

UN Report in Adoption chapter suggested by Korean Adoption Families Alliance(KAFA)

82nd pre-session (Feb.2019)

2018. 12

The Country Directly Involved : SOUTH KOREA (Republic of Korea)

Type of Report : NGO

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Date : 12/13/2018

The Korean Adoptive Families Alliance (hereinafter, “KAFa”) is a nonprofit organization that was approved by the Korean government in March 2018. KAFa is an organization that responds to the negative adoption culture in Korea through media/broadcasting and to improves citizens' awareness on adoption. KAFa also express opinions on policies and legislation on existing adoption and present new policies and legislation.

There are several voluntary party and groups formed by adoptive parents and adoptees, which is a very important axis of adopting parties. However, these parties are generally focused on sharing information only while KAFa is the only organization in Korea that has the character described above.

'The NGO Report on the Korea UN Convention on the Rights of the Child(CRC) section D. Adoption | Final Opinion 49 ~ 50 (P24 ~ P26) ' finalized on October 2018 ignored the opinion of the pro-adoption party KAFa.

The UNCRC Korea NPO group, the leading organization of this report includes organizations that have been campaigning against adoption since the early 2000s. They exacerbate an exceptional and stimulating adoption accidents and events through media activities, to encourage negative thoughts and awareness to the public.

This behavior undermines the adoption system, which is the most reasonable alternative to save children who are abandoned from their biological parents. It is also contradicting the universal value of humanity that orphans should be taken cared at home if possible.

KAFa agrees with some of the adoption-related contents described in P24 ~ P26 and does not agree with some of the contents.

Adoption culture in the Korean society still holds the negative perception that it is rooted in the blood and family centered. Korean society does not have the proper welfare and policies to support people with disabilities and does not attempt to send a disabled child who has been abandoned to another home.

It is clear why overseas/international adoption still common in an economically successful country like Korea. Koreans consider adoption as a negative behavior, especially when adopting a child with a disability requires a huge sacrifice from the family taking care of the adopted child. It becomes further more difficult to adopt a disabled child in countries like Korea where welfare for disabled lacks and social prejudice against the disabled is a serious problem.

The existing report contains the claims from people with no adoption experienced and who are not adoptees. So, in general, it only talks about correct answers at the theoretical level. It is clear that the report ignores the harsh adoption reality of Korean society.

KAFA will describe the problems related to the contents in the above NGO report, and suggest a separate report with comments from the perspective of the adoption side reflecting the reality of Korean adoption culture prioritizing child's right.

#Attached Documents

A statement of KAFA's view on UN Convention on the Rights of the Child(CRC) 11,2018

[Attached Documents]

Korea Adoption Laws – Must Focus on Protecting the Rights of Children to Homes

Korea enacted the Special Adoption Law in August 2012 with the goals to make it more difficult for birth parents to relinquish their unwanted babies for adoption in the hope that the birth parents will keep their babies, and to leave birth records so the returning adoptees may someday search for their birth parents. But most of the unwed mothers did not want to have their birth histories recorded in their family registries as the Korean culture has a strong social stigma against an unwed mother with a child. The law also required that in order an unwed mother to relinquish her child to an adoption agency, the family registry must record the birth first. This caused hundreds of babies being abandoned in places like the Baby Box and many other babies were killed or abandoned on the streets or trash bins. The unwed mothers wanted to keep their birth histories hidden, thus causing wide spread of abandonments that backfired the intent of the law to preserve the birth records. As of November 30, 2018, the Baby Box in Seoul recorded the intake of 1499 babies since the enactment of the law. This law caused more babies to be abandoned (Ref 2).

The **National Assembly Research service** of Republic of Korea reported the following in their 2017 research data:

“6 years after the amendment of special adoption law of 2012, protecting children living apart from their biological parents have failed to achieve its legislative intent.”

Beside the special adoption law of 2012, the other special adoption laws have also been unsuccessful in expanding the rights of the children in need of protection. Accordingly, it is clearly necessary to strengthen the protection of children living apart from their biological parent through partial or complete amendment of these special adoption laws.

Since 2012, the number of newborn babies abandoned in “baby-boxes” have increased rapidly. Between 2010 and June of 2016, total of 1186¹⁾ newborn babies were found in the “baby-boxes”, and only few of these babies were adopted to a new family. Currently, most of these children are protected by orphanages and similar facilities and no further actions are currently taken to protect the abandoned children.

The current adoption policy in Korea prioritizes domestic adoption and limits/reduces the number of international adoption each year. Many abandoned children are experiencing human rights violations due to these policies. Children suffering from disabilities are particularly vulnerable and face difficulty finding a family and home in Korea, and many other children who have found new parents overseas often wait 2 years or more because of the law limiting the number of international adoption. As a result of the extended time that children must wait before being adopted, children can have a more difficult time adjusting and adapting to their adoptive families. This could be prevented if the delay was reduced.

All of the above is due to the ignorance and negative attitude that pervades the society regarding adoption and the prejudice of people toward orphan children, especially those with disabilities in Korea. Clearly, this is very serious and critical problem for Korean society, and particularly for the children affected.

- The government should identify the cause of the decrease in the number of orphans being adopted into home-centered protection under the current special adoption law and establish counter measures to increase the adoption of these children.

- Prepare and implement the necessary legislation, personnel, systems and infrastructure to ensure timely adoption of the children who were abandoned in the “baby-box” as a direct result of the special adoption law of 2012.
- When there is no family available in Korea, support the international adoption of children, and to prevent the detrimental and unnecessary time required for the lengthy adoption process period before children meet their adoptive families.

Protection of birth family and encouragement of domestic adoption

Majority of the people who decide to place their child for adoption are “unmarried parents”(Year 2016, 88.1% of domestic adoption, 97.9%% of international adoption) often experiencing economic difficulties. It is worth noting that the poverty rate of single parents in Korea (26.7%) is four times that of Sweden and Denmark and more than half (62%) of the unmarried mother are teenagers that attend schools and make living, at the same time having the burden of raising their children with little or no financial and emotional support from their own parents.

Among the answers to the question on why families would be reluctant to adopt children include:

1. Social prejudice concerns
2. Lack of confidence
3. Economic burdens

After the Special Adoption Law of 2012, the level of economic support for the adoptive family has been reduced due to the rise in inflation. This is shown by the results from National Assembly Legislative Research Center of Republic of Korea which also shows that the trend adversely affecting direction of promoting domestic adoption.

Using “Hague Convention” ratification as a reason, Korean government is seeking to usurp the adoption tasks which has been conducted by private adoption agencies for 60-years to a new government-led centralized program in order to supposedly prevent child abuse or international child trafficking based on a few mishandled cases of adoption where the children were abused or mistreated.

However, considering the cases with the amended Special Adoption Law in 2012, it’s clear that the government-led centralized system must be approached with caution as it may backfire. There is no guarantee that the government-led adoption programs would be more successful than the private adoption agencies that have built up their expertise over the years of practice in counseling unwed mothers to home studies to find the appropriate parents for the children. If anything, the adoption experts in the agencies have more vested interest in providing proper care and procedures related to adoption processes than the routine adoption services provided by the government workers that see their job as something they have to do out of duty, and may lack the expertise or heart to render the proper services with care. After all, the lives of children and their human rights are at stake.

In addition, under the existing process in Korea, civil servants rotate every 2 or 3 years within the system in Korea. With positions changing often, the continuity of the institutional capacity and expertise will be lost. It is impossible to guarantee professional knowledge and experience on adoption from civil servants in charge. This will ultimately result in longer delays in the services, fewer adoptions taking place, and more children being admitted to orphanages or other institutions. The government-led services will result in higher risk of mismanagement and misplacements of children that will result in greater number of abuse. This will eventually result in the violations of the children’s first priority principle of Hague.

- Ensure that the government follows the child's highest priority principles mentioned in the¹⁾ Hague Convention 『by actively promoting adoption and expanding support for adoptive families.
- The government should prepare policies to maintain, supplement and develop the existing system to prevent any risks children may face due to abrupt changes in the public sector handling adoption.

International Adoption

The Hague Convention's priority is if a child cannot be reunited with his/her birth family, the child will be given a chance to be adopted by a domestic family in the same country the child was born. If this option is not available, then the third option is to place the child with an overseas family.

But unfortunately for Korea, the special adoption law of 2012 has put more children into orphanages. Just looking at the domestic adoption statistics, the three year average of domestic adoption for the years 2009, 2010, and 2011 were above 1400 domestic adoptions per year. When the special adoption law was enacted in August 2012, the domestic adoption nosedived sharply. In 2013, the full year where the new law was enacted, the domestic adoption plummeted to less than 700. As for the intercountry adoption, the intercountry adoption fell 70% in 2013. Clearly the special adoption law of 2012 has robbed many children of their deserved homes.

We at the Korea Adoptive Families Alliance (KAFA) believes that children should grow up in loving homes. Whether domestic or intercountry, children need to have families of their own. All efforts should be made to give the opportunities for the children to grow up in loving homes, even if that means sending them abroad.

All laws and legislations should be 'child-centered' first. But unfortunately in Korea, the special adoption law of 2012 puts the interest of 'adult-centered' first by focusing on unwed mothers and the returning adoptees' desire to search their birth parents. In so doing, so many children have been robbed of their homes, and many more children have been sent to institutions, thus grossly violating their human rights.

¹⁾ Research Report in 2017 by Ministry of Health and Welfare 『Law & Regulation study for prevention and protection of children abandonment』 p.24

2) Abandoned Babies: The Backlash of South Korea's Special Adoption Act, Sook K. Kim, 2015 Washington International Law Journal Association, p.1