, para. 10). Current research on child development in Romanian orphanages has provided "unequivocal evidence of the detrimental effects of institutional care on a child's development" (McGinnis, 2007, para. 8). Many children raised in orphanages often suffer developmental delays in areas such as speech development, social assimilation and relationship skill-building. This is a result of limited caregivers and staff who are unable to provide individual attention to each child. Research shows, children without a primary caregiver may suffer from mental and behavioral problems that impede the possibility of healthy relationships (McGinnis, 2007, para. 9).

The most significant impact of institutionalized care is the sad reality that thousands of children each year miss out on the opportunity to be raised in a loving home. Every year, there are hundreds of youth who "age out" of the system upon reaching their 18th birthday. Stephen Morrison, a young man who was raised in a Korean orphanage from age six to age fourteen, recalls his experience, "I experienced a lot of hunger to be loved. I was not a good student, but as soon as I was adopted into a family, I felt that immediate sense of care and love. All of a sudden, it was magical: I started to excel in school" (Evans, 2015, para. 25). Stephen compares his adoption experience to his "old street pals" that were not adopted, by stating, "they have not thrived. I grew up with my friends, my buddies and I'm still in contact with them. I feel so blessed with adoption. And yet my friends were not given that opportunity" (Evans, 2015, para. 27). Youth that "age out" of the system are provided with little housing, educational, or vocational support.

Consequently, these young adults are at a higher disadvantage in terms of having the opportunity to reach their full potential.

An increase in abortions and mothers delivering babies in the streets without medical care have also become familiar occurrences, with devastating consequences. More pregnancies are aborted in South Korea than any other OECD (Organization for Economic and Co-operation and Development) countries (South Korea's Orphans Pity the Children, 2015, para 11). The fact that South Korea lacks legal protection for mothers to deliver anonymously is a leading factor contributing to the rise in abortions, in addition to abandonment cases. Also, legal policies are not clear and do not protect parents from being prosecuted by the government when they leave their unharmed child at a safe location (e.g., baby box). Concerns among unwed parents regarding the required registration of their baby's birth equally contribute to the rise in unsafe delivery, abortions, and incidents of abandonment. Moreover, parents of unwanted babies often do not want to register the child out of fear that the registration will not remain confidential.

In South Korea, "potential employers can gain access to family papers to gauge the suitability of candidates. Worse, relatives can also see these records too. Parents often ostracize a daughter who has a child out of wedlock" (South Korea's Orphans Pity the Children, 2015, para 9). For decades, South Korean social and cultural taboos regarding adoption and pregnancies out of wedlock have compromised child welfare, safety and, in some instances, an unwed parent's ability to secure employment. In order to reverse the negative stigma that "adoption is bad," a multi-faceted approach that includes government intervention, is necessary to decrease the incidence of child abandonment, abortion, and overcrowded orphanage cases.

### **Discussion and Recommendations**

There is no "one-size fits all" solution to the very complex issue of child abandonment and adoption in South Korea. A variety of solutions or a multi-faceted approach will need

to be implemented to address these long-standing concerns effectively. Below is an outline of proposed solutions by category, with an overview of the recommended intervention that the Seoul Metropolitan Government, in collaboration with the necessary national governmental entities, may consider.

#### *Support to Baby Box Facilities: Temporary Shelter for Abandoned Babies*

A solution that has served as a temporary haven for unwanted babies in South Korea since 2009 is known as a "baby box." Pastor Jong-rak Lee built the first baby box on the side of his house in South Korea in 2009 after discovering an unexpected arrival of a baby in a cardboard box on his doorstep one freezing winter evening (Shim, 2016, para. 2). The baby box, or baby hatch, is an insulated drop box facility that serves as a safe alternative where parents can give up their child anonymously as opposed to abandoning the child in the streets. The baby box facility in Seoul operates 24-hours a day, seven days a week, and is supported by donations. The center is run by full-time staff that works 12-hour shifts to assess babies upon arrival, as well as to counsel birth parents and provide resources as needed. Volunteers work in shifts to provide 24-hour supervision of the infants (Shim, 2016, para. 6). Eventually, the babies are transported to Seoul's Metropolitan Office of Children's Welfare Center to be placed in an orphanage.

Between December 2009 and August 16, 2016, a total of 1,000 babies have arrived at Pastor Jong-rak Lee's baby box facility (Shim, 2016, para. 2). Pastor Jong-rak Lee's experiences that led him to open the baby box facility "opened his eyes to the desperation of young mothers in South Korea and[...] the need for an option to protect the safety of infants" (Borowiec, 2013, para 11). One welfare ministry official is quoted as stating that the baby box, "saves the lives of newborns" (South Korea Child Laws See More Abandonment, 2017, para. 23). Despite the safe haven and support that Pastor Jong-rak Lee's baby box idea has provided, his facility's services have been met with government resistance. Furthermore, direct

government support has not been provided and the Gwanak district office has repeatedly urged the pastor to shut down the baby box, since it is deemed as "an illegal facility (since it has been unlicensed for years) that encourages baby abandonment" (South Korea Child Laws See More Abandonment, 2017, para. 24).

While the baby box facility does not directly eliminate the issue of child and infant abandonment, the services provided help to foster the health, safety, and welfare of children who are not able to be cared for by their parents. Additionally, the baby box ensures that infants and children do not have to be left on the streets, where there is a higher risk for mortality. Pastor Lee's organization can, in essence, serve as an extension to other local government child welfare services. In many ways, the facility is already an extension, as babies are cared for temporarily at the baby box facility before they are transported by police escort to the hospital for a check-up before being taken to an orphanage for placement, where the child will hopefully be placed for adoption. One significant step in Pastor Lee's facility receiving governmental support, either at the local (Seoul Metropolitan Government) or the national level, would be for the federal and local governments themselves to reach a shared agreement about who is responsible for supporting child social welfare projects and services.

#### *Collaboration among National and Local Governments*

It is unclear whether the national or local Seoul Metropolitan Government holds responsibility for the oversight and financial support of the South Korean child protection system. A recent study found that Korean federal government failed to functionally operate the child protection system as a consequence of which the national budgets for child social welfare projects were turned over to local government (Kim, 2013, para. 41-42). Local governments, on the other hand, state that the "central government has a double standard for child welfare, leading to confusion" (Kim, 2013, para. 43). According to a Seoul City government official, "the central government continues to

provide financial assistance to nurseries but refuses to do the same for raising abandoned babies, choosing instead to shift responsibility to the local government. Measures need to be devised on a central government level" (Kim, 2013, para. 43). Lack of intergovernmental clarity and collaboration has not helped the growing issue of child abandonment cases and the need for solutions. It is imperative that decisions regarding oversight, level of financial support, and priorities be devised and agreed upon at all levels of government. Otherwise, the problem of abandoned infants will continue to persist and may ultimately hinder the implementation, as well as the success of other proposed viable solutions.

#### *Support to Unwed Mothers and Parents*

Experts have agreed that there is a need to offer sex education and contraceptive use programs for adolescents in South Korea. In addition to pregnancy prevention, the proposed sex education program should also focus on HIV/STD prevention. Incorporating teachings about abstinence as a form of birth control will be helpful as well. Implementing education classes that discuss the fundamentals of child-rearing, as well as provides resources and options for how to handle an unwanted or unexpected pregnancy may be the best source of support to mothers/parents that are faced with making a decision about parenting their unborn child.

Additional funding, services, and support being made available to single, unwed women and parents would be an invaluable asset to Korean citizens. Currently, more than 90 percent of all abandonment cases are connected to a single, unmarried mother who on the one hand is afraid of societal rejection; and on the other hand, would not be able to support the baby financially given limited financial resource options. Presently, "the government offers 70,000 Korean Won in monthly assistance for unwed mothers. The assistance rose by an additional 20,000 Korean Won in August 2013, the first increase in eight years" (Kim, 2013, para. 39). Furthermore, "when a baby gets sick or hurt, an unwed mother is in trouble. Without help

from her maternal family or outside supporters, an unwed mother cannot afford to bring up her baby" (Kim, 2013, para. 40). Therefore, any support or assistance the government can provide to single, unwed mothers may be the first step to changing societal views of unwed mothers (Borowiec, 2013, para. 23).

### *Revised Adoption Laws & Implementation of Safe Haven Laws*

To address the abandonment and low domestic adoption issues in South Korea, much consideration needs to be given to revising the current adoption policies. The challenge with changing current adoption laws is that they require policy and decision makers to "balance the need to respect a child's right to know his or her ethnic identity and cultural background against the known detrimental effects caused by the early deprivation of a primary caregiver" (McGinnis, 2007, para. 20). Policy revisions, as well as social, societal, and cultural norms, and perceptions would need to shift to encourage adoption as an option.

One fundamental change for South Korea to consider is the adoption of Safe Haven Laws similar to those in place in the United States and Austria. Safe Haven Laws serve as a safe alternative to child abandonment and enable citizens, whether mother, father, or caregiver, to relinquish an unharmed child (a child that shows no signs of abuse) with personnel at designated locations (i.e., police stations, fire stations, hospitals) with no questions asked. The benefit of this law is that it is safe and anonymous (Baby Safe Haven).

### **Conclusion**

Safety, security, educational and vocational training, love, and support are just a few essential elements that contribute to the growth and developmental needs of all children. Likewise, parents who find themselves in the unfortunate position of being unable to raise their child stand to benefit from options that enable them to ensure the health, safety, and well-being of the child. Despite a history of high child abandonment and international adoption cases,

South Korea, given its economic growth and development, is equipped now more than ever to undertake comprehensive reform initiatives with regards to policies, funding, and the oversight of child welfare programs and services. In order to reduce the number of abandonment incidences, along with the high rates of youth being raised in orphanages, a collective, holistic approach characterized by governmental and societal interventions will not only benefit the children and youth in South Korea, but the society as a whole.

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