



제3회 '싱글맘의 날' 기념 국제 컨퍼런스

The 3rd Single Moms' Day International Conference

입양인의 원가족과 싱글맘 가족 인권의 어제, 오늘 그리고 내일
Accountability for the Past, Rights for the Future: The 3rd Single Moms' Day

국제컨퍼런스

2013년 5월 10일(금) 13:30~18:30
국회의원회관 제1소회의실

The 3rd Single Moms' Day International Conference

Friday, May 10, 2013 13:30~18:30
National Assembly Meeting Hall

휴먼라이브러리(인간도서관)

2013년 5월 11일(금) 10:30~14:30

가톨릭청년회관 카페 '다리'

Human Library

Saturday, May 11, 2013 10:30~14:30
Catholic Youth Center Café Dari

제3회

싱글맘의 날 국제 컨퍼런스

The 3rd Single Moms' Day International Conference

입양인의 원가족과 싱글맘 가족인권의

어제, 오늘 그리고 내일

Accountability for the Past,

Rights for the Future

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국회의원회관 소회의실

Friday, May 10, 2013

13:30 - 18:30

National Assembly Meeting Hall



The Meeting Hall



Exhibition of Photos and Historical News Clippings



Annual Cake-cutting (cakes donated by Mi n Mi)

All photos by Jes Eriksen

Concept and Stage Design by Amanda Eunha Lovell

Program
The 3rd Single Moms' Day International Conference
Accountability for the Past, Rights for the Future

Date: Friday, May 10, 2013

Place: National Assembly

Time: 1:30 p.m. - 6:00 p.m.

Admission: Freewill donation

13:30~14:00 **Registration**

14:00~14:40 **Opening:** Noh Geum-ju and Jeong Jin-dal, co-chairs of Dandelions

Welcome: Jane Jeong Trenka, President of TRACK

MP Nam Yoon In-Soon (Democratic Party)

MP Hyun Min-ju (Saenuri Party)

Encouragement:

H.E François BONTEMPS

(Belgian Ambassador to the Republic of Korea)

Choi Young-hee (Tacteen Naeil/former chairperson of the

National Assembly's Women and Family Committee)

Kwon Mi-hyeok (Chairperson of Korean Women's Associations United)

14:40~15:20 **Dancer Seo Jeong-sook:** Relieving the long-standing pain of families separated by adoption through the traditional Korean "salpuri" dance.

The 3rd Single Moms' Day cake-cutting ceremony and sharing

Taking a commemorative photograph

15:20~15:30 **Break**

15:30~16:30 ***Session I: The Significance of the Amendment to the Special Adoption Law and Tasks Ahead***

Moderator: Dr. Lee Mi-jeong (Korean Women's Development Institute researcher)

Panelists: Lawyer So Rami (Gonggam Public Interest Lawyers)

Kwon Hee-jung (Doctoral candidate at The Academy of Korean Studies)

Kim Eun-hee (Child-rearing unwed mother, chairperson of the Daegu branch of KUMFA)

Shannon Heit (Overseas adopted Korean, master's degree student in anthropology)

at Hanyang University, victim of falsified records by Holt International Adoption Agency)

16:30~17:20 **Session II: *The Necessity of Introducing a Birth Registration System and Tasks Ahead***

Moderator: Prof. Park Jeong-han (Daegu Catholic University emeritus professor)

Panelists: Jeong Byung-soo (General Secretary of International Child Rights Center)

Prof. Kim Sang-yong (Joongang University Law School)

Lawyer Kim Su-jeong (Ji-hyang Law Firm)

17:20~18:10 **Session III: *The Necessity of Expanding the Legal Basis for Child Support Fulfillment and Tasks Ahead***

Moderator: Park Yeong-mi (Grassroots Women's Center chairperson)

Panelists: Dr. Park Bok-soon (Korean Women's Development Institute researcher)

Dr. Cho Joo-eun (National Assembly researcher for new laws)

Choi Yeon-hee (Single Parent, Seoul Single Parent Alliance)

Kim Seon-yeong (Child-rearing unwed mother, KUMFA general secretary)

18:10~18:30 **Closing**

KUMFA, KUMSN, Korea Single Parent Alliance, Seoul Parent Alliance

Human Library

Date: Saturday, May 11, 2013
Place: Catholic Youth Center Café Dari
Time: 10:30 a.m. - 2:30 p.m.
Admission: Freewill donation

Moderators: Park Yeong-mi (Grassroots Women's Center chairperson)

Choi Woo-seok (Korean Institute for Gender Equality Promotion and Education)

Books: Noh Geum-ju (The Face That Looks Like Mine)

Shin Kyung-hee (My Lovely Daughter Whom I Miss So Much)

Ko Yuni (Let's Meet on the Other Side of the Tidal Wave)

Shin Soon-hee (The Turning Point of My Life)

Jang Hee-jeong (Before and After My Divorce)

Kong Mi-kyung (Bereaved Single Parent: Am I Sinful?)

Sharon Heit (Overseas Korean Adoptee)

Amanda Eunha Lovell (Overseas Korean Adoptee)

10:30~12:00 Large group session

12:00~13:00 Small group session I

13:00~14:00 Small group session II

14:00~14:30 Closing

Film Screening

Director Paik Yeon-ah's comedy *Miss Mamma*, a movie depicting the lives of child-rearing unwed mothers in Korea, will be shown. English subtitles provided.

Date: Saturday, May 11, 2013
Place: Yonsei University Film Forum
Time: 4:00 p.m.-6:00 p.m.
Admission: Free

*There will be an opportunity for the audience to talk with the director.

Welcome

Noh Geum-ju and Jeong Jin-dal
Co-chairs of Dandelions
Parents who lost children to overseas adoption

I really appreciate everybody who is here for “The 3rd Single Moms’ Day: Accountability for the Past, Rights for the Future.” I am so honored to welcome you here today.

Dandelions is composed of families who lost children to adoption and long for a community where we can raise our children by ourselves.

We represent parents who long ago lost our precious and treasured children to adoption against our will, without any regard to us. From the position of parents who lost children to adoption, now we have to recognize and acknowledge the rights of families of origin and many unwed mothers and adoptees, which is that we have to uphold the right of parents to raise their own children and children’s ability to live together with their parents. There are still many parents who are living with pain and tears who cannot find their children, and many adoptees who cannot find their parents. Whenever we meet them, we feel like they are our children and we feel so sad.

I don’t want these kinds of things to happen anymore. An entire universe is needed to raise one child. However, we think that we need a society first in which we care for the original family and we do not discriminate against single moms. We have to change our community in which we consider those who give birth before marriage as immoral, where we recommend adoption to single moms even before the baby are born and think it is quite fair, and where we think adoption is a beautiful and noble sacrifice. Most of all, the rights of our children should be the top priority.

The government and the country should apologize because they disregarded all the basic rights of the parents and their children and forged children’s documents decades ago, so now they can’t find their parents. They perpetrated an invisible violence on those parents and children and made them live in guilt and pain forever. Our country needs to share their burden now and help the adopted people who come back to look for their original families. We have to do our best to help single moms to live together with their babies.

As parents who lost children to adoption, we support all the single moms and single parents who are raising their children honorably by themselves. Dandelions won’t stop until the day when all babies can live with the parents they were born to.

Once again, we appreciate all the people who came today for the 3rd Single Moms’ Day, and we hope you will reconsider the meaning of today’s event. We hope you will acknowledge the single moms and their children as equal members of our community because they are just as good as anyone. They should not be treated anymore socially weak or an alienated class in our country.

Thank you.

Welcome to the 3rd Single Moms' Day

Jane Jeong Trenka
President of TRACK

On behalf of TRACK, I would like to extend a sincere welcome and thanks to all the families, friends, and allies in Korea and abroad who have been involved with Single Moms' Day this year. In particular, I would like to thank the Dutch Embassy in Seoul for the generous grant that has allowed TRACK to collaborate with Dandelions since last summer on this and other projects.

The theme this year, "Accountability for the Past, Rights for the Future" acknowledges families such as Dandelions who have been separated by adoption. The returned adoptees' solidarity with child-rearing unwed mothers grows out of the fact that our own parents could not raise us. Our mothers were systematically denied the right to healthcare unless they sent us for adoption. They were denied the right to special assistance from the state while pregnant and lactating. Our parents were denied the right to objective counseling and informed consent. Meanwhile, adoptees were denied their right to truthful birth registration. We were denied our right to grow up in our own families where we were born, and the right to know our identity.

The fact that the adoption agencies had systematically falsified birth registrations means that for the vast majority of us, there is no administrative way to trace our families. This is why adoptees are now subjected to humiliating TV cameras in order to find their families. Because the human rights of parents and children have not been respected, and because the government allowed and facilitated false birth registration, our sorrow has become morning TV entertainment. That is the fallout of the Korean adoption program. The half-life of such human rights abuse, we have discovered, can be measured only in generations.

This year's midnight blue backdrop, created by Amanda Lovell, represents the pain of separated families. On each star is the name of one person whose hope for reunion still shines. The tree represents the center of the village where we gather as a community to express our grief for the children we have lost, and our joy for the children who somehow, beyond all reasonable possibility, found their way home.

We use metaphor to express the inexpressible. But this Single Moms' Day is also a challenge to concretely demand accountability for past abusive practices while simultaneously imagining a better future. Our goal should be to not have to celebrate Single Moms' Day anymore. We need to create a society where it is taken for granted that each baby is valued and loved just for being born, and parents are supported socially and economically so they can raise their children in a healthy and safe way.

May we all be enriched by this time we spend together today. Thank you.

The 3rd Single Moms' Day International Conference

Nam Yoon In-sun
Member of the National Assembly
Democratic United Party

It is an honor to be a host of the 3rd Single Moms' Day international conference. I give you my sincere congratulations.

The international conference has been prepared by Dandelions, TRACK, KUMFA, the Single Parent Association of Korea, the Seoul Single Parent Association, KoRoot, KUMSN, KOCUN, and the Grassroots Women's Center. Thank you.

MP Min Hyun Ju from the Saenuri Party, thank you.

In order to change Korean adoption policies and practices, the organizations above established the annual Single Moms' Day international conference on May 11, 2011 to urge the strengthening of social support for single mothers and single parents. This conference takes lot of work, and once again, thank you very much for that hard work,

It is still painful to live as a single mother in our society. The prejudice against unwed mothers should be taken away, and they deserve the right to live as an equal member of society. The biggest reason for families sending their children away is because of the social stigma against unwed mothers, and the majority of the adopted children are the children of unwed mothers.

Getting discriminated against for being an unwed mother is a human rights problem in our society. These days welfare for unwed mothers is complex. Through multi-layered support we have to prepare realistic alternatives. And above all, we have to recognize that we have to change prejudice and judgment.

It is indeed fortunate that there are more unwed mothers raising children now than in the past. However, political and social support is desperately needed. Independent support for unwed mothers around social prejudice and economic difficulties in raising young children are important policy issues of women's policy.

"All mothers of the world have the right to raise the child that they give birth to."

"All the babies of the world have the right to grow up in the bosom of the parents they were born to."

It is our role to ensure those rights to them.

We envision a day when the coldness of society against unwed mothers and adoptees disappears, and their independence and existence are free from menace. I promise to try my best to improve the legal system and the social formation of public opinion in the National Assembly.

Thank you.

The 3rd Single Moms' Day International Conference Welcome Speech

Min Hyun-ju
Member of the National Assembly
Saenuri Party

Congratulations for holding the international conference of the 3rd Single Mom's Day. I appreciate all of you for coming here.

The British newspaper *The Economist* published the "Where to be born in 2013" index last year, and Korea was the 19th among 80 countries. Considering our past of extreme poverty and requiring aid from other countries, we are grateful for the result.

However, there are people still being socially neglected after all the changes. Korea, the 19th best country to be born in, is still sending numerous lives abroad for adoption and burdening single moms with heavy lives. For them, Korea remains a country of difficult living.

We have been trying to protect children's human rights, but still more than one thousand them are being separated from their parents and adopted away every year. Governmental support is still insufficient for single moms, and prejudice against them is strong enough to make them give up on raising their kids.

Every single life born in this country deserves love, protection, and happiness. And the maternal instinct of all mothers shall be protected regardless of their marital status or form of family. It is because the rights of children and the rights of mothers are directly connected.

Demolishing distorted views, elevating the level of practical support, and assigning equal opportunity will be foundations for a society that can overcome the low birthrate and be better for women and children to live in.

Today, I hope this conference will serve as a momentum for improving the perception of single moms and arranging ways of systematic assistance for single moms and children.

Thank you again to who put in their tremendous effort for this event, and to all of you for being here and sharing your precious time with us.

Welcome and Words of Encouragement

H.E François BONTEMPS
Belgian Ambassador to the Republic of Korea

Ladies and Gentlemen,

I am honored and grateful to address this distinguished gathering to wish you most welcome to “The 3rd Single Moms’ Day.”

Single Moms Day offers to us the opportunity to focus on a particularly complex topic which touches on many different dimensions: society, economics, culture and politics.

But the deeper reason why we gather today is particularly simple and moving: we embrace the single moms so that they would no longer *be perceived as ‘single’, meaning abandoned or left alone*. We are here together to celebrate all moms and children: it’s a constructive and positive message. We would like to send a message of hope and solidarity, communication and community.

Taking into account the principles of gender equality and shared responsibility, we want to get a better understanding of the socio-economic difficulties facing unwed or single mothers and their children and exchange best practices in order to encourage in finding means and ways to gradually improve their conditions and thereby improve our societies.

This is a process that takes time and that needs our continuous attention and care, collectively with all stakeholders involved: governments like I represent, NGOs like yours, social workers on the field, and of course the women and men, wed or unwed, single or in couple, with or without children. Indeed each one of us should be involved. It is not the business of the single moms alone, it is our collective responsibility.

The respect for and promotion of fundamental rights of women and children are at the heart of policy-making in Belgium, both domestically as well as in our foreign policies. We think that we should be especially sensitive to the rights of women and children since they constitute the backbone of our societies and the door and avenue to our future.

Belgium, like the EU, is a strong advocate of these rights in our cooperation with third countries and within the specialized multilateral organizations.

Korea has very long and strong family traditions and well-defined societal roles. The globalization, the multiplication and rapidity of exchanges, the ever more complex and multicultural environment in which we live today introduce continuous changes and create instability. This changes should not always been seen as adversities to confront but rather as opportunities to explore, chances to understand each other better and deeper, to learn from each other, to cooperate for a society and a world that is more open and forgiving, a world that looks forward to the future.

I wish you a successful event. I wish you courage and hope, vision and a sense of belonging together in this endeavor that we fully support.



H.E François BONTEMPS, Belgian Ambassador to the Republic of Korea, talks with Pastor Kim Do-Hyun from KoRoot

Words of Encouragement

Choi Young-hee
Tacteen Naeil Chairperson
Former Chairperson of the National Assembly's
Gender Equality and Family Committee

Today we have gathered here to commemorate what is already the third "Single Moms' Day." I would like to congratulate everyone who has joined us for this special day.

I can still remember the first year we began the commemoration of "Single Moms' Day," and to this day I have given my support from the bottom of my heart. When I was working as the 18th Gender Equality and Family Committee Chairman, I tried to improve the quality of life for women, but to find that there are many issues that are still inadequate for most makes my mind uneasy. Especially, to find out how women who have given birth to a child without getting married are discriminated against due to prejudice breaks my heart. Also, to understand how it greatly affects not only their lives but also their children is painful.

When I was on the 18th Gender Equality and Family Committee, I tried to improve the situation. One of the ways of doing that was amending the Single Parent Family Support Act. From July 1, 2015, adoption agencies will no longer be allowed to operate unwed mothers' facilities because this could be misconstrued as suggesting adoption to single parents rather than contributing to their welfare. I believe if our society provides the right welfare to single mothers, it will be sufficient enough for parents to raise their children. It would be the way towards to a more productive society.

The second action I took was amending the Special Adoption Law. Last August, when the act was set into motion, many media reported an increase in the number of child abandonments and brought up the issue of the amendment as the problem. As a person who promoted the law, I was shocked to hear such results. Having the Family Court give the permission for adoption rather than letting people decide on their personal feelings, and introducing the adoption deliberation system so careful decisions could be made for adoption, was done to strengthen the children's rights and also that of the mothers.

The controversy concerning child abandonment could be relieved through changing the Family Relation Registration Act rather than changing the Special Adoption Law.

I believe "The 3rd Single Moms' Day" commemoration conference is held today to discuss these matters and find solutions that can resolve not only the problems we are to facing now, but also what we will face in the future.

Finally, I would like to thank everyone who came to support this conference and to aid in the construction of a new nurturing system for the child to be done by the parents they were born to. We do not want witness more children separated from their birth parents through adoption and living away from their children. Also, I would like to thank the people of the civic groups who care to aid in such actions, and also Min Hyun-ju and Nam Yoon In-soon, who have come to show their support as of members of the 19th

National Assembly.

I wish this 3rd Single Moms' Day international conference bring fruit to our desire and hope to see the day where we do not have to prove that a child should be raised by the parents to whom they were born. Thank you.



Choi Young-hee receives a basket of flowers from an unwed mother and her child.

Word of Encouragement

Kwon Mi-hyuk
Executive Director of Korean Women's Association United

We now greet the third annual "Single Moms' Day."

I am truly happy to celebrate Single Moms' Day and to find that as the years pass, the content becomes more abundant, and the voices of the host organizations grow stronger than ever.

These days, "family" as the valuable base of society has become a central topic. However, in order for a family to become truly meaningful, we must first observe the families in the various circumstances of today.

Without having to mention society's prejudices and marginalization which makes it impossible for them to raise their own children, single mothers are a blind spot within the social welfare system. Since the 1990s, the women's rights movement has worked hard to make "diverse families" the family paradigm of our society and provide laws and institutions to improve the status of single mothers. But we have yet a long road to go in order to protect the human rights of the families of single mothers.

This year, we come together with those who were adopted abroad, with deeper understanding of the meaning of this event. The amendment to the Special Adoption Law and the automatic birth registration matter, which will be discussed at the conference, are very important issues. I am expectant of a fruitful outcome from the discussion and that by collaborating with our support, we will be able to further the process.

Finally, taking this Single Moms' Day as an opportunity, we will work harder so the women's movement, which has become stagnant after the abolition of the patriarchal family registration system, can garner more interest in familial issues.

Salpuri Dance

Seo Jeong-sook

Salpuri dance contains Korean people's "han" (historical grudge, unresolved feelings and sadness) and emotion and sublimates all of these feelings through art. Not only that, but this dance guides out and purifies emotions that have condensed inside humans and sublimates a higher dimension through beauty. Even though there are times when the dance seems like it is calmly coming to a standstill, from introspection, "jeong" (stillness) "joong" (center), and "dong" (movement and dynamic), are implied by a myriad of movements by the salpuri content and form, highlighting Korean dance.



The dance

Meaning and Future Agenda of the Revised Special Adoption Law

So Ra-mi
Gonggam Public Interest Lawyer

1. Introduction

The revised Special Adoption Law bill passed in the National Assembly on August 4, 2011 and was implemented on August 5, 2012. This revised law was made through three years of effort by the returned overseas adoptees and the single mothers. Then, from the end of 2012 until now, media reports have continually shown the negative aspect of the this law. Correspondingly, a parliamentarian recently proposed another revision to the adoption bill in order to return the revised Special Adoption Law to the past. Thus, now the revised adoption law has become a hot issue. It is the first time that the issues of adoption and single moms has gotten such hot public attention. In view of this, now is the best time for public discussion regarding the adoption system, child rights, and social bias against single moms. The revised Special Adoption Law, in this sense, make us think about its meaning again.

2. Meaning of the revised Special Adoption Law

The revised Special Adoption Law made us think about adoption: Is adoption really the best option for the interest of the child? Korea sends more children overseas than any other country among OECD countries, and is the fourth-largest sender of children to the U. S. A. for overseas adoption. How is such a developed country still sending children for overseas adoption? Overseas adoption was an easy option in dealing with poor children. In order to care for poor children, our society needed financial resources, a plan, and a support system. However, when we sent poor children abroad for adoption, we didn't need to have a system, a plan, or financial resources. What is more, we even earned money by selling poor children abroad. From the government's point of view, overseas adoption was the best policy to save public spending for economic growth. Furthermore, overseas adoption also showed a humanitarian flavor for the poor children. Success stories of overseas adoptees also helped to create a myth about adoption. The adoption myth eliminated any state plan to support poor children. Due to the lucrative overseas adoption system, the government did not need to make any social welfare system for poor children during the last several decades. The revised Special Adoption Law became the first challenge against the adoption myth and made us think about possibility of supporting poor children on our own.

According to 2012 statistics from the welfare ministry, 90% adoptees came from unwed mothers. Also in 2009, only 1.5% of all children in Korea were born from unwed moms, the lowest rate among OECD countries. On average, 36.3% of the children were born from single moms in OECD countries. This percentage shows how much our society is biased against single moms. Our society makes single moms give up on raising her child and promotes adoption instead. Now some critics point at single moms' human rights when they mention the problems of the revised Special Adoption Law. According to the revised Special Adoption Law, in order to obtain adoption approval from the family court, one needs to submit the child's birth report document. Before the revision of this law, one could forge the child's birth record, as there was no intervention from the court, but now this illegal forgery has become impossible. Some critics are saying that now single moms' human rights are being abused because her childbirth record remains on her

family registry. Then the adoption agencies, MPAK, adoptive parents, scholars, journalists and members of parliament raised their voices about the abuse of single mothers' human rights.

In 2007, when the new family registry system was planned to replace the hoju (traditional male-centered family registry) system, some women's organizations expressed concern about the new family registry system, saying that women's rights could be abused since for women, there was too much open information in the new system. However, this criticism disappeared against the justification of necessity of the public I.D. registration system. Six years passed, and now, in 2013, the revised special adoption system is getting similar criticism and is being called a problematic family registry system. Anyway, concern about single moms' human rights is good. The revised Special Adoption Law led to social concern about the welfare of single moms.

3. Further agenda after implementation of the revised Special Adoption Law

A. Coexistence of children's rights and women's rights

Critics of the revised Special Adoption Law argued that the current adoption law creates a conflict between children's rights and women's rights. In particular, critics argue that the child's right to birth registration violates single moms' right to privacy. Is that true? These rights are different rights in different dimensions. The guarantee of the right to birth registration and the protection of the single moms' privacy are two different dimensions. In short, birth registration rights and the privacy rights of single moms are not in conflict with each other.

No one would be against protecting single moms' privacy, especially when our society has an extreme bias against single moms. The matter is what level of protection of the single moms' privacy we are talking about. This matter cannot be solved through a revision to the adoption law. All single moms, whether they raise their children or not, are faced with social bias and have a hard time. We should talk about all single moms' privacy rights, whether they raise their children on their own or send away their children for adoption. In other words, this issue can not be solved by returning the current adoption law to the past. We can resolve this problem by revising the current "family registration law," where we can deal with the level of the privacy.

In the current family registration system, a "partial" proof system exists where one can receive a document without showing out of the wedlock children or children from a previous marriage. However, only extremely few people, including the civil servants who deal with this document, know about this partial proof system. Accordingly, the current partial proof system has a limit to protect the single moms' privacy. Unless the applicant requests the partial proof document, the civil servant automatically issue "whole" proof document that shows all private information of the applicant unnecessarily. What is more, one can apply for the whole proof document for one's partner, sibling, and immediate family members without even a power of attorney letter. One can get this document even through an online service. As a result, there is a high risk of privacy leaks.

It is urgent to revise the law for the family registration system to show only the "current" status in principle. In addition, the "whole" proof document should be available only to the said person and only in an absolutely necessary case. If the family registry law is revised in this manner, the birth registration rights of the child as well, as the

privacy rights of the single mom, shall be respected without any problem. Recently the Korean Unwed Mothers Support Network, Women's Hotline and the Gonggam Public Interest Lawyers are preparing such a revision bill in order to propose to the National Assembly.

B. Strengthen support for the safe birth and nurturing of single mothers' children

The intention of the revised Special Adoption Law is to provide parental rights and child custody to the single moms. That is why the 'cooling-off period for adoption' introduced in this law. One week after childbirth, adoption is possible. In the past, even before childbirth, single moms had to sign documents to give up parental rights and give adoption consent. Thus, in the past, after childbirth, even if a single mom changed her mind and decided to raise her child on her own, it was very difficult do so since her child was already adopted. In order to improve this kind of problem, the adoption law was revised in 2011.

However, some critics raised concern of the teen single moms and their children during the adoption cooling-off period. Thus a member of parliament proposed another bill to revise the Special Adoption Law which would make an exemption for the adoption cooling-off period in the case of teen single moms. However, according to 2012 research of National Youth Policy Institute, most of the teen single moms were not given any information regarding the government support program and the effects of adoption when they had adoption consultations and sent away their children for adoption. Also the majority of teen single moms said that if they knew about the government support program for the single moms, they would have raised their children rather than send them away for adoption.¹ This research result breaks the following wrong conception: that teen single moms prefer adoption rather than raising their children on their own. The research result shows that both teen single moms and adult single moms need to have the adoption cooling-off period, and during the seven days of the cooling-off period, they need to be given precise and systematic information on what kind of support is available when they raise children by themselves, and also about adoption.

More fundamentally, we need to extend our support for single moms when they are pregnant and when they give birth. In particular, it is urgent to support teen single moms. What we need is not to make it easier for the adoption of teen single moms' children. We need to extend our support for these single moms: to make sure that they their educational rights are not infringed by their pregnancy and childbirth; to have safe and healthy pregnancy and childbirth; and when they decide to raise their children on their own, to support them by all means, so they can raise their children in a decent environment. Additionally, we should provide sufficient counselling services to help them make the best choice between adoption and raising their children on their own.

Recently the welfare ministry announced a support plan for the unwed parents' adoption cooling-off period.² The ministry stated support of up to 700,000 won for single parents after their childbirth, if they have no place to stay or difficult to look after their children on their own. If they stay at the unwed mothers facilities with their children they will be given 250,000 won, when they receive postpartum service at their home they will be given

1 2012. 백혜정의, 청소년 한부모가족 종합대책 연구, 한국청소년정책연구원

2 2013. 4. 8. 보건복지부 보도자료, 아동복지정책과(입양특별대책팀)

500,000 won and when they use the postpartum care centers they will be given 700,000 won. The revised Special Adoption Law became a spark to get government support for safe childbirth.

C. Separation of preliminary counselling organizations

The foremost principle during the revising process of the Special Adoption Law was that children should grow up with their mothers as the first choice, then domestic adoption, and then the last choice should be overseas adoption. The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption also declared the same principle for child protection. The Clause 2 of Article 3 of the revised Special Adoption Law stated that "The government shall support children to grow up in a healthy way with their biological parents. The government shall take necessary measures to provide an alternative home if the children cannot live with their biological parents."

Article 13 of the revised adoption law states that "Before parents give consent for adoption, the adoption agency shall provide sufficient counseling services for biological parents about the legal effect of adoption and what kinds of support are available if they raise the baby by themselves."

Currently, the adoption agencies are responsible for preliminary counselling prior to adoption consent. However, it seems the revised adoption law has some difficulties in implementation because of wrong preliminary counselling. The media, more or less, shows stories that the single moms abandon their children because of the birth reporting system. If the adoption agencies would provide correct information (after adoption, no record will remain on the family registry document) to the single moms during the preliminary counselling, there would not be as many single moms abandoning their children as there are now. Thus, it is essential that the preliminary counselling should deliver precise and sufficient information to single moms. The adoption agencies should be aware of the intention of the revised Special Adoption Law and need to understand and cooperate with it. The government also should monitor and supervise the adoption agencies and the single mothers' facilities as well, to see whether the adoption law is operating well and the preliminary counselling conducted properly.

Despite the government's supervision and the law implementation, if the preliminary counselling does not go as well as the government expected, then the government may separate the adoption counselling agencies from the adoption agencies. The adoption agencies may have difficulties in providing balanced counselling services for adoption and for single mothers raising their children. Also, according to the Single Parent Support Law, the adoption agencies cannot operate single mothers' facilities from July 2015.

4. Conclusion

The revised adoption law raised questions on the birth reporting system, the adoption system, and the family registration system. The adoption system should not be used as a means of earning foreign currency or for infertile couples. The adoption system is a social care mechanism when the child cannot live with one's parents due to inevitable reasons. Accordingly, child rights should be considered first for the adoption system. With this principle, various complementary measures should be made in order to solve

the child abandonment issue. The following measures could be considered: sex education to prevent teen pregnancy; establish a supporting policy for single parents; build cooperation and PR between the government and the adoption agencies in order to prevent child abandonment due to incorrect information; working for elimination of bias against single moms; building links between adoptive parents and children through the network of the adoption agencies; and upgrading the family registration system in order to protect privacy of single parents. It will not be easy to change the accumulated ill adoption practices in a short time. Implementation of the revised Special Adoption Law brought about hot issues in relation to the adoption system in our society. If we can bring social consensus during this transitional and chaotic period, then we can make systematic improvement for the human rights of children and single moms. As everyone -- such as the adoption agencies, adoptees' organizations, adopted parents' organizations, single moms' organizations, the media, academics and the government -- is concerned about the protection of children's rights and single moms' rights, I am optimistic about the possibility of improving the system.

What to Change is the Circumstances of Babies Being Abandoned, Not the Adoption Law

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Mr. Cheon, Pyung-heon and Mr. Paek, Jae-hyun, members of the National Assembly, hosted a public hearing on April 10, 2013. They, with other supportive members of National Assembly and some groups of adoptive families and adoption agencies, are now making an effort to revise the Adoption Law, which was enforced from last year.

They blamed the law for encouraging babies to be abandoned because it requires all babies' births to be registered before putting them up for adoption, and it also requires all moms to have a contemplation period of seven days to think about their choice of whether they send their babies for adoption or raise them by themselves.

What they insist is to adapt the Adoption Law to Korean circumstances, in which stigma towards unwed mothers is severe so that unwed mothers are afraid of putting their names on the birth registrations of babies.

In the hearing, the groups of people who support the idea to revise the Adoption Law, from the panels to the people on the floor, strongly suggested that we need to save lives of abandoned babies and claimed that the revised law that they submitted should be passed.

There are three major changes in the law submitted by them. First, unwed mothers under 24 years old would not need to put their names on babies' birth registrations. Second, unwed mothers under 24 years old would not need to go through a contemplation period. Third, babies abandoned by their mothers who are under 24 would have their birth certifications created under the authorities of adoption agencies. In this case, the babies are regarded as not having mothers and fathers.

After hearing it, so many questions occurred to me. If the life of every baby is so important and needs to be saved, then why should only the babies whose mothers are unmarried and under 24 to be saved? Wait, do all the babies abandoned have mothers who were never married and under 24? And what saves life -- milk and a place to stay or adoption? If milk and a place to stay are enough to save a life, to whom they should be provided -- to the mothers/fathers who have no choice but to abandon their babies, to foster families, to adoption agencies, or adoptive parents? With whom do the babies want to be? Are these questions too difficult or too easy? Then what should we do?

Abandoning babies is a serious issue. It needs to be solved not by adoption, but by a realistic approach. First of all, the government should make a firm resolution to solve it. And then we all need to discard the prejudiced idea that all young unwed mothers who are under 24 are abandoning their babies. There must be other people who have different reasons for not keeping their babies. Who needs help and why needs to be investigated, and proper measures need to be followed to help them.

Besides, we also need to understand what adoption is. According to Nancy Verrier, the author of the *Primal Wound*, it is very important to practice holistic social welfare service. This means that babies are growing not just after birth, but from the moment of conception. Babies are receiving genetic information and hormones from their mothers, and building up emotional ties with them. If we just send abandoned babies to other families, babies lose their historical time with their mothers. It becomes a primal wound to babies and influences them for the rest of their lives in ways that are not positive.

The Family Law has been revised so many times ever since it was legislated in 1958. Whenever the law was too old compared to the circumstances of the days, it was revised to fit the newly changed society. Abolishing the hoju system-family registration system is one of many examples. I have never witnessed people wanting the family registration system to be revised again in order to go back to the practices of the old days. Abandoning babies used to happen in the old days when there were no food due to war or famine. It should not happen in a society like Korea of 2013. So what to change is the current circumstances of babies being abandoned, not the Adoption Law. If the members of National Assembly insist the law needs to be changed, who else can change our society?

The Special Adoption Act

Kim Eun-hee
Child-rearing unwed mother

Since the Special Adoption Act was implemented in August 2012, it has continuously been a hot issue. This act strengthened the rights of adoptees, provided a cooling-off period before the child's parents can relinquish for adoption, and gave priority for domestic adoption over overseas adoption, if adoption is inevitable. Also by establishing a central adoption authority, the act was aimed at thorough post-management for adoptees. Now we have to think again about why this act was enacted? Let us see the situation prior to the implementation of this act: The single moms got counseling and consultations mostly from adoption agencies. So in most cases, the adoption agencies demanded adoption consent from single moms even prior to childbirth. After childbirth, if single moms tried to cancel the adoption consent, the adoption agencies demanded that they pay back all the expenses, such as childbirth fees and various other costs. Therefore, single moms were deprived of their opportunity to raise their children.

I was also afraid to give birth on my own, so I inquired at the counseling service of a single mothers' facility when I was pregnant. I asked the counselor whether they could help me if I wanted to raise my child after birth. However, the counselor told me that I would have to prepare everything myself and that there was no help except for the hospital fee. Furthermore, because I am an older mother, the counselor strongly advised me to send my child for adoption. If I had been very poor at the time, I probably would not have been able to manage the situation and would have given up my child for adoption.

I was worried so much at that time that I was not able to feel happiness when I gave birth. Only after I gave birth, in the evening when I saw my sunken tummy, did I feel that I had given birth. Then in the middle of the night, I was curious about my child and I went outside the nursery and cried while I thought, "This is my child, and this is a precious gift from God, I will protect him." Motherly love came to me when I saw and held my child.

When I was pregnant, I thought that the best option for my child was to live with adoptive parents. However, after childbirth, after holding my child and breast feeding, I made up my mind that I will raise this child no matter what. If I were poor and not in a good situation, and had given birth with help of the adoption agencies like many other single moms, I would have signed the adoption consent paper and surrendered my parental rights.

If I did not have a chance to hold my child after then birth, then I may not have felt motherly love and may have not decided to raise my child on my own. Most single moms, like me, may fear to give birth and raise their child on their own amidst social bias, as I did. So during the pregnancy, the single moms have no space to think about their babies, but think only about themselves. Thus when the adoption agencies demand that they sign the adoption consent paper and surrender their parental rights, single moms feel extremely vulnerable and feel afraid that they may be kicked out of the facilities and give birth on the street. So correspondingly, they sign the adoption consent paper. According to many single moms, a couple of days after childbirth when they tried to get their children back from the adoption agencies, it was extremely difficult because they had already signed the adoption consent paper. When single moms cancel their adoption

consent, the adoption agencies demand that the single moms reimburse them for childbirth fees and various other costs. Then the single moms have no choice but to give up their children because of financial hardship.

That is why the cooling-off period system was introduced. Some people say that the cooling-off period is too cruel to single moms. I ask them whether removing the cooling-off period is really in the best interest of the child? Do you really think that because of the cooling-off period, single moms abandon their children in the baby box? Some single moms choose adoption because they think that is in the best interest for the child. However, if the child is adopted and is abused by her adoptive parents, the single mom will never know what happened to her beloved child. Also, in the case of the domestic adoption, most of them are secret adoptions. So there is no supervision or oversight available from the government after the adoption.

Whether the adoption done is by force or by choice, do single moms have no right to know about their children's wellbeing? Because single moms are sinners? All moms wish to visit adoptive parents' homes and choose the best home for her child prior to adoption. However, in reality, all moms can't do such things. So the Special Adoption Act states that it's the government's duty to check the background of the adoptive parents and their homes. What's wrong with this Adoption Act? The adoptive parents and the adoption agencies complain that because of the Special Adoption Act and the cooling-off period, many children cannot be adopted and live in facilities. However, I think the cooling-off period and adoption permission period are not long enough.

Adoption is not simply ended when the adoptive parents decide to adopt and the number of the children is reduced in the facilities. Children's lives continue even after the adoption, and they will grow into adults. The adoption will be revealed at some time. In the case of overseas adoption, the adoptees will be more aware about the adoption from childhood. So many domestic and overseas adoptees, regardless of how good the adoptive parents are, have fundamental curiosities about their biological roots.

Prior to the implementation of the Special Adoption Act, the adoption agencies made an independent family register and recorded the child as a "child who was found abandoned in a market" even if the child was not an abandoned child. So when the adoptee grew up, not only was it so extremely difficult to find their biological parents, but they were also made to have a deep heartbreak. The adoptees' position is that fabrication of adoption records is a big problem, and that in severe situations there are not any records available for the adoptee.

The desire to know to whom one was born and how one came to be is a human instinct. Adoptees do not want to find their biological mothers just to give them hardship. Even under the current law, if the biological mother allows her information to be released, the adoptee can see the record, but this doesn't mean that they can meet. However, just to definitely know about one's record would be a great comfort and strength for one's life. Many adoptees become depressed and even commit suicide when they cannot find their biological parents. Adoption is not a panacea for children.

Korea demands unconditional birth registration of Jindo dogs for their protection and cattle so you can identify each one. However, adoptees are treated worse than Jindo dogs and cattle in terms of the birth registration. The government tracks the whereabouts of dogs and cows, but the government seems to not care about the birth

records of the adoptees and their whereabouts after adoption. Registered livestock are treated differently from unregistered livestock. So likewise, are we discriminating between adoptees and the so-called “normal children”?

All people are equal. All children are equal whether they have a single mom or so-called “normal parents.” All children's births should be reported by law. There should be no discrimination on the birth report. Adoption is definitely not the best choice for the children. Some people openly call single moms “easy girls” who committed immoralities. Every single mom has a reason that she became a single mom, and they are brave mothers. Some single moms inevitably choose adoption for their children, but other single moms have decided to raise their children on their own. Please bear this in mind.

The Special Adoption Act is not a product of a policy mistake. The Special Adoption Act was made by the collaboration of the adoptees, the single moms, academic experts, public officials, adoption agencies and the single moms' advocacy groups since 2008 after numerous debates and discussions. The Special Adoption Act is the minimum legal system for the protection of the children's rights. Why don't the adoption agencies and the single moms' facilities apologize for the past wrongdoing of the adoption policy, and why do they exaggerate transitional phenomena after the implementation of the Special Adoption Act?

I wish that the adoption agencies or anyone who tries to turn back the Special Adoption Act to the past makes an effort to support single moms and protect biological families. Because of the wrong practices of the adoption policy, over the past several decades the adoptees have been sold overseas like goods, and the adoptees and the single moms have suffered. As you have seen this problem, please support the original goal of the Special Adoption Act.

The best interest of the child is living with one's biological parents. The Special Adoption Act aimed at providing maximum opportunity to the biological mothers so they can live with her children, and if the child inevitably has to be adopted, then provide the personal history information to the adoptees. I hope we do not go back again to the backward adoption system.

Beyond Short-term Solutions, Towards Sustainable Social Progress: Why Re-revising the Special Adoption Law is a Step Backwards

Shannon Heit
Overseas Adopted Korean and
Victim of Falsified Records by Holt International Adoption Agency

Intro:

The Special Adoption Law revisions that went into effect August 2012 were lobbied into law by adoptee and unwed mothers' groups and served to correct many of the problems of adoption in Korea for the past 60 years, bringing Korea's adoption program closer to meeting international human rights standards. Recently, however, some have been arguing to *re-revise* the revisions that have been in place for a mere six months. This would be a huge step backwards for Korea's adoption program. For the sake of simplicity, I have organized the major claims of proponents who argue that it is necessary to revise the law and outlined why those claims are either false or premature.

Claim 1: Because unwed mothers want to avoid the birth registration mandated by the Special Adoption Law, they are abandoning their children. This can be proven because the number of children abandoned in the "baby box" has increased.

Rebuttal: The Special Adoption Law does not actually leave any record of the child's birth on family registration documents. Rather, it requires that the birth parent have a 7-day consideration period and once the child is placed for adoption, the familial relationship between the child and parent is legally erased. The adoptee may later request their birth records from the central organization, Korea Adoption Service. This process will reduce the number of adoptees who are unable to find their families due to a lack of records or a falsification of records.

While necessary information regarding the process of birth registration and its eventual deletion from a mother's record after the adoption process is difficult to access, stories about the baby box are being splashed all over the media, almost as if advertising it. The baby box is illegal and the media should stop reporting on it (and law enforcement authorities should act accordingly by shutting it down). It is the media's responsibility to report information that will actually be helpful to unwed mothers (the Special Adoption Law, unwed mothers facilities and consultation services, etc.), not paint romantic pictures of the baby box or the pastor who runs it. The baby box is being painted as the selfless answer for unwed mothers who 'truly love' their children, in order to provide them with opportunities that they could not have being raised by a single mother. While it is reported as an act of mercy for a single mom to put her child in the baby box *beforehand*, after she actually does so, the fingers come out – pointing accusations of abandonment and fueling faulty reasoning that unwed mothers are trying to abandon their babies as quickly as possible, for fear that their child will ruin their future.

While it is being claimed by proponents of revisions to the Special Adoption Law that the number of abandoned babies has increased since last August, nationwide statistics do not support this claim. Rather, statistics show that while the overall number of abandoned children has remained nearly the same, only the number being abandoned in the baby box has increased dramatically. Again, this is a direct reflection of the irresponsible amount of attention that has been paid to the illegal baby box.

At the recent public hearing regarding the Special Adoption Law, proponents for revisions argued that if it were not for the baby box, unwed mothers would just resort to 'throwing away' their babies on the street. This assumption is inherently couched in the wildly negative stereotypes of unwed mothers as irresponsible and immoral. As someone who has met both families of origin and unwed mothers who considered adoption but are currently raising their children as a volunteer and translator, I can testify that I have not met one parent who was just trying to get rid of their children by any means possible, as many of the revisionist camp would like us to believe. It is not the mothers that are abandoning their children; it is society that has turned their backs on both mother and child.

Claim 2: According to a source related to one of the adoption agencies, the number of children being given up for adoption has sharply decreased and the number of adoptions has also decreased since last August. According to the adoption agencies, this is because unwed mothers are now putting their children up for adoption illegally or are abandoning their children in increasing numbers. Therefore, they argue the law must be revised so that for "underage" unwed mothers (less than 24 years old), the 7-day consideration period can be waived and the birth registration can be done with the adoption agency as the legal guardian, rather than the mother.

Rebuttal: First, calling unwed mothers up to the age of 24 "underage" is indicative of the prejudice against unwed mothers in Korea. This term is used to imply that the mother is not prepared to be a mother. However, if a woman who was married had a child at 24, no one who would call her an "underage" mother.

Additionally, preliminary surveys from a number of unwed mothers facilities *not* being run by adoption agencies, show that the number of unwed mothers who are choosing to raise their children is increasing dramatically, which could be the major reason for the decrease in children being given up for adoption. Additionally, exemptions should not be given to "underage" mothers from the 7-day consideration period. I question the motivations of anyone who wants to do away with a period as short as a week for a woman facing perhaps one of the most difficult decisions of her life. On the contrary, the younger a mother is, the more time she needs in order to receive proper consultation and carefully consider her options.

Claim 3: While those that are arguing for the revisions to the Special Adoption Law acknowledge that the law was made in order to improve the rights and welfare of the child, they are arguing that it is not realistic and that, "the protection of life is more important than any value or opinion".

Rebuttal: I wonder, is there no way to protect life while still upholding our values? I believe that the Special Adoption Law, which has only been in effect for a short while, is the answer. I understand that proponents of the Special Adoption Law revisions believe that, "saving life is the utmost priority," but I question that these proponents truly believe that. If they do, have they done any research on the rate of physical abuse, sexual abuse and assault that adoptees face? Or the rates of alcohol or drug addiction, deportation, depression and suicide that adoptees face? Or is life is only sacred when it is in the form of a baby? At the end of the recent Public Hearing on the Special Adoption Law revisions held by National Assembly member Park Jae Hyun, the pastor who runs the baby box approached me and asked me, "You must have a lot of hurt in your heart, right?" This was an attempt to dismiss the argument of adoptees as emotional and

irrational. But the fact that many adoptees have painful experiences is not a reason to dismiss our arguments. It's not a coincidence, but an unmistakable *pattern*, that a lot of adoptees have hurt in our hearts – which is, in fact, the *most* compelling reason to listen to adoptee voices about adoption practices.

Conclusion:

Arguing that babies are being abandoned because of the Special Adoption Law is misleading. Babies are being abandoned because of the social discrimination against unwed mothers, not the adoption law. This kind of deep-rooted social problem cannot realistically be resolved within a mere six months. In Korea, unwed mothers essentially have no choice but to give up their children due to a lack of employment opportunities in a labor market that discriminates against unwed mothers and a lack of welfare support. The government must offer support to unwed mothers in order for them to be able to raise their children. Currently, 1 million won per month is spent on a child living in a child welfare facility. Even if the government gave only a percentage of that to unwed mothers, the number of women who could choose to raise their children would increase exponentially.

There is a logical flaw in the argument that babies are being abandoned because the adoption process has become more difficult. If the problems of social discrimination and economic difficulties were resolved and children were *still* continuing to be abandoned, then we could blame the adoption process for being too rigid. Until then, it is illogical to blame the adoption process – the fault lies in the social and economic obstacles faced by unwed mothers.

In conclusion, these kinds of social problems cannot be solved overnight and the government needs to create diverse policies in order to address these problems. However, going backwards and undoing the progress made through the passage of the Special Adoption Law is not the answer. Even if birth parents choose to give up for adoption, universal birth registration must be mandatory in order to both protect the child's rights and comply with international standards. Every child has the right to access their birth records and no one, not even the birth parents can take this basic right from them. Over the past 60 years, Korea has sent over 200,000 children for adoption and many of our birth records, like mine, were falsified and altered.

After appearing on TV and in several newspaper articles, my twin sister and I were finally able to find our mother, after six and a half years of searching. Our mother raised us as a single mother until we were two years old, when our maternal grandmother gave us up for adoption to Holt without our mother's consent. To this day, we remain on our mother's *hojuk*. Because we were not legally orphans, Holt needed to erase our family information and make orphan *hojuks* so that they could send us for adoption. In order to do so, they falsified our records and said that we were abandoned with no other personal information. It is because of unethical practices like these that the success rate for Korean adoptees searching for our Korean families is a mere 2.7%.

Revising the Special Adoption Law and once again creating a way for adoption agencies to send children for adoption without birth information is essentially giving adoption agencies license to carry on such unethical adoption practices. Is Korea going to rectify this record of human rights violations or work to ensure that this never happens again? If the intention of those arguing to revise the Special Adoption Law is truly in "the best interest of the child", shouldn't they be listening to the voices of those of us who were

adopted? The voices and experiences of adoptees, along with the voices and experiences of unwed mothers and families of origin, and with the support of public interest lawyers, activists, and allies lobbied for and put the Special Adoption Law into effect. It rectifies the past problems of unethical adoption practices that we personally had to suffer and pay the price for. Adoptees fought for the Special Adoption Law in order that a new generation of adoptees does not have to suffer in the same ways that we did.

The Secret of Birth

Jung Byung-soo
InCRC Secretary General

1. International Human Rights Standard and Birth Registration

Birth registration is a basic human right. Without birth registration, one cannot access the government's essential services such as public health and compulsory education, and there is no protection from human trafficking, kidnapping, and abandonment,

Every year, around 5,000 newborn children in the world do not have birth registration, or two-fifths of the world's newborn children. (UNICEF, 2001). According to the Plan International Report, from 2005 to 2009, only 72% of East Asia and Asia Pacific children and 36% of South Africa's children's births were registered. (Plan, 2009).

The Universal Declaration of Human Rights states that you have the right to have your birth legally registered, to have a name and nationality, and the UN Convention on the Rights of the Child, Articles 7 and 8 state that all children should be registered at birth. Registration is essential to permit the exercise of the child's rights, such as access to education, healthcare and other services, as well as to provide employers and labour inspectors with evidence of every child's age.

Universal Declaration of Human Rights, Article 15

Everyone has the right to a nationality and that no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

International Covenant on Civil and Political Rights, Article 24

2. Every child shall be registered immediately after birth and shall have a name.
3. Every child has the right to acquire a nationality.

Convention on the Elimination of All Forms of Discrimination against Women, Article 9

2. States parties are also required to grant women equal rights with men in relation to their nationality and that of their children.

Convention on the Rights of Persons with Disabilities, Article 18

2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

Convention on the Rights of the Child, Article 7

All children have the right to a legally registered name, officially recognised by the government. Children have the right to a nationality (to belong to a country). Children also have the right to know and, as far as possible, to be cared for by their parents.

Article 8

Children have the right to an identity – an official record of who they are. Governments should respect children's right to a name, a nationality and family ties.

2. UN Convention on the Rights of the Child and Birth Registration

In 1989, the world's leaders officially recognised the human rights of all children and young people under 18 by signing the UN Convention on the Rights of the Child.

A total of 193 countries have ratified the UN Convention on the Rights of the Child, and Korea ratified the convention in 1991. Thus, Korea has to guarantee all child rights that are stated in the convention, including birth registration, the right to a name, obtaining national identities, and the preservation of family relations.

According to Article 1, a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.³ Article 2 is defined as follows: States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.⁴ Also Articles 7 and 8 are stated as below:

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

Also the articles 3 and 4 stated as below:

Article 3

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

3 제1조 이 협약의 목적상, 아동이라 함은 아동에게 적용되는 법에 의하여 보다 조기에 성인연령에 달하지 아니하는 한 18세미만의 모든 사람을 말한다.

4 당사국은 자국의 관할권 안에서 아동 또는 그의 부모나 후견인의 인종, 피부색, 성별, 언어, 종교, 정치적 또는 기타의 의견, 민족적, 인종적 또는 사회적 출신, 재산, 장애, 출생 또는 기타의 신분에 관계없이 그리고 어떠한 종류의 차별을 함이 없이 이 협약에 규정된 권리를 존중하고, 각 아동에게 보장하여야 한다.

States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.⁵

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.⁶

Articles 9 and 10 are stated as below:

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.⁷

5 제3조

1. 공공 또는 민간 사회복지기관, 법원, 행정당국, 또는 입법기관 등에 의하여 실시되는 아동에 관한 모든 활동에 있어서 아동의 최선의 이익이 최우선적으로 고려되어야 한다.
2. 당사국은 아동의 부모, 후견인, 기타 아동에 대하여 법적 책임이 있는 자의 권리와 의무를 고려하여 아동복지에 필요한 보호와 배려를 아동에게 보장하고, 이를 위하여 모든 적절한 입법적, 행정적 조치를 취하여야 한다.
3. 당사국은 아동에 대한 배려와 보호에 책임있는 기관, 편의 및 시설이 관계당국이 설정한 기준, 특히 안전과 위생분야 그리고 직원의 수 및 적격성은 물론 충분한 감독면에서 기준에 따를 것을 보장하여야 한다.

6 제4조 당사국은 이 협약에서 인정된 권리를 실현하기 위하여 모든 적절한 입법적, 행정적 및 여타의 조치를 취하여야 한다. 경제적·사회적 및 문화적 권리에 관하여 당사국은 가용자원의 최대한도까지 그리고 필요한 경우에는 국제협력의 테두리안에서 이러한 조치를 취하여야 한다.

7 제9조

1. 당사국은 사법적 심사의 구속을 받는 관계당국이 적용가능한 법률 및 절차를 따라서 분리가 아동의 최상의 이익을 위하여 필요하다고 결정하는 경우 외에는 아동이 그의 의사에 반하여 부모로부터 분리되지 아니하도록 보장하여야 한다. 위의 결정은 부모에 의한 아동학대 또는 유기의 경우나 부모의 별거로 인하여 아동의 거소 관한 결정이 내려져야 하는 등 특별한 경우에 필요할 수 있다.
2. 제1항의 규정에 의한 어떠한 절차에서도 모든 이해당사자가 그 절차에 참가하여 자신의 견해를 표시할 기회

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.⁸

가 부여되어야 한다.

3. 당사국은 아동의 최선의 이익에 반하는 경우외에는 부모의 일방 또는 쌍방으로부터 분리된 아동이 정기적으로 부모와 개인적 관계 및 직접적 면접교섭을 유지할 권리를 가짐을 존중해야 한다.
4. 그러한 분리가 부모의 일방이나 쌍방 또는 아동의 감금, 투옥, 망명, 강제퇴거 또는 사망(국가가 억류하고 있는 동안 어떠한 원인에 기인한 사망을 포함한다) 등과 같이 당사국에 의하여 취하여진 어떠한 조치의 결과인 경우에는 당사국은 그 정보의 제공이 아동의 복지에 해롭지 아니하는 한 요청이 있는 경우, 부모, 아동 또는 적절한 경우 다른 가족구성원에게 부재중인 가족구성원의 소재에 관한 필수적인 정보를 제공하여야 한다. 또한 당사국은 그러한 요청의 제출이 그 자체로 관계인에게 불리한 결과를 초래하지 아니하도록 보장하여야 한다.

8 제10조

1. 제9조제1항에 규정된 당사국의 의무에 따라서 가족의 재결합을 위하여 아동 또는 그 부모가 당사국에 입국하거나 출국하기 위한 신청은 당사국에 의하여 긍정적이며 인도적인 방법으로 그리고 신속하게 취급되어야 한다 또한 당사국은 이러한 요청의 제출이 신청자와 그의 가족구성원들에게 불리한 결과를 수반하지 아니하도록 보장하여야 한다.
2. 부모가 타국에 거주하는 아동은 예외적 상황외에는 정기적으로 부모와 개인적 관계 및 직접적인 면접교섭을 유지할 권리를 가진다. 이러한 목적에 비추어 그리고 제9조 제2항에 규정된 당사국의 의무에 따라서 당사국은 아동과 그의 부모가 본국을 포함하여 어떠한 국가로부터 출국할 수 있고, 또한 본국으로 입국할 수 있는 권리를 존중하여야 한다. 어떠한 국가로부터 출국할 수 있는 권리는 법률에 의하여 규정되고, 국가안보, 공공질서, 공공보건이나 도덕 또는 타인의 권리와 자유를 보호하기 위하여 필요하며 이 협약에서 인정된 그밖의 권리에 부합되는 제한에 의하여만 구속된다.

Birth Registration and the Protection of Anonymity of Biological Parents

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1. The causal relationship between birth registration and the exposure of babies

It has been raised that the amendment of the Act on Special Cases Concerning Promotion and Proceedings of Adoption (The Special Adoption Law) makes the report of births compulsory, and that results in the exposure of babies these days. However, that claim has basically resulted from misunderstanding. The registration of birth was originally obligatory to comply with The Special Adoption Law before the amendment.

Before the amendment, Article 7 of the Act on Special Cases Concerning Promotion and Proceedings of Adoption, read, "The adoption provided by this act comes into effect after reporting complying with the Act on family relation registration etc." The "reporting" in this article means a report of adoption, which is naturally subject to the registration of a birth. Therefore, the claim that the registration of a birth was not compulsory before the amendment of the act is totally baseless. The most important difference between the amendment and the old act is the change from reporting adoption to the permit system of adoption. Before the permit system of adoption was introduced, adoption was practiced without a report of adoption or the registration of a birth was done by adoptive parents.

However, there is restriction on those practices after the amendment. Thus, people who assert that the amendment interferes with adoption have to make an issue with the permit system, not the compulsory registration of birth. It is an irresponsible claim that the exposure of babies has increased because of a compulsory registration of birth made by the amendment to the Special Adoption Law. Furthermore, making an issue of compulsory birth registration but not referring to the introduction of the permit system for adoption is a distortion of this issue.

2. Birth Registration and Protection of Anonymity of Biological Parents

(1) The suggestion to introduce birth registration instead of birth reporting would seem to imply that medical institutions have a duty to register births and there should be legal limitations applied to the institution if a violation occurs. If this legislation is introduced, not only the universal birth registration immediately after birth can be achieved but documentation on biological parents also be read by adoptees.

However, the universal birth registration system has not always been able fulfill such expectations in some cases of other countries. For instance, by the law of civil status registration in Germany, when a child is born in a hospital, the hospital director has the duty to register the birth within a week (Article 18~20). By the way, the baby box has been installed since 1999 in Germany, where there are baby boxes in 100 regions and anonymous childbirth occurs in 130 hospitals. (Anonymous childbirth means birth of a child without recording the identity of the biological parents. From 1999 to 2010, it is estimated approximately that 1000 children have been dropped in baby boxes or were born anonymously.) The children left in baby boxes or born to anonymous parents are prone to be unregistered on the birth register, and the records of their parents tend to be

lost. So, it has been raised that those practices of not registering birth of children violate the law, but there are no actual restrictions on baby boxes or the medical institution which ensure anonymous childbirth.

The new legislation is proposed to solve the problem of baby boxes and anonymous childbirth, which makes anonymous childbirth at hospitals possible if parents want it. In this case, because only an assumed name of the biological mother is recorded on the birth register, the anonymity of biological parents can be protected. (It is impossible to know who the biological parent is with only the birth certificate of a child) The information of the biological parent is sealed in a separate envelope and preserved in a national institution, and children can get the information of their biological parents when they are 16 years old. But biological parents could express their disapproval when children are 15 years old, that is, one year before the child can look into the record of their parents. When biological parents disagree, the family court decides whether to approve the access to the information of biological parents considering whether there is a special reason to protect the right to anonymity of parents more than the child's right to know biological parents.

The French civil law also makes birth registration compulsory within three days to the hospital (doctor) where the child was born (French Civil Law Articles 55 and 56). However, anonymous childbirth is also legalized in France (French Civil Law Articles 326 and 341), so the biological mother can leave her child at the hospital without leaving any record. (In France, a pregnant woman can ask to give birth anonymously at public or private hospitals. Then the government will pay for her all hospital charges. Then, as she asked, the hospital cannot make a record of the biological mother. Then if the biological mother approves, the child will be transferred to a children's home, and with the guardianship of the government, and after two months of the childbirth the adoption process will take place. During this two-month period, the biological mother may cancel her approval for adoption and raise her child on her own). In the case of anonymous birth, the childbirth must be registered, but the biological mother does not need to leave any record about herself. (French Civil Law Article 57, Clause 1. The hospital may suggest to the biological mother to leave her record to the child in sealed envelope). Even today, every year around 500 children are born from anonymous mothers in France. (In Italy and Luxembourg also, anonymous birth is legal like in France).

(2) As we have seen from foreign countries' cases, even if the government strengthens the birth registration system, it is not a panacea. In order to solve these problems, we need to complement not only the birth registration system but also for the overall systems, such as single moms' pregnancy and birth. Unwed moms' unexpected pregnancies may lead to the child abandonment. In order to prevent such cases, the government should provide an anonymous and free counseling service, as broad as possible, for the pregnant women. Counseling contents should cover not only issues of pregnancy and childbirth, but also what kind of the government support is available after the childbirth, how to file for child support, and the possibility and consequences of adoption. Also if the pregnant women want, anonymous and free medical services and childbirth should be available in principle. Likewise, when our society supports childbirth as a whole, then we will not need the baby box facility anymore.

(3) When the pregnant women give anonymous birth, how we will do the birth registration? First, through the birth report one can write the family register (in this case, the biological mothers' names will be remain at the family registry), then upon the

request of the biological mothers, the record of the family register can be treated as classified. (Only with the approval of the biological mothers will her record be declassified). In this case, even the adult adoptees cannot trace information (names and ID numbers) of their biological mothers when they grow up. (When the child is adopted through the Special Adoption Law, the child will have the biological child's status under the civil law). Likewise, the adopted parents also can apply for classification of the family registry regarding their adopted children, in this case, when the adopted children grown up, as adults, s/he would not know anything about their adoption history.

The applicants of the classification of the family registry may apply for declassification. Then all records will be open. (The applicants may ask only for temporary declassification, and then the record will be temporary declassified accordingly). Even classified information can be accessed with the approval of the court if the interested party needs it. For example, in order to cure hereditary illnesses of adopted children, the concerned party can access specific information with court approval. (The court should consult with the biological mothers in advance.)

By the approval of the person concerned, the specific record can be classified or declassified. By doing so, even after adoption through the birth report, the birthmothers' anonymity or adoption confidentiality will be maintained. Also, even though the birthmothers' records are confidential without approval of the person concerned, if the records are needed vitally, it is possible to obtain those records through the permission of the court. If we introduce this system, the children would not have "sufficient rights to know about their biological parents." Nevertheless, considering the current situation of our society, this system may work as a compromised alternative.

(4) Apart from the family registry, the adoption agencies and Korea Adoption Service also keep and maintain information about the biological mothers. The revised Special Adoption Law defined how the adoption agencies and the Korea Adoption Service shall open the adoption related information (Article 36): The key point is that with the approval of the biological parents they can reveal the information. This regulation is also a compromised result: the rights to know of the adoptees' vs. the "protection of the biological parents' privacy." The family registry information by the birth report can also be maintained and announced publically in this manner.

(5) In principle, it is appropriate that the birth report should be obligatory by the medical facilities where the child is born. However, in reality, if we implement this system, there will also be side effects. For example, the single moms may avoid giving birth at medical facilities from the beginning. (Then single moms may abandon their children in the baby box, and then there would be no records about the biological mothers which will make very difficult for the adoptees to find their biological parents later on. In other words, the adoptees' the right to know will be rarely attained). Whether we maintain the current birth reporting system or make it obligatory for medical facilities to make a birth report, unless we provide comprehensive counseling and supportive services for single moms, child abandonment and the baby box problems will not disappear from our society. In view of this, we should build up the social welfare system and harmonize the protection of biological parents' identities and the right to know of the adoptees. Ultimately, legalization is necessary to support pregnancy and the childbirth process of single moms.

The Importance of the Birth Registration System

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1. Children's human rights and the birth registration system

There are a lot of problems regarding children's human rights, but most of all, the issue of the birth registration system gained greater significance due to its correlation to the survival of children. The UN Committee on the Rights of the Child (2011) and the United Nations Human Rights Council (2012) recommended that Korea change its current birth registration system into an auto-birth registration system. Birth registration is the first step to acknowledge the existence of a child officially. If a child is not registered in the system, he or she has not gained official existence, which means that this child cannot be protected by any type of public welfare (e.g., Public Medical Insurance). Therefore, the child becomes an easy target for human trafficking (including internet adoption), illegal adoption, and abandonment. Under the current system, birth registration fully depends on the will of the parents and there are obviously some cases where a child is not registered in the system and abandoned. It is very dangerous to claim that we should adopt some sort of solution to get around the birth registration system in order to decrease the chances of abandonment that are caused by the current birth registration system. I personally believe that if whatever person takes part in the delivery of a child (e.g., the doctor) does the birth registration, it can decrease the chance of abandonment by the biological parents. In addition, we need to take a closer look into the current secretive policy regarding the birth and adoption of a child, and better policies also be discussed to improve the current system.

2. Adoption permit system and birth registration system

- (1) The UN Committee on the Rights of the Child had recommended that Korea implement the "adoption permit system," and the government reserved judgment on this issue for several years. Finally, in August 2012, the adoption permit system took place in Korea, and this legislation is a significant improvement in the human rights of a child. Under the previous adoption system, adopting a child took effect by an agreement between the biological parents and the adoptive parents and used adoption registration. Such a system caused a lot of problems. For example, there are some cases where false adoptions took place in order to have a better chance to get an apartment. This system made it easy to dissolve or cancel adoption, which caused a lot of suffering for both the biological and adoptive parents, but most of all, for the adopted child.

Conversely, the adoption permit system makes the court participate in the adoption process to check the intention of the biological parents and check the eligibility of the adoptive parents. The court makes the final decision of adoption and this helps to decrease the chance of improper adoptions. Some people criticize this new system because it makes the adoption process itself more difficult, which can lead the decrease in adoption rate. Even though it made the adoption process stricter than in the past, I cannot personally agree with the idea that this new system is an obstacle for adoption. It is more important to make

sure the child is placed and grows in a safe and warm family rather than to achieve high rate of adoption with a quick and simple process. Now I hope this adoption permit system can minimize side effects and decrease illegal adoptions.

- (2) It is crucial to register the birth of a child in order to implement the adoption permit system because only an officially registered child can be adopted under this system. However, under the current system there is always a high possibility that the biological parents might not register the birth of a child and this child could be put in the situation of child abandonment or illegal adoption. Therefore we need to have all children's births registered by whatever third party took part in the birth of a child (i.e., the doctor) except in special cases. In order to make sure a child is adopted under the strict evaluation of a court, it is important to implement the birth registration system by law.

3. Privacy protection and childbirth support for single mothers

- (1) After the implementation of the adoption permit system, the media quickly published sensational articles saying that there was higher ratio of single mothers abandoning their children due to the obligation of birth registration system. There might be some cases where the mother decided to abandon her child to avoid birth registration, but the biggest reason for her decision would be the strong prejudice of our society which makes it difficult for single mothers to raise their children by themselves. The statistical data that 90% of adopted children are born from single mothers backs up this point.

These single mothers who decide to abandon their children must be mostly afraid that people might know she gave birth to a child. However it is not true that the information of childbirth and adoption will be revealed to the public once she registers the birth of her child.

- (2) According to the current adoption law in Korea, the adoptee can ask for their adoption record after they become an adult, and even in this case, the information will not be given unless the biological parents agree to provide the information. In addition, the relation between the adopted child and the biological mother is erased once the adoption process is successfully done. Therefore, no record of a child is left on the mothers' certificate of family relationship.

Even though the adoption process is not completed yet, the certificate of family relationship is issued to the mother herself or her attorney only according to the family registration law. It is strictly restricted for a third person to read to other people's family relations, and the certificate can be also issued with partial information upon request (containing no information regarding marriage or existence of children, etc.)

Despite of the strict regulations for privacy protection, we cannot say that the current family registration law is 100% perfect. The certificate of family relationship contains too much information on one sheet of paper. It has the spousal relationship and parent-child relationship at the same time; therefore we need to classify the family relationship certification for different purposes.

Some people claim the difficulty of the current birth registration system is that it

requires the single mother to go to the village office in person. However the current process allows registration to be done by an attorney or by postal mail; therefore these alternative options can be a solution to this difficulty.

- (3) Besides the implementation of birth registration, we should provide medical support for confidential delivery. For years and years, mothers decided to take the risk of giving birth to a child in a secret place (somewhere other than a hospital), and after the child was born, they abandoned their child or even committed infanticide. To protect both children and mothers, we need to provide a shelter for medical service and confidential delivery. Since our government has been encouraging childbirth and there are a lot of people supporting free medical service for pregnancy and delivery. It doesn't seem so difficult to provide such support to single mothers.

If a child could benefit from this system, he/she is automatically registered and this can decrease the rate of illegal adoption or abandonment. At the same time, the single mother is able to give birth under the confidential delivery system and the record of a child is deleted from the mothers' family relation certificate after the adoption. Therefore it is possible to keep the privacy of a single mother.

4. Conclusion

So far, we have looked into the importance of the implementation of the birth registration system. However, the bottom line of this issue is not to implement the birth registration system for a proper adoption process, but to make a safe and acceptable environment where a single mother can raise her child with no worries. From the data saying that 90% of adopted children are from single mothers, we have come to the conclusion that it is more difficult for a single mother to raise a child by herself in Korea than other developed countries in Europe. To have children raised by their biological parents, or to find the best home for adoptees when the biological parents cannot raise their child, the birth registration system is the most basic and essential system that can ensure the proper environment for children.

Situations and Problems of Claiming Child Support and Implementation of the Guarantee System⁹

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I . Introduction

On November 20, 1991, Korea ratified the United Nations Convention on the Rights of the Child (UNCRC). According to Article 6 of the UNCRC, States parties recognize that every child has the inherent right to life, and the child has the right to know and be cared for by his or her parents (Article 7, Clause 1). Also according to the Article 27 of the Convention on the Rights of the Child, States parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development (Clause 1), and the parents or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development (Clause 2). States parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programs, particularly with regard to nutrition, clothing and housing (Clause 3), and States parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements (Clause 4).

Likewise the child support fee is a necessary expense and should be guaranteed as part of the child's rights for healthy growth and development. First, certainly the parents have the responsibility to support their children, and then the government also has responsibility for the implementation and guarantee of the child support fee.

A guarantee of the child support fee is important especially for mothers of divorced families¹⁰. After the divorce mental, social and economic hardship is faced¹¹. According to a survey, only ten percent of divorced parents get support from their divorced partners¹².

9 본 글은 2012년 9월 3일 양육비 이행확보 강화방안을 위한 세미나에서 발표한 글을 일부 수정한 것입니다.

10 박복순 외(2011) 「협의이혼제도의 운용실태 및 개선방안」의 연구 자료에 의하면 협의이혼시 양육권자가 어머니로 지정되는 비율은 64.6%, 아버지로 지정되는 비율은 34.2%로 나타나 어머니로 지정되는 비율이 높음을 알 수 있다. 자세한 내용은 같은 보고서 141-143면 참조.

11 현실적으로 여성은 남성에게 비해 낮은 임금을 받을 뿐만 아니라 상당수의 이혼 여성들의 경우 육아나 가정을 위해 자신의 일을 중단한 상태에서 재취업이나 새로운 일을 할 수 있는 길이 막혀있기 때문이다.

12 한국가정법률상담소의 조사결과에 따르면 이혼하고 자녀를 양육하고 있는 여성 91명 중 양육비에 관한 '합의나 판결이 없었던 경우'가 38.5%, 양육비를 '받지 않기로 한 경우'가 23.1%로 처음부터 받을 가능성이 없었던 경우가 전체 61.6%나 되었고, 합의나 판결이 있어 받을 가능성이 있던 중에서도 41.9%가 약정이나 판결대로 양육비가 지급되지 않다고 응답하였으며, 19.4%가 불규칙적으로 지급하고 있다고 하여 제대로 양육비를 지급받고 있는 비율은 매우 낮게 나타났다. 또한 한국여성민우회의 '가족과 성 상담소'가 이혼 당시 자녀 양육비에 대한 합의 여부와 더불어

In this respect divorced parents and their children struggle financially. Even after a court ruling to provide child support from the divorced partners, the actual implementation is not as good as one might expect. Thus the hardship of the divorced parents is worsened.

While the parents maintained their married life they will jointly fund the living cost of the children, but when parents cannot live together, the child support fee problem occurs among the parents. These cases can include these below: When the parents divorce; when the child was born out of the wedlock; and when the married couple lives separately.

Below, we will look at the rights of parents for the child support fee and implementing the guarantee of such rights; the current system in relation to these rights and problems; and how can we overcome these limitations and improve them.

II. Situations and problems in relation to the child support fee claim and guaranteeing its implementation

Child support rights refer to claiming the right to receive child support from the parents of the child. Minor children without a legal guardian may claim child support directly from their parents, while parents rearing children may claim child support using their own name or on behalf of minor children. (Im Jong-hyo, 2011:245).

The ideal situation for growing children is an unchanged environment, regardless of the marital status of the parents, and the foremost condition is sustainable economic support. If the parents are aware of this principle and support their children voluntarily, there is no need for implementing a legal mechanism, but there is gap between the reality and ideal. Because of this, there are laws and regulations in the Civil Law and the Family Litigation Act. Below, let's look at each problematic case.

1. When the parents are still married

According to the Article 833 of the Civil Law, when the parents are married, they have joint financial responsibility for supporting their children.¹³

어 양육비 지급에 합의한 경우 이후 합의된 대로 제대로 지급하고 있는지를 알아보기 위하여 총 282명을 설문조사한 결과, 이혼이나 별거 당시 자녀 양육비를 받지 않기로 합의한 경우가 70.1%나 되고, 전체 이혼이나 별거 대상자(207명) 중 11.5% 정도만이 이혼 이후 실제 양육비를 받고 있는 것으로 나타났다. 그리고 여성가족부의 2006년 실태조사결과에 의하면 전배우자로부터 자녀양육비를 지원받고 있다는 응답은 12.7%에 불과한 것으로 나타났다.

13 그러나 민법 제833조를 혼인 중의 양육비 청구권의 근거규범이 된다고 보는 견해에 대해서는, 자녀의 부모에 대한 부양청구권을 부부 사이의 부양청구권의 일부로 파악하게 되어 자녀의 부모에 대한 부양청구권(양육비 청구권)의 독자적 의의를 몰각하게 된다는 비판과 함께, 양육비청구권에 관한 가사소송법상 쟁송절차는 부모의 이혼, 혼인 취소 또는 인지의 상황에서 부모 사이에 청구하는 경우에만 민법 제837조를 준거법조로 해서 마류 3호 사건이 되고, 그 밖의 모든 상황에 관하여는 민법 제974조 이하를 준거 법조로 해서 마류 8호 사건이 된다고 보는 견해가 있다. 이에 관한 내용은 임종효(2011), 양육비청구권에 관한 기초 이론 및 실무상 쟁점, 사법논집(제51집), 247-248면 참조.

	부모-자녀 사이	부모 사이
이혼, 혼인취소, 인지(혼인무효)	마류 8 호	마류 3 호
부모의 혼인 중 그 밖의 모든 상황	마류 8 호	마류 8 호

2. When the parents are divorced

When parents divorce, they have to consult each other on how to raise their children. If the parents cannot reach an agreement on this matter, the family court will decide. (Article 837 of the Civil Law).

A. When divorced parents reach an agreement

1) The parents have to submit a written joint agreement paper on raising their children.

In the past, there was no mention in the legal document on who is responsible for raising the children when parents divorce. However, now it is a very important issue to know and know what to do about raising children when parents divorce.

When divorced parents have underage children, the parents have to submit a written paper regarding who will have the parental rights and a joint agreement paper on raising the children. If the parents cannot reach mutual agreement on this issue, they have to submit the family court judgment paper. (Clause 4, Article 836 of the Civil Law). The joint agreement paper shall state who will have the parental rights, support the children, how to meet the children, and so forth. If the contents of the agreement paper are against the best interest of the children, then the family court shall order the parents to make a revision of the paper, or the court shall make a revision after considering intention of the children, and ages, and the property of the divorced parents. (Clause 3, Article 837 of the Civil Law).

As more than 75% of couple divorce with mutual agreement in Korea, it is meaningful to make it mandatory to submit joint agreement paper with the statement on who will raise their children and so forth. However, in reality, 35.5% of divorced couples decide not to give or take the child support fee, so did not state such an arrangement in the agreement paper. In view of this, for the best interest of the child, the court should intervene more actively on this matter.

2) Issuance of paper regarding who will support the child as an obligation

Enforcing the content of the parents' joint agreement papers (revised in 2007 and implemented in 2008) were not properly monitored by the court until 2008. However, from August 2009, through the revised Civil Law, the family court must check fulfillment of the child support by the divorced couples, and drew up a report. (Clause 5, Article 836 of the Civil Law). Thus, when the divorced couples reside in Korea and not imprisoned, at the time of divorce, they will receive the report form about who will support the child and how. Then according to Article 41 of the Family Litigation Act, the government may through its execution power levy the child support fee from the divorced parent by force.

B. When divorced parents do not reach agreement

The case will be dealt with by the code of legal procedure of the Article 837 of the Civil Law.

3. Regarding a child born out of the wedlock

A. Realization of the parent and child relationship by recognition is the first

If the parents did not know they have the child out of the wedlock, then there is no obligation to support the child.

When the child was born out of the wedlock, although legally there is not a couple relationship formed by the parents, the child without a doubt, in reality, has a father and mother. Legally the child's mother decided by the childbirth and the child's father decided by recognition. The parents can recognize their child on their own or by force such as a lawsuit, i.e., by trial.

B. Recognition of a child out of wedlock - When decided by consultation

Even if the father verified his child by recognition, it may not possible to live with his child. Then this case will be regarded as a case similar to the case of the couple divorced by agreement. (Article 864 of the Civil Law)

Accordingly, the parents may decide how to raise the child. The parents' agreement shall include the child support fee, who will be responsible and how they meet. When the parents' agreement is against the best interest of the child, then the family court may order a revision or decide by virtue of one's authority. When the parents divorce by consultation, the court may examine regarding the child support and order revision or it is possible to decide by virtue of one's authority. However, when the parents recognized by option, then the court cannot intervene.

During the process of the optional recognition, sometimes the parents may not able to reach an agreement on the responsibility of the raising the child. Then the child may not able to receive sufficient protection.

Therefore, optional recognition also needs to be complemented systematically, like the existing divorce by agreement on the responsibility of raising the children.

3) When the child born out of the wedlock is recognized - When an agreement is not reached

When the parents do not reach agreement on raising the child, the family court shall decide on the matter. When parents are recognized by trial, the court may decide on the matter, but in the case of optional recognition, unless there is a petition by concerned party, the court cannot intervene.

4. Setting the rate for the child support fee judgment

If divorced parents cannot reach an agreement on sharing child support, the family court shall decide by judgment. When the parents make a petition to change already fixed child nurturing matters, then the court will decide through a judgment.

Through various procedures, on May 31, 2012, the Seoul Family Court made and announced an estimated table for child support.

The below is estimated table for the child nurturing fees.

〈Table 1〉 The estimated table for the child nurturing fees: Average per month nationwide
(Unit: KRW 10,000)

Child Age	Total income for the parents						
	~199	200~299	300~399	400~499	500~599	600~699	Over 700
0~2	44.3 (17.6~51.4)	58.6 (51.5~65.0)	71.4 (65.1~80.2)	89.0 (80.3~94.0)	99.1 (94.1~103.0)	107.0 (103.1~107.8)	108.7 (107.9~∞)
3~5	47.3 (20.9~55.8)	64.3 (55.9~74.4)	84.5 (74.5~92.4)	100.4 (92.5~104.7)	109.0 (104.8~114.2)	119.4 (114.3~132.5)	145.7 (132.6~∞)
6~11	46.3 (16.2~56.5)	66.7 (56.6~75.6)	84.5 (75.7~90.9)	97.3 (91.0~106.9)	116.5 (107.0~122.2)	128.0 (122.3~137.2)	146.4 (137.3~∞)
12~14	48.9 (27.5~60.8)	72.7 (60.9~79.4)	86.1 (79.5~96.2)	106.4 (96.3~115.8)	125.2 (115.8~134.0)	142.9 (134.1~155.0)	167.2 (155.1~∞)
15~17	56.5 (30.1~67.6)	78.8 (67.7~88.5)	98.3 (88.6~108.9)	119.5 (109.0~131.3)	143.2 (131.4~154.5)	165.9 (154.6~177.8)	189.8 (177.9~∞)
18~20	84.6 (27.6~92.9)	101.2 (93.0~111.8)	122.5 (111.9~131.3)	140.1 (131.4~148.8)	157.5 (148.9~175.4)	193.4 (175.5~193.6)	193.9 (193.7~∞)

※ According to residential regions of the child, the fee may be increased or decreased: Urban 2% increase, Rural 13% decrease

<Source: Seoul Family Court (2012), p.14.>

The current estimated table for the child nurturing fees considered the 2009 national census. This table should be revised on a regular basis to build public trust. As the original census is conducted every three years, this table also should be revised every three years.¹⁴

The estimated table for the child support is the only a guideline when divorced couples consult or when the court decides child support fees, but it does not have a legal effect. Therefore, the court may calculate the child nurturing fee according to the above estimated table but there is no need to obey it. (Seoul Family Court, 2012:27). The best way to overcome this limitation is for the Ministry of Gender Equality and Family (MGEF), not the court, to write the estimated table for child support fees.

If the MGEF writes the estimated table for the child nurturing fees, then it may easier to make a reach agreement between the divorced parents. The estimated table for the child nurturing fees can be used not only by the judge but also by the divorced parents. As more than 75% of couples divorced by agreement in Korea, it is better for the MGEF to make and announce the estimated table for child support.

14 일반적으로 양육비가 쟁점인 사건처리 시 법원은 양육하고자 하는 측에 소요항목과 금액을 제시토록 한 후 당사자 간 합의를 시도하나, 합의가 이루어지지 않는 경우 대체로는 부모 공동부담 중 일방이 부담하는 부분을, 당사자들의 재산상황이나 경제적 능력과 부담의 형평성 등 여러 사정을 고려하여 월 30만원 내지 50만원 사이에서, 경험적으로 적당하다고 생각되는 금액을 양육비로 산정하여 왔다(2005년 9월부터 2006년 9월까지 서울가정법원 199건 조사기준)(김혜주, 2009:23 재인용)

It may necessary for the court to enforce the estimated table for child support. However, since the estimated table for child support is only a guideline, the court may decide specific fees during the process of trials, case by case.

III. Situation and problem of implementation guarantee system of the nurturing fee

When the divorced parents do not pay child support, we need a means to force them to pay. Under the current law, the court can levy the child support fee to divorced parents by forced enforcement of the civil enforcement law and the code of legal procedure. However, in reality, it is very difficult to enforce such measures to divorced parents.¹⁵ In view of this, let us examine the limitations of the civil enforcement law and the code of the legal procedure system to enforce the child support fee.

1. The limitation of compulsory enforcement procedures under the civil enforcement law

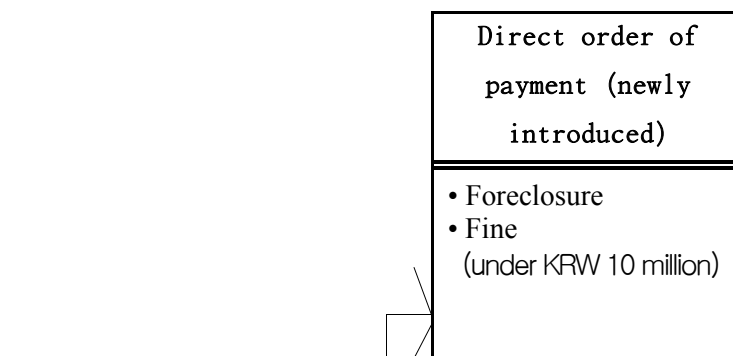
If the parent is a debtor, and does not have any property with their own name, then there is no way to enforce him to pay the child nurturing fee.

2. The limitation and situation to guarantee implementation of the nurturing fee under the code of legal procedure

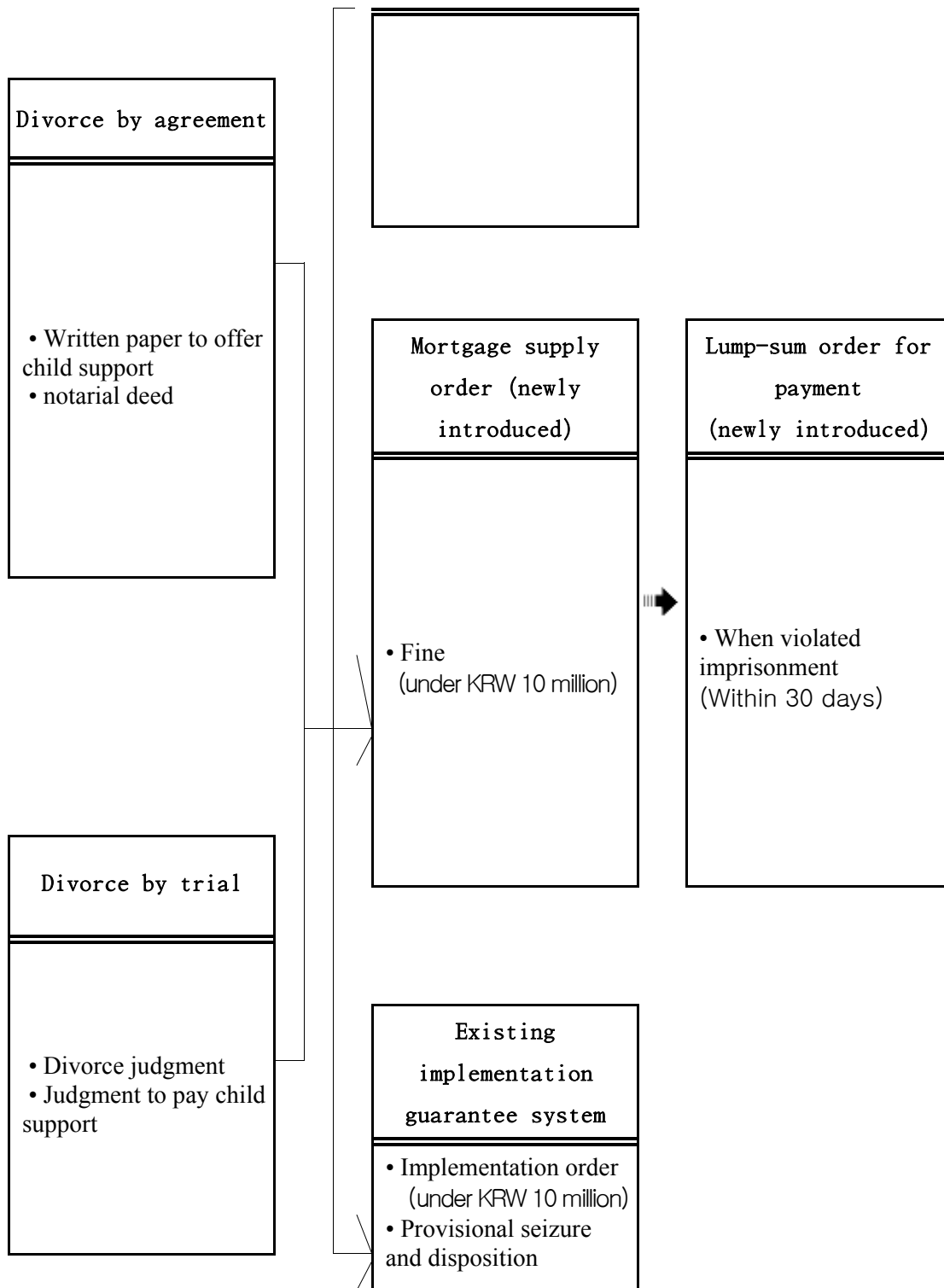
Under the code of legal procedure, the court may levy child support fees on divorced parents through following methods: Provisional seizure and provisional disposition (Article 63 of the code of legal procedure), direct order for payment of child support (Article 63 of the same law), mortgage supply order (Clause 1 and 2 of the Article 63 of the same law), a lump-sum payment order (Clause 3 and 4 of the Article 63 of the same law), holding finances (Article 65 of the same law), penalty, and imprisonment. The below table illustrates the various methods.

Although there are various ways to levy the child support fee, people are still unable to receive support and live under hardships and difficulties. The below picture shows the roles and limitations of each system to secure child support fees.

<Picture 1> Outline of guaranteeing child support and procedure



15 일례로 가정법률상담소의 자료에 의하면 승소하였어도 상대방의 연락두절, 소재불명, 항소 등으로 실제 양육비 지급이 어려운 경우가 2007년에는 전체승소건수의 34%, 2008년에는 73%에 달한다고 한다(김혜주, 2009:27).



-
- Preliminary disposition

Source: Press release of the Ministry of Justice (2009)

A. Measures to detect property of the other party

1) Situation

On November 9, 2011, a clear statement of property and property inquiry system was introduced during a nurturing fee petition lawsuit. By doing so, one party can find out what the other party's property holdings are.

The clear statement of property system was introduced to show how much property one has when a petition is made for child support.¹⁶ The property inquiry system was introduced to find out how much property one has by using information of public organizations and financial organizations even without cooperation of the person concerned.^{17 18 19}

2) Limitations

However, the other party frequently does not submit a property list, also it is necessary to cross-check the property list of the person concerned. What is more, it is a time-consuming process, as one can use the property inquiry system only after one used the clear statement of property system. Accordingly, finding out what someone's property holdings are is still burdensome.

16 재산명시명령을 받은 당사자는 가정법원이 정한 기간 이내에 자신이 보유하고 있는 재산과 과거 일정한 기간 동안 처분한 재산의 내역을 명시한 재산목록을 제출하여야 하며(가사소송규칙 95조의4 1항 본문), 재산명시 대상 당사자가 정당한 사유 없이 재산목록의 제출을 거부하거나 거짓의 재산목록을 제출한 때에는 1천만 원 이하의 과태료에 처하게 된다(가사소송법 67조의2).

17 재산명시명령의 송달을 위한 주소보정명령을 받고도 공시송달요건에 해당되는 사유로 인하여 이를 이행할 수 없었던 경우

18 재산명시절차를 거친 미성년 자녀의 양육비 청구 사건의 당사자가 양육비 청구사건이 계속 중인 가정법원에 신청하며, 재산조회에 필요한 비용으로서 가정법원이 정하는 금액을 미리 내야 하고(가사소송규칙 95조의7 1항), 조회 대상자와 조회할 공공기관, 금융기관 또는 단체와 재산의 종류 등을 적은 서면으로 신청하여야 한다(가사소송규칙 제95조의6).

19 누구든지 재산조회의 결과를 심판 외의 목적으로 사용하여서는 아니 되며(가사소송법 48조의3 4항), 재산조회결과를 심판 외의 목적으로 사용한 사람은 2년 이하의 징역 또는 500만 원 이하의 벌금에 처하게 된다(가사소송법 73조).

B. Preliminary Implementation Guaranteeing System: Preliminary disposition and provisional seizure and provisional disposition

1) Situations

If the other party does not implement the preliminary disposition, the judge may levy a fine under KRW 10 million. (Clause 1, Article 67 of the code of legal procedure).

The differences between the preliminary disposition and the preservation measure of household affairs are in the below table.

<Table 2> Differences between the preliminary disposition, provisional seizure and provisional disposition system

	Preliminary disposition	Preservative measure of household (provisional seizure and provisional disposition)
Targets	Defined by the overall code of legal procedure cases of lawsuit, and adjustment cases	Household lawsuit cases
Relations with original bill	Ongoing	Non requisite
Guarantee enforcement power and effectiveness	No enforcement power, sanction with fine	Enforcement power
Request for official announcement	Petition and by official authority	Petition
Issuing authority	Family Court, mediation committee or mediation judge	Decision of court
The other party	The other party or other litigants possible	Debtor
Contents	In order to resolve the family dispute, from the guardianship point of view, actively dealing with it for overall matters.	Banning of passive disposition
Relations with security	Regardless of the security	Custom of the security
Effect	Until the original bill determined at the trial	Until the execution started
Objection method	Immediate appeal	Rejection and dismissal of petition--immediate appeal

2) Limitations

Preliminary disposition system is a useful system as the court can intervene for the interest of the children. However, since the court did not have the execution power, many occasions, the intervention of the court became useless.

Sometimes prior to lawsuit one may put under provisional attachment, in order to make easy for execution, when the plaintiff won at the trial for claiming the child raising fees.

However, this action is possible when the plaintiff knows whereabouts of the other party, otherwise the system is nearly useless.

C. Implementation guarantee system in retrospect

1) Implementation order system (Family Litigation Act Article 64)

A) Significance

Apart from compulsory execution, when obligators do not fulfill their duties, the court may levy a fine or imprison obligators. By doing so, the court may pressure the obligator to fulfill their duties.

B) Limitations

When obligators do not fulfill their duties, the court may levy a fine or imprisonment. However, in reality, the sanction procedures are too complicated, and thus the effectiveness is hampered very often. In view of this, a simplification procedure is essential in order to implement sanctions effectively.²⁰

2) Direct order for payment of child support

A) Significance

The direct order for payment of child support is similar to the salary deduction system of the U.S.: If the obligators do not pay the child support fee more than twice, then the family court may order the relevant party to directly deduct the child support fee from the obligators' salary. If the relevant party does not deduct the child support fee from the obligators' salary, then the court may levy a fine on them fine below ten million won.

B) Limitations

(1) Relation to seizure prohibition bond

Although child support fee creditors are entitled to receive the fee from obligators, creditors cannot receive the whole amount from the obligators' salary, but rather only a partial amount.

According to a presidential decree, if the salary of the obligator is less than certain amount (approx. 1.5 million) per month, then seizure from the obligator's salary is not permitted.²¹

(2) Effective response is weak due to lack of information on employment

If the obligators quit or change jobs, they have to report to the family court within a week, but there is no statement on what to do after that period.

Therefore it is necessary to establish an organization which exclusively deals with this matter.²²

20 현행 Family Litigation Act 제68조에 따라 이행명령을 거쳐야만 과태료와 감치를 할 수 있게 되어 있는 것을 이행 명령 제도를 폐지하여 3개월 분 이상의 양육비 미지급시 바로 감치, 과태료 부과가 가능하도록 개정하는 것도 적극 검토되어야 한다는 의견을 개진한 바 있다(박종택, 2012:99).

21 일본의 민사집행법은 2003년 개정에서 이러한 방식으로 전환한 바 있다. 일본 민사집행법 제152조 참조.

22 양육비 직접지급명령 제도는 미국의 급여공제제도를 본뜬 것이지만, 우리의 경우 양육비 지급을 확보하기 위하여 사법작용을 통해서 이루어지고 있는 반면 미국은 행정작용으로 처리되고 있다는 근본적인 차이로 인해, 직접지급 명령을 이용하여 자녀 양육비를 받아내는데 있어 장애요인이 될 수 있는 잦은 직업이동에 대한 대처방식도 달라진다. 우리의 경우는 양육비의무자가 직장을 그만두거나 이동할 경우에 양육비를 받아내는 책임을 전적으로 개인에

3) Order to provide security and an order for a lump-sum payment (Family Litigation Act, article 63)

A) Significance

The order to offer security and an order for a lump-sum payment are aimed to making it easy in case of future unstability of the bond, when the debtors do (or can) not pay the child nurturing fee.

When obligators do not fulfil the security order, the family court may levy a penalty under ten million won, as well as an order for a lump-sum payment for the total or part of the child support fee. If the obligator does not fulfil this order, the family court may give a sentence of imprisonment within thirty days.

B) Limitations

When obligators do not fulfill their duty, creditors may apply any measure to sanction the obligators. However, the procedures and stages are too complicated, with a prolonged time scale, so it is very difficult to implement any sanction against violating obligators.

The below < Table 3> shows how much the newly introduced system has been used after the revision of the Family Litigation Act.

<Table 3> Handling state after revision of the Family Litigation Act (Nov.9.11 – Nov.8.11)

Years	Number of Requisitions			Number of Handling		
	Child nurturing fee's direct order for payment	Security offer order	Lump-sum payment order	Child nurturing fee's direct order for payment	Security offer order	Lump-sum payment order
2009	34	11	0	25	5	0
2010	309	68	5	302	54	5
2011	317	60	14	285	47	8
합계	660	139	19	612	106	13

게 부과하고 있어 효과적으로 대처할 수 없지만, 미국의 경우는 이 경우에 대처하기 위하여 1997년 10월부터 모두 고용주에게 고용의 20일 내에 신규고용을 보고할 의무를 부과하고 있으며, 전국신규고용인명부와 자녀양육비명령에 대한 사건등록기록을 자동적으로 비교 대조함으로써 새 일을 시작한 수일 내에 다시 양육비를 받을 수 있는 시스템을 갖추고 있다.

4) Deposit of money (Family Litigation Act, Article 65)

A) Significance

In a family dispute, in order to avoid emotional problems between the parties concerned, the family court may keep a deposit of money.

B) Limitations

In practice the deposit of money system is rarely used.

5) Penalty

A) Significance

When the obligators do not pay the child support fee and have no justifiable reason, by petition of the person concerned, one can levy the penalty.²³

B) Limitations

However, if the obligators are very poor, the effectiveness of the penalty system is not very good.

6) Imprisonment

A) Significance

If obligators do not pay the child nurturing fee more than three times without justified reason the creditors may request imprisonment of the obligators to the family court. Then the family court can imprison the obligators within 30 days. (Family Litigation Act, Article 68, Clause 1, Family Litigation Regulation, Article 131).

B) Limitations

If the judiciary does not enforce imprisonment within three months of notification, the imprisonment sentence became invalid. What is more, in many occasion, the court staff, prison officers and police are not keen to enforce imprisonment of the obligators.

3. State and problems of the implementation guarantee system of the child nurturing fee from users' perspective

No system exists to know about result of *expost facto* decisions made by the family court. Thus, most of the cases rely on the petition of the person concerned (the creditors).

Therefore, since 2007, the government has been providing free legal support services for single parents.²⁴

<Table 4> Legal support service state of the child nurturing fee (Ministry of Gender Equality and Family)

23 해당 조문에는 직권에 의해서 과태료를 부과할 수 있도록 되어 의무위반에 대한 사실을 법원에서 감지할 수 없기 때문에 실무에서는 당사자의 신청에 의해 과태료 부과절차가 개시된다고 한다.

24 소득, 개인 재산 정도 등에 상관없이 한부모가족(조손가족)인 경우 지원하되, 승소금액이 2억 원을 초과하면 지원대상에서 제외함.

(Unit: Cases)

Years	Numbers of Legal Aid			
	Sub-total	Child nurturing fee petitions	Child recognition petitions	Implementation guarantee of the child nurturing fee
2007	513	338	14	161
2008	543	294	17	232
2009	650	354	23	273
2010	801	372	10	419
2011	942	405	25	512

IV. Revision trend to guarantee implementation of child support fees

There are two kinds of child support systems among OECD countries: 1. The government sets up an organization which enforces the child nurturing fee; 2. If the obligated people do not pay child support, then the government pays the person concerned first. Then the government makes a claim to obligated party. This system has been adopted by 18 countries out of total 32 OECD countries.

The 19th National Assembly of Korea tried to revise the child support fee system after benchmarking other foreign countries' cases.

Min Hyun-ju, a lawmaker in the National Assembly, proposed the following bill on Feb. 21, 2013: establishment of a national child nurturing fee management authority which would be affiliated with the Ministry of Gender Equality and Family (Bill number: 1903818)

Other lawmakers also proposed the following bills regarding child support fees, as you can see in the below <Table 3>.

<Table 3> Comparison of proposed bills regarding the child nurturing fees

Division	A bill for child support fees (Kim Sang-hee, MNA)	A bill for unwed families' child support fees (Woo Yun-gun, MNA)	A special bill for child support fees (Shu Young-gyo, MNA)
Target Benefactors	Child nurturing mom (dad)	Child nurturing unwed mom (dad)	Child nurturing mom (dad)
Condition to receive in advance	If obligator does not pay more than three times	If obligator does not pay (regardless of number)	If obligator does not pay more than twice
Period to pay in advance	Until the child reaches adult age by the civil law	Until the child reaches adult age according to the civil law	Maximum 12 months, extend every six months until two times

Division	A bill for child support fees (Kim Sang-hee, MNA)	A bill for unwed families' child support fees (Woo Yun-gun, MNA)	A special bill for child support fees (Shu Young-gyo, MNA)
Ministry which pay in advance	Minister of Gender Equality and Family	Minister of Gender Equality and Family	Minister of Gender Equality and Family
Nurturing fee criteria	Composition and announcement of nurturing fee criteria	Delegate with a presidential decree	Composition and announcement of nurturing fee criteria
Nurturing fee decision Committee	Committee decides nurturing fee, establishment and operation of implementing organization	—	—
Execution rights	Necessary to submit	Necessary to submit	Necessary to submit
Right to indemnity	Cession of an obligation agenda regulation exist	Cession of an obligation agenda regulation non-exist	Cession of an obligation agenda regulation non-exist
Delegation regulations	.Minister of Gender Equality and Family may delegate an organization .Local government head may delegate	Delegate a NPO which aimed to legal aid	—
Penalties	When unfairly received the fee, imprisonment under one year or penalty under ten million won	When unfairly received the fee, imprisonment under one year or penalty under ten million won	When unfairly received the fee, imprisonment under one year or penalty under ten million won

It is necessary to establish a separate organization which exclusively and systematically deals with child support issues.

Although various legalization efforts have been attempted since the 17th National Assembly to pay the child nurturing fees prior to (and instead of) the obligators, due to massive financial commitment, these efforts were not very successful as one might wished. Thus, it may necessary to promote a bill to establish an organization which supports implementation of child support fees. Then, if necessary, the government may pay the child support fee for those who are in need.

Discussion Paper

Cho Joo Eun

Researcher of the National Assembly Research Service

1. Status of Single Parent Families in Relation to Child Support Claim

The number of single parent families was estimated at 549,034 as of 2010.

- According to 『Census』 (2010) of the National Statistical Office, which is carried out once in five years, the number of divorced single parent families is 523,000. The number of widowed single parent families (2010) is 474,000.
- There are no official statistics of the number of single mothers bringing up children aged eighteen and under, but it was estimated at 26,034 as of 2010.

<Reference> An Estimated Number of Children Raised by Single Mothers						
⊖ Yearly statistics (unit: persons)						
Birth Year	1991	1992	1993	1994	1995	1996
Ⓐ Birth Statistics	7,259	8,304	8,799	9,272	8,748	6,290
Ⓑ Adopted Children	2,758	2,717	2,980	2,913	2,699	2,822
ⓒ Born outside marriage (Ⓐ+Ⓑ)	10,017	11,021	11,779	12,185	11,447	9,112
Ⓓ Children Raised by Unwed Moms (ⓒ×Unwed Mom Rate)	651	727	789	829	790	638
Birth Year	1997	1998	1999	2000	2001	2002
Ⓐ Birth Statistics	4,196	4,428	4,716	5,540	5,330	5,184
Ⓑ Adopted Children	3,082	3,338	3,622	3,706	3,862	3,708
ⓒ Born outside marriage (Ⓐ+Ⓑ)	7,278	7,766	8,338	9,246	9,192	8,892
Ⓓ Children Raised by Unwed Moms (ⓒ×Unwed Mom Rate)	517	559	692	795	1,011	1,438
Birth Year	2003	2004	2005	2006	2007	2008
Ⓐ Birth Statistics	6,082	6,116	6,459	6,805	7,774	8,363
Ⓑ Adopted Children	3,464	3,507	3,164	2,901	2,296	2,170

㉔ Born outside marriage (㉑+㉒)	9,546	9,623	9,623	9,706	10,070	10,533
㉕ Children Raised by Single Moms (㉔×Unwed Mom Rate)	<u>2,038</u>	<u>2,553</u>	<u>3,050</u>	<u>3,077</u>	<u>3,192</u>	<u>3,339</u>

* Note:

- ㉑ Birth Statistics: the National Statistical Office, research on population movements, children born “outside marriage” 2009
- ㉒ Adopted Children: Ministry of Health and Welfare, ‘The Number of Children Raised by Unwed Moms Out of Adopted Children Home and Abroad’ 2009
- ㉔ Born outside marriage = ㉑ + ㉒
- ㉕ Children Raised by Unwed Moms (㉔× Estimated Unwed Mom Rate)
- The Unwed Mom Rate has been estimated based on statistics of children born “outside marriage” (the National Statistical Office), considering annual single mom rates: 5.8% of 1984 (Korean Women's Development Institute), 7.2%, 8.3%, 8.6%, 11% between 1998 and 2001, respectively (2002 Kang Young Sil), and 31.7% of 2005 (2005 Heo Nam Soon).

Estimated Number of Children Raised by Single Moms Based on Their Birth Year

Age	Persons	Ratio
0 ~ 2 (Two and Under)	3,339	12.8
0 ~ 3	6,531	25.1
0 ~ 5	12,658	48.6
0 ~ 7	17,249	66.3
0 ~ 13	22,261	85.5
0 ~ 15	23,689	91.0
0 ~ 18	<u>26,034</u>	<u>100.0</u>

Note: 2009 statistics have been taken into account

Lee Mi Jeong (2010) 「Status of Single Moms and Ways of Self-Support」, Korean Women's Development Institute

2. Domestic Bills Concerning Child Support Enforcement

As you could see from the keynote speaker's presentation, it has been pointed out that Korea's child support enforcement programs are not very effective. In the 17th and 18th National Assembly, bills to make sure the enforcement of child support were introduced in forms of statute law, but all of them were discarded at the expiration of the lawmakers' term of office.

- The 17th National Assembly : 「Special Bills Concerning Child Support Enforcement」 (Kim Jae Kyung, a law maker)

- The 18th National Assembly : 「Child Support Payment Bills 」(Kang Myeong Soon, a law maker), 「Bills Concerning Child Support to Children of Unmarried Families 」(Lee Nak Yeon, a law maker), 「Amendments of Single Parent Support Law 」(Kim Sang Hee, a law maker)

Four bills have been introduced to the 19th National Assembly.

- 「Child Support Prepayment Bill」(Kim Sang Hee, a law maker), 「Bill Concerning Assurance of Child Support And Child Care Payment for Unmarried Families 」(Woo Yoon Geun, a law maker), 「Special Bill Concerning Pre-paid Child Support」(Seo Young Gyo, a law maker)

Public services of the government concerning child support enforcement is one of President Park's commitments, and a relevant bill has been introduced to the National Assembly

- Relevant Bill: 「Bill Concerning Establishment of Child Support Enforcement Office」 was introduced (2013. 2. 21.) (Min Hyung Joo, a law maker, Bill number: 1903818)

Major content is the following:

- | |
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| <p>A. This law aims at producing a safe environment for children of minority age by the establishment of National Child Support Enforcement Agency to make sure custodial parents to get child support from non-custodial ones (Article 1)</p> <p>B. "Child Support Liability" is liability for child support under the executive jurisdiction by 「Civil Law」 Article 836(2) and 「Family Litigation Act」 (Article 2(2))</p> <p>C. National Child Support Enforcement Agency should be established under the Ministry of the Gender Equality & Family to take exclusive charge of claims and enforcement of child support, and it has one head officer and office. (Article 7(3))</p> <p>D. Child Support Fulfillment Deliberating Committee consisting of 14 non-permanent committee members including the head officer should be established under National Child Support Enforcement Agency to create and improve child support enforcement policies and to review and decide measures against child support non-fulfilling parents. (Article 9)</p> <p>E. Custodial parents should have access to make application to the head officer of National Child Support Enforcement Agency child support consulting service and legal service to secure the jurisdiction to claim for and enforce child support. (Article 10 and Article 11)</p> <p>F. If there are claims for fulfillment from child support recipients the head officer of National Child Support Enforcement Agency should deliver bills claiming for the fulfillment of child support to obligators, and if the fulfillment has not carried out within one month after the delivery, it should execute</p> |
|--|

	investigation for the child support obligator's income and financial status.(Article 12)
G.	The head officer of National Child Support Enforcement Agency may investigate or inquire child support obligators to confirm and check their financial status, and it may ask for data from relevant financial institutions concerning their financial·credit·insurance information and national and municipal tax payment. (Article 13)
H.	The head officer of National Child Support Enforcement Agency may take actions to secure the enforcement of child support against child support obligators such as applications for order of child support payment, securing properties, enforcement of child support and attachment, and seizure of obligators' assets and tax refund by the decision of Child Support Fulfillment Deliberating Committee (Article 15-17)
I.	The Minister of Gender Equality and Family may take administrative measures against obligators' non-fulfillment of child support, such as offering information of their overdue child support payments and requesting for prohibition of departure from the country (Article 18, Article 19)
J.	The head officer of National Child Support Enforcement Agency may take a certain amount of fees for child support collection and transfer from obligators with a certain income level in enforcing child support. (Article 21)
K.	Those who worked or work as agents of National Child Support Enforcement Agency should maintain private information confidentiality, and if he or she breaches their obligation, they will be liable to a maximum of five years' imprisonment or fines of up to 30 million won. (Article 23, Article 24)

3. Implications of Foreign Cases

Most developed Western countries have systems for reinforcing child support enforcement (See <Table 1>)

**<Table 1> Comparison of Child Support Enforcement Systems
Between Major Countries**

Type	Countries	Child Support Enforcement Decided by	Child Support Amount Determined by	Child Support Enforced by	Prepayment Program
British-American	Australia, New Zealand, Great Britain, the U.S.	CSA (Australia, GB) Inland Revenue Child Support (New Zealand) Court (the U.S.)	Parents, CSA (if they fail to reach an agreement)	CSA	None
Continental 1	The Netherlands, France, Belgium	Court	Parents, Court (if they fail to reach an agreement)	Separate agency	Yes
Continental	Austria,	Court	Parents,	Court	Yes

2	Germany, Spain		Court (if they fail to reach an agreement)		
North European	Finland, Norway, Denmark	Welfare agency	Parents, Welfare agency (if they fail to reach an agreement)	Welfare agency	Yes

Note: OECD, Family Database, PF1.5 Child support (maintenance) systems, 2013

1) Child Support Enforcement Systems

A. British-American Countries

Separate agency named Child Support Agency, CSA, takes part of deciding and enforcing child support. The child support system is related to public assistance, and there is no pre-paid public assistance program (see <Table 2>)

- In the U.S., courts decide the amount of child support, and CSA only takes the role of enforcing it.
- In Great Britain, parents decide the amount of child support, and CSA only takes the role of enforcing it.

**<Table 2> Child Support Enforcement Systems of
British-American Countries**

Type	Child Support Enforcement Decision		Child Support Assessment	Child Support Enforcement	Prepayment Program
	Court	Administrative Body			
Australia	Residual role	CSA	Parents, CSA (if they fail to reach an agreement) One parent who brings up the child gets paid.	CSA	None
New Zealand	Residual role	Inland Revenue Child Support	Parents, IRCS(if they fail to reach an agreement)	Inland Revenue Child Support	None
Great Britain	Residual role	CSA	Parents, CSA(if they fail to reach an agreement) One parent who brings up the child gets paid.	Court, Inland Revenue Child Support	None
The U.S.	Major	CSA (It can be	Court	Court, Inland	None

	role	different according to which state it is.)		Revenue Child Support	
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Note: OECD, Family Database, PF1.5 Child support (maintenance) systems, 2013

B. Continental Countries

Continental Countries 1

- In most countries, the courts take the major role in deciding child support, and a separate agency takes care of the enforcement. There exist pre-paid child support programs. (See <Table 3>)
- In the Netherlands, Belgium, France, separate agencies take the role of enforcement, and in Belgium and France, there are pre-paid child support programs.
- In the case of Netherlands, child support is related to public assistance.

Continental Countries 2

- Courts take the major role in determining and enforcing child support, and there exist pre-paid child support programs (See <Table 3>)
- Pre-paid child support programs have been introduced in most European countries, except for Portugal and Netherlands.
- Sweden is similar to continental countries in the form of enforcement of child support.

<Table 3> Child Support Enforcement Systems of Continental Countries

Type		Child Support Enforcement Decision		Child Support Assessment	Child Support Enforcement	Prepayment Program
		Court	Administrative Body			
Continental Countries 1	Netherlands	Major Role	None	Parents, Court (If they failed to reach an agreement. And the Court becomes the recipient)	National Collection and Support Agency	None
	Belgium	Major Role	None	Court	Court, DAVO	Yes
	France	Major Role	None	Court	Court, Social Welfare Agency	Yes
Continental	Sweden	Major	None	Court	Enforcement	Yes

Countries 2		Role			Service	
	Austria	Major Role	None	Parents + Court Permission	Court	Yes
	Germany	Major Role	None	Parents, Court (If they failed to reach an agreement)	Court	Yes
	Spain	Major Role	None	Court	Court	Yes
	Portugal	Major Role	None	Parents, Court (If they failed to reach an agreement)	Court	None
Reference	Korea	Major Role	None	Parents, Court (If they failed to reach an agreement)	Court	None
	Japan	Major Role	None	Parents, Court (If they failed to reach an agreement)	Court	None

Note: OECD, Family Database, PF1.5 Child support (maintenance) systems

C. Northern European Countries

Welfare agencies take a major role in deciding child support enforcement, and there exist pre-paid child support programs (See<Table 4>)

<Table 4> Child Support Enforcement Systems of Northern European Countries

Type	Child Support Enforcement Decision		Child Support Assessment	Child Support Enforcement	Prepayment Program
	Court	Administrative Body			
Finland	Residual Role	Social Welfare Board	Parents, Social Welfare Board (If they fail to reach an agreement)	Municipal Social Welfare Board	Yes
Norway	Residual Role	Work and Welfare Agency (NAV)	Parents, NAV (If they failed to reach an agreement)	National Maintenance Payment Collection Center	Yes

Denmark	None	Country Governor's Office	Parents, CSA (If they fail to reach an agreement) Custodial parents are the recipients	Court, CSA	Yes
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Note: OECD, Family Database, PF1.5 Child support (maintenance) systems, 2013

2) Case Study

A. The U.S.

The U.S. has introduced policies to help enforcement of child support in a welfare budget saving way, and has strengthened its procedure and system, coupled with a social atmosphere of strengthening personal responsibility over the issue.

Relevant Laws

- Social Security Act (1973)
- Child Support Amendment (1984)
- Family Support Act (1988)
- PRWORA (1996)

Relevant Programs

Office of Child Support Enforcement is in charge of relevant programs.

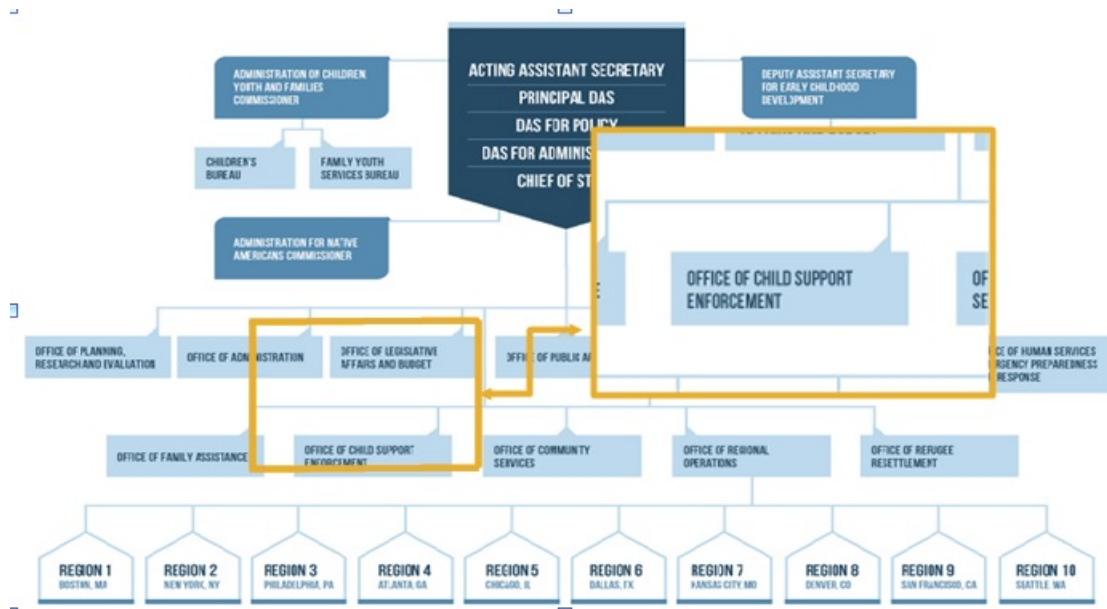
Contents:

- It offers matching funds to state governments over child support enforcement.
- In every state, overdue child support is withheld from obligated parents' earned income.
- In every state, obligatory child support assessment programs have been established as a law, withholding money for child support from noncustodial parents.
- Beneficiaries entrust their claims for child support to state governments, and child support collected by the government is used to reimburse public assistance.

Distribution of Child Support

- US Federal OCSE (Office of Child Support Enforcement) establishes major policies and support for child support enforcement, and in return, each state operates different, detailed organizations and procedures.

<Picture 1> US Federal OCSE Structure



Note: Administration for Children & Families:
ACF (<http://www.acf.hhs.gov/about/offices>)

B. Belgium

Belgium has introduced child support enforcement programs in the respect of gender equality. The programs have been operated first focusing on systematic welfare programs, and now as separate welfare services.

Relevant Law

- 「Child Support Enforcement and Pre-paid Child Support Program Law」(1980)

Relevant Programs

In 2003, bills were introduced to establish child support enforcement service funds in Public Service Finance. In 2004, DAVO (Dienst voor Alimentatievordering) Service for Maintenance Claiming was initiated.

In 2005, DAVO took over the pre-paid child support program (which was restricted to low-income families), which had been operated by the existing welfare organization OCMW (Public Center for Welfare).

- Major Roles of DAVO
 - DAVO, service for maintenance claiming of Belgium is a federal finance service that enforces judicial decisions concerning divorce and is in charge of supporting, maintaining, and paying to those who live below the poverty line.
 - If two months elapses after the court's decision and child support has not been satisfied, one may apply for child support enforcement and pre-paid child support.

- Courts make a decision of child support.

2. Implications

To support divorced single parent families, non-custodial parents should be obligated to support their children.

Many OECD countries have separate child support enforcement organizations.

- British-American/North European Countries: Child support decision and enforcement are carried out by separate bodies
- The U.S. and Continental Type 1 Countries: Child support decision is made by the court, and a separate organization enforces the decision.
- Continental Type 2 Countries: Courts are in charge of both child support decision and enforcement.

Child support enforcement is linked with public assistance or public allowance.

- British-American Countries: Child support enforcement is linked with public assistance, and a separate body has the priority over the claim for child support carried out by obligatory parent against public assistance recipients.
- Continental/Northern European Countries: Child support enforcement is linked with pre-paid child support allowance, and welfare office bears no priority against the beneficiaries.

Four bills have been introduced in the 19th National Assembly, the following issue have to be examined thoroughly:

- Child support enforcement service should include the following roles, considering the U.S. Office of Child Support Enforcement's major roles
- Locate Non-custodial Parent → Establish Paternity (Recognition Phase through Genetic Test) → Obligate Appropriate Level of Financial and Medical Treatment Support → Enforce Child Support
- Child support enforcement service should be established, but the bill should also state its roles and cooperative relationship with relevant judicial and administrative bodies including the Supreme Court, Ministry of Security and Public Administration, the National Police Agency, National Tax Service, Ministry of Employment and Labor, Ministry of Foreign Affairs and municipal governments.
- Certain periods should be taken into account concerning pre-paid child support. (For example, considering military service years the support should be prolonged.)

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Child Support Is Not Enforced, Even If There Is a Court Judgment

Choi Yeon-hee
Member of the Seoul Single Parent Association

I married in 1990, and I got divorced in 1992. After that, I have lived with my son. When I divorced, he was just 1 year old. Now, he is a 23-year-old man and serves as a policeman instead of in the military service in Korea.

In the process of divorcing, my husband gave up his parental right, and I was selected as the person to raise my son by the court. At that time, I took care of my son without any support such as alimony and child support from my ex-husband. Since I got both the right to raise my child and the parental right from my ex-husband, I just thought that all responsibility of payment for my son belonged to me.

As my son grew up, I worried about him because of the absence of his father. At the time of puberty, he ran away from home and he had to have psychological treatment. At that time, someone suggested that I find the father to make my son's condition better. Then, I found his address in the internet.

He became a pastor who has a property worth 4 hundred million won (USD\$365,000). Even on his profile on the internet, he said worked for single parents, solitude elders, and disabled people, and he was a leader in a social welfare association.

My son and I became furious because he never tried to find us or worried childcare, even though we lived in poverty.

Three years ago, when my son was junior in a high school, the Seoul Single Parent Association which I joined gave me information about reimbursement for child support. Through free legal advice service in Yeouido, I tried to bring a suit for child support against my ex-husband.

I won the trial, and the court ordered my ex-husband to give us 3 million won (USD\$2,700). Even though it was three years before, it was so small compared with a statistic that indicates that the cost of raising one child from the age of 1 to college graduation is generally 3 hundred million won (USD\$273,000). Even this amount was nonsense considering expenses which I spent for my son until that time. I could not work well during the trial because the court opened not in Seoul where I live, but in Chungjoo, so it took about 2 hours to arrive there. I was so despondent over the result because I already spent too much time and suffered hardships.

The public defender from the free legal advice service told me to write to end this trial because I got 3 million won even if he knew the cost that was too smaller than I requested. I prepared what he needed such as certification of contents and documents showing my current difficult conditions for the trial. However, he did never defend against the result and he told me to go back to Seoul.

Even he told me I could not take the child support if the husband had not given it to me. Despite this confusing situation, I cheered myself up. I did not want to sign to end the trial, but I wrote it down because I needed my son's college registration fee.

After 1 year, the child support payment from my ex-husband is still unfulfilled. I tried to ask my attorney on the phone about this situation, but he answered it is my part to do now. Therefore, I started again whole process to take the payment like asking family court, finding another attorney, and so on. I did not want to give up, considering whole my effort.

My ex-husband who hadn't called for 20 years said, "Tell the kid that I am dead." With these completely irresponsible words he really injured me more.

I really did not want to call the husband, but I had to call him to bring the verdict because I realized it was the only measure left. However, he never moved and abused me on the phone. This situation damaged me so much that I could not work well on anything.

Although I did not want to let my son know about this situation, he knew and called his father. He never saw his father's face, but he got a promise to get the child support fee from his father. One year after the verdict, we got the fee three times, for three months. Finally, we got the child support fee, but also we got damage that never disappeared. What made me really angry was that my ex-husband didn't apologize for giving us only 3 million won without any other support until then, and he did not take any responsibility for raising his child.

Even if there is a free legal advice service, the attorney's attitude was not sincere. It seemed to make us who did not have any assets more sorrowful.

Even though I got the judgment it was not enforced, so finally I understood that I had to solve the problem myself. What kind of law is that? I had many things to do immediately like raising my son and educating him. The process was complicated, and getting child support by myself was difficult. **Why doesn't the country make a law to give the money to single moms first and then take it from ex-husbands?**

Our society tends to praise non-custodial parents who pay child support, even though it is reasonable. It shows that our society is not familiar with the concept of child support. I think we have to make a law that restricts giving driving licenses or prohibits departure from the country to prevent non-payment of childcare support after divorce.

It is really ridiculous to live honorably without paying for any expenses incurred from raising one's children.

On Jan, 25, 2013 I had surgery because of thyroid cancer and on April 24, I was readmitted to the hospital to have radiation. Now I am unemployed. Raising a child alone is difficult and fighting a disease is difficult, and now I have to fight for my son's right to exist, too. Why do I have to use so much energy doing this stuff alone.

Many single mothers just give up in the middle of this process because it's too difficult. I was also like that at first. It would be good if you could just get the child support and not have all this runaround.

No matter how much you go around trying to get the money, if he does not fulfill his obligation, that's the end of it. What is the law for? I hope other single parents do not undergo this tough process. The government should solve child support problems.

Today, the government supports every parent by giving all expenses of raising babies and even spends 2 trillion won a year for college students' tuition fees. However, the government says there is no money to support children's right for living. Is it right? Although we do not have money, we have to take care of children to go to school and to eat a meal.

I think the government has to make a law that gives child support to the custodial parent first and then takes it from the non-custodial parent. Even if parents divorce, children have the right to education and to be happy.

I hope there comes a day when children of single parents grow up healthy and bright without worry about child support.

The Need for Legislation for Child Support Implementation

Kim Sun-young
Child-rearing single mother

I had lived a normal life. I met a man and fell in love naturally like any other person. We built up a trusting relationship and started to talk about the future. He was a very sincere person when we started our relationship. That was the reason I could inform him with no worry when I was pregnant, and he also said let's raise the baby together. I could trust him.

However, after few months, he confessed that he couldn't afford a baby, and everything started to go to the wrong way. There was no choice but to trust him all the way because of the fear of being a single mother. He didn't stop lying. He said he would take all the responsibility, but he was acting totally different. It was getting worse, and he never changed at all. At last, I broke up with him and started to prepare a lawsuit with my ten-month-old baby.

As you know, to sue somebody is the last route you can take.

I had all the evidence like the photos, the pledge with his signature, and I knew his ID number, address, family, and contact information. Despite all of that, the legal battle took a long time - a year and a half.

Even though I had all of the evidence and information, the father wouldn't have to take any responsibility if he didn't cooperate, if he didn't do the moving-in notification, or if he was working at some office without social insurance.

I brought this case to court with the Korea Legal Aid Corporation, and my lawyer put me under mental stress. He consistently requested a settlement, and talked as if this were a special benefit even though I knew the government supported all the cost. When I found out that there was no way to enforce the judgment, I started to doubt if it was worth investing my time on the lawsuit.

Many people around me told me to stop suing him. They said I'm not going to get any support from him anyway, and you and your baby will only get stressed out.

Someone told me again, "Just visit him. It's traditional holiday, so he won't reject you." When I heard this, I asked about how to drop the lawsuit, but he took a long time persuading me to just leave it be and in conclusion, I could only think that I didn't want to be involved in this case anymore.

I have been rearing the child alone and doing my own economic activity since I started the lawsuit.

When I applied to be a conditional recipient, the village office checked into the salary and property of the person whose duty it is to support. After this

complicated procedure, I could become the conditional recipient, but after my baby turned one year old, they called me and said, now you have to work. I have some education and licenses for the future, but it was not enough, and now I'm preparing for self-reliance at a welfare establishment for mothers and children.

Once I had to take care of my baby with under 700,000 won of salary.

The thing I can't understand is that biological father is assured minimum wages of 1,500,000 won against the judgment of the child support payment, meaning I can't get support if he has a part-time job with salary of under 1,500,000 won. Also, there are a lot of ways he can hide his property. In conclusion, you can't get child support even if you win the case and get the judgment for child support.

When I told him I'm going to sue you, he said, "If I just don't give you the money, you can't do anything." I can understand now why he said that. I can also understand why people prefer men who have a lot of money. It is because depending on the economic strength of the man, the child support amount is going to be different.

And if the father recognizes the child support lawsuit, without going to court and without agreement, the child's family name changes automatically to the father's. Then I need to reapply for another lawsuit to change the last name of my children.

What is more important than money is the child's emotional problems. Men and women can meet and may break up. However, they need to act responsibly for their children.

In Korea, the recognition of single parents is very low. Children get hurt a lot by the absenteeism of their fathers. The father's behavior without paternal love, like never seeing their children or cutting contact with their children, can hurt them even more.

My baby is 5 years old now. Recently he is wondering about the absence of his father and getting depressed. Every time my child asks about his father, I get very sad, and I hug my child tightly and try to explain it in some way. In spite of these efforts, I know my children's feeling are hurt.

There is an urgent need for an institutional strategy for parents who are not raising their children. They need to get personality education and take the legal obligation of the child support payment.

Closing Address

Mok Kyeong-hwa
Chair of KUMFA, child-rearing unwed mother

First of all, I would like to thank all of you for gracing us with your presence to commemorate the 3rd Single Moms' Day intentional conference.

May is called Family Month. It is a time given to us to revisit how each one of our family members are precious to us. Family is the smallest unit of community that constructs our society. However, the topics we have discussed such as the Special Adoption Law, the birth registration system, and expanding the legal basis for child support indicate that our society is having trouble in providing a solution for family-related disputes.

Especially, the prejudice in society against single mothers has forced mothers to give up their own child for adoption. Through this conference we have once again confirmed it is wrong to force a single mother to give up her child for adoption due to hardship. Furthermore, it was correct amendment to the law to have the family court give permission for adoption, and the small side effects from the new law can be corrected by amending the family register law. Also, the confusion that is brought to the child's identity through adoption has come to our attention, and we believe the automatic birth registration system will be introduced to relieve such problems. Moreover, we have come to an agreement about expanding the legal basis for child support so that women do not have to face financial hardships which disable them from raising their own children.

As the conference is coming to an end, I would like to address the problems faced by our single mothers.

First of all, the media have been continuously misconstruing the truth, saying that single mothers have been abandoning their children, when in truth society has been forcing mothers to give up their children.

Second, "single mother" does not mean there is no father of the child. The father is just not living together with the child.

Third, in order to increase the awareness of our society about the various families living together with us, there should be a section about single mother families in public campaign ads.

Fourth, we should stop the operation of the baby box because it violates the child's right to know their parents and could be used for child abandonment.

Fifth, birth registration is not only the beginning of civil rights for the child, but also a legal obligation for the parents. Thus, for the family court to demand the birth parent to register their child in order to give permission for adoption is an unavoidable issue. This right from the family court should not be retracted.

Sixth, the value of life and its responsibility should be continuously taught through the schools, family, communities, and our society.

Seventh, the welfare system for single mother families should allow them to select raising their child rather than giving up their child for adoption

Again, thank you all for coming to this conference. I would like to thank all the staff members who have prepared this great conference for us, and I especially thank the Dandelions for all their efforts. Also, I would like to thank our dear friend Jane Jeong Trenka who established Single Moms' Day and who has been showing great leadership for us to this very day. Thank you everyone for coming to such a meaningful day.

Closing Speech

Yung-Soon Jeon
Chair of Korea Single Parents Association

I am so happy and honored to be here with you today on “The 3rd Single Moms’ Day: Accountability for the Past, Rights for the Future.”

We have adoptive parents, adoptees, single moms, and single parents in one place today shouting for the basic human rights of them and their children.

Many say that the world has changed. Yes, it is right. The world has changed a lot.

However, the negative perception of single moms has not changed. Single moms and their children are exposed to invisible violence from discrimination in schools, workplaces, and the community. In addition to this, they are suffering from economic difficulties in raising their children by themselves.

We are still living in a country where we recommend adoption, and the responsibility to raise a child as a single parent is put on the mother in most cases.

All the babies born in this country should live with their original families.

Not to mention, all the babies in the world are so valuable and precious that “they won’t even hurt if you put them in your eye.” (a Korean saying)

From today’s event, I hope a world will come where all the single moms and their children live without discrimination and threats to their basic human rights.

Thank you.

The Face that Looks Like Mine

Noh Geum-ju
Dandelions Co-chair

When I was seventeen years old, I met my child's father and when I was eighteen years old, I gave birth to a son. At the end of a lot of life's twists and turns, I became a young mother, but my husband had no economic ability and in the end, I couldn't even eat a meal and I was in a situation where I couldn't even breastfeed my child. Therefore I thought that if I put my baby down and disappeared for just a little while, my husband would pull himself together. So I left my young child and went out of the home for a while. But my husband wasn't able to pull himself together and when I came back to the house again, the child had disappeared and wasn't there. Even without saying anything to me and even without me knowing, my mother had sent my child somewhere. How can I express my sense of loss at that time. No matter how much I struggled, she didn't tell me where my child had disappeared to, and I did not have the ability to live in that place.

After that, I lost the meaning in my life and I wandered. My life was without a goal and without meaning too. My life passed like that and as I lived, I comforted my heart by thinking about where I could live well. Until my child came and found me 30 years later, I had no idea of the reality that he had been internationally adopted. I had only thought that he had been adopted domestically to a rich household. In addition, it was only one month after I had given birth that this happened so I couldn't even think about international adoption. I only found out that my child had been internationally adopted in December 2004, when he came and found me. When I look back on the reality that my child went for overseas adoption, it's so regrettable. I was too young, I didn't know anything, I was too naïve, and when I look back at the way things were, it seems like I lived lashing out. I appeared on the first broadcast of the KBS TV program "Beautiful Forgiveness." I wanted to meet my son quickly because at the time, I was living with my mother and she had surgery on both of her knees. My father had gotten a diagnosis of stomach cancer and had been admitted to the hospital. I heard the news that my son was looking for me from the United States while I was in the hospital lobby. In that situation, I wanted to meet him quickly because before I had "han" (sadness and resentment) our whole family at our home had han. The baby's paternal grandmother had thrown away the baby on the front lawn and the child's uncle (on the father's side) picked up the child and sent him to the adoption agency. My older sister didn't know where the child had been sent for adoption but just thought that a car from a rich home in Korea had come and taken the child. They packed a change of clothes and a "podaegi" (a traditional baby carrier used to strap the child on a woman's back) and quickly took the child, so she thought that the child must be living in a suburb of Seoul in a rich home. After I lost my child, outside of that, I didn't know anything about what kind of life he was living.

A long time ago, I was a really lively person. I didn't have a baby as an unwed mother. I was just married at a young age and had a child, but my baby was sent for adoption without any regard to my wishes. My son is already 38 years old and I had to wait for over 30 years to meet him. I thought that if we met again, everything would be resolved, but after we met, things between the mother and child got even more difficult. My son was not raised in a good home in the U.S. and he did not receive a good education. Even now he is almost homeless. I wonder if you how you can compensate for the

passage of over 30 years. Who will compensate for my 30 years? I still can't have a conversation with my son. When we talk on the phone, he replies, "I don't know." Now my son is 38 years old. I also make an effort and my son makes an effort, but it's too difficult and tiring. I wonder how much time it takes to break the wall of 38 years. Indeed will that wall break?

Our country still sends a lot of children for adoption. Most are unwed mothers' children and there were still a lot of international adoptions last year. The world hasn't changed a lot from the time 37 years ago when I lost my child until now. It's wrong to think that unwed mothers can't raise their children because they are young. You don't know anything if you are not a mother who has lived a life in pain after sending her child for adoption.

I lost my child and I couldn't even live. Even though I've met my child now and made an effort to become a family, there are too many difficulties. There is the cultural difference. When my child came back to Korea, I wanted to eat Korean food together, but he couldn't eat Korean food at all. My heart hurt so much. I gave birth to my baby and at the time we were hungry, so when we met I wanted to feed him, but he couldn't eat. My heart really hurt because he just wanted to eat a hamburger or a slice of pizza and soda. I don't know, but if I had raised my child, would my child be depressed and be living with that expression of dejection? I doubt it. From now on, I hope that there won't be anymore mothers like me who send their children for adoption and live their whole lives with hurting hearts. It's not like the past where it was so difficult just to eat and live. I think that if this was not a world where people point fingers at unwed mothers, then this would not be a world where unwed mothers could not raise their children. I know lots of unwed mothers who are working hard to raise their children alone. Dandelions wants to make a society where we can raise our own children; as parents who sent children for adoption, we want to let the society that is still sending children for adoption without any policy measures know how hurtful that is; and we want to lead the way in settling the adoption culture. Children are the future of our country. I was ignorant so I lost my child, but I hope that there won't be any more mothers like me again who have that kind of pain.

My Lovely Daughter Whom I Miss So Much

Kyung-Hee Shin
Mother who lost child to adoption

I got married rather early, when I was twenty, but my married life was not as good as I expected. I started my life as a single mom at the age of twenty-three, ending my unhappy marriage. But my ex-husband, who was to remarry, took my daughter, claiming that he could not give up our daughter. My life without my daughter was so hard. Women's opinions were so easily neglected back then. I divorced and I could not bear that I was deprived of my daughter without saying a word. As time went by, I missed my daughter even more, and I finally called to my ex-husband to see my daughter. To my shock, he put my daughter up for adoption. The only thing I could do was just cry. I could not even get angry with him. I gave up everything in my life but I missed my daughter even more as time went by.

My daughter was sent to France for adoption in May 1979. I thought that it would be virtually impossible to find my daughter in France, but I could not forget her. Finally I couldn't bear my hard life missing my daughter, and I made up my mind to look for my daughter. I went to Holt Children's Service, but they refused to let me know my daughter's address in France. I was a bit relieved while talking with other people who sent their children for adoption to other countries. However, I turned 38, and I just want to at least know if my daughter is alive. I felt so guilty and sorry to my daughter, and my only wish in my life is to see my daughter just once. I am worried thinking that my daughter might blame me. She might be married with children. I might also deserve blame since I could not take care of my daughter.

It was not my own decision back then, thirty-five years ago. We had to accept divorce when asked and could not claim custody of our children. Women's rights were not as good as they are today. However, even now, many young single moms send their babies for adoption just because they are not married. I think people use the term "adoption" too easily, not considering that they will suffer forever missing their children. I believe people must not put their children up for adoption. However hard it is, a mother should raise her baby. Women may be weak, but mothers are strong. She can manage her life if she has a baby to take care of. Parents can tolerate anything for their children.

Even now, I cannot sleep without thinking of my daughter. I wonder every day how she has grown up, how she is living, and what she looks like. How guilty I am as a mother to have such ignorance of my daughter like this. I just wish there would no more suffering mothers like me. If you can't see and raise your daughter who you gave birth to, you have to ask for forgiveness forever until you die.

I just want to prepare just one meal for my daughter before I die.

I love you, Sang-Ah.

Let's Meet on the Other Side of the Tidal Wave

Ko Yuni

Child-rearing unwed mother, member of KUMFA

How are you? I am a 40-year-old mother who raises Jin-sol, a 6-year-old girl.

I was contemplating what story I can tell you as a living book and decided to tell you the sad story of separating from my daughter for a while, who is my precious and living mirror.

Being a mother started for me ahead of getting married. I am sure that being a mother is a more serious and intensive process than getting married.

"What's the big deal about having a child before marriage? It's just a matter of the order of the process," the father said. However, I experienced difficulties and conflicts from pregnancy and childbirth out of marriage in Korea which were beyond my imagination.

The baby's father was just saying that it was a matter of order. He couldn't keep his many promises he made as a father and as a future son-in-law, and none of them were realized. Especially his critical promise of returning and keeping his place as a father beside me during labor was in vain.

His business continued to struggle and he became even more uncertain about receiving the approval of my parents. In late May 2008, he persuaded me to go back to Korea and wait for him. He told me that he would turn his business around in one month and receive my parents' approval so that we could start our family life with our child. I was seven months pregnant at the time. I did as he asked, but my boyfriend had not come to see me by the time I went into labor. He made one phone call and sent four text messages telling me how sorry he was for not being by my side. I attempted to give birth naturally but the despair and devastation of having to give birth alone deprived me of all my strength, and I eventually ended up giving birth by cesarean section, which was carried out after my sister signed the consent form for surgery.

I met my daughter for the first time in the surgery room and she was just as I had imagined her to be; with lips and nostrils as seen through ultrasound pictures gained from the prenatal testing. The emotions of joy and wonder that I felt that day are something only a mother can understand. The nurse placed my daughter near me so that her mouth could touch my nipples, explaining that babies remember their first touch. This was when I promised my daughter, "I will do anything to keep you safe." I think it is an emotional and miraculous feeling that only mother after birth labor can feel. The anesthesia then overwhelmed me and I fell asleep. The next day, tears flooded my eyes as I lay in the hospital bed listening to the sounds of early morning rain.

The father of my child severed all ties with me the day after I gave birth to my daughter, leaving a phone call saying, "I'm so sorry I could die." I tried to find him through acquaintances and, about one month after giving birth, I discovered the many lies he had told me. Although it was difficult for me to trust him, I felt that my child needed her father, and so I began preparing for the day he would return. But the promises he had made to provide me with childbirth and childcare fees, as well as a place to live, were not fulfilled.

My parents opposed my marriage to the father of the child, citing his financial inability and his tendency to disappear and cut off contact with me. They tried to persuade me to give my child up for adoption. In turn, I tried to persuade them that I could raise my child on my own, as I had work experience and knew how to take care of myself. However, my parents told me that I should put my child up for adoption as I would never be able to sever ties with him if I kept the child. Each month, they would give me an ultimatum, telling me that "making a decision as soon as possible is best for the child." "If you choose to keep your child, leave us and sever all ties with your family," they said. My mother fell into a severe depression after hearing that I had decided to raise my child. I felt a deep sense of guilt for the heartache my parents were experiencing. My father had told other members of my family not to hold the child because we did not know if we were to keep her.

Not only did I face strong opposition from my family, but I also faced considerable financial woes. I had used up all of my savings and pension funds and did not have the minimum economic ability to raise a child and to win the support of my parents. However, after months of job searching, I hadn't even been offered a job interview. It was wonderful to watch my daughter grow, but my sense of guilt was also growing, and the harsh reality was overwhelming.

In November 2008, when my child was four months old, I finally found the job opening that I had been searching for. Because I was living in Busan, I had to have someone babysit my child while I went to Seoul to take job entrance exams. My family had continuously begged me to get counseling about adoption, and I finally decided to contact an adoption agency for information about child-rearing. I contacted an agency, stated that I wanted to raise my child on my own, and inquired about maternity facilities in Busan that looked after children while the mother went to work. The counselor told me that although there was one facility that provided childcare services during the day, I did not qualify as the service was limited to mothers who were currently employed. Furthermore, there was a long waiting list to receive services at that facility. I contacted another adoption agency to learn about adoption options and made an appointment to visit the agency on November 21, 2008.

But with just one day left until the deadline for submitting my application for the job opening, I became anxious. At noon on November 18, which was a Tuesday, I pledged that I would get the job and persuaded my parents of my ability to raise my daughter once and for all. I found an adoption agency that was just one bus stop away, and it seemed trustworthy enough to leave my child there during the job application period; I requested an appointment on the same day. A social worker visited my home at 3 p.m. that day and collected information such as personal information about me and the child's father, our preferences, family relations, and current situation. She then had me fill out an adoption agreement form and memorandum for termination of parental rights. It took approximately one hour to complete the counseling and fill out the forms. The social worker also requested that I write on the back of the memorandum that the birth mother would assume all liability if a dispute over parental rights of the child arose, given that there was no written consent for adoption from the child's father. She asked for me to sign the paper and I did as I was asked. I then went to the municipal office to get several auxiliary documents required for the adoption process. The entire process to this point had only taken around an hour and a half. Everything had taken place in such a short period of time.

The counselor told me that it could take some time for my child to be adopted as she was already four months old and not a newborn. All I had in my mind was to get a job as soon as possible so that I could persuade my parents and bring my child home. When I sent my child to the social worker, I asked her to contact me if the agency found someone interested in adopting my baby. Then, I headed to Seoul. The very next day I submitted my job application and prepared for the job entrance exam. On November 21, 2008, which was a Friday, I called the social worker who had provided counseling for my child's adoption process and asked how my daughter was doing. She said that my child was doing well at the foster family home and that she was receiving a lot of love and attention from the foster family. The social worker verified which vaccinations my daughter had received under my care and informed me of the additional vaccinations she had received.

Ten days later, on November 28, 2008, while I was preparing for the second stage of the job entrance exam, I received a text message that my child had been adopted. The social worker in charge had been out of the office on a different case when a couple had dropped by the agency. They took a look at my child and adopted her on the spot without taking time to deliberate their decision. My heart dropped as soon as I read the message. I immediately contacted the adoption agency and stated that I wanted to take back my child. The social worker, who knew my situation all too well, including the fact that I was currently unemployed, told me that the legal process for adoption had been completed and there was nothing I could do to revoke the adoption. She noted that there were no procedural issues that could be raised against the adoption and questioned what I could do for the child as a mother. Feeling despair, I asked the adoption agency to reconsider, complained, and pleaded for their sympathy.

The reality seemed bleak but I did not give up hope that I would be able to bring my baby home. To contact the adoptive parents, I asked the social worker if I could send my child a gift. She seemed to feel bad for me and said that she would ask the adoptive parents after some time passed. She explained that the adoptive parents might feel uncomfortable with my request. In mid-December 2008, the agency contacted me to tell me that the adoptive parents would like to receive photos of my child when she was very young. I asked if I could see recent photos of my child. In early January 2009, I received a number of photos of my daughter from the adoptive parents. Meanwhile, I had finally succeeded in winning support from my older sister and her husband and had submitted a petition to the Ministry of Health and Welfare to recover my child. I also searched for people who had undergone a similar experience. During this process, I was able to find a job at my old workplace.

On January 23, 2009, to make my decision to raise my child official, I sent an email to the social worker describing why I had originally contacted the adoption agency and the content of the counseling I had received. I also called the social worker and expressed my determination to find my child, stating that I would rather die than live without her, and requested that the adoptive parents be informed of my position. I phoned or sent an email to the agency almost every day and demanded that the letter I had written be forwarded to the adoptive parents. However, the agency compared the environment I could provide for my child with that of the adoptive parents and refused to carry out my wishes. I asked why the agency had taken so lightly my request to be contacted before my child was sent to an adoptive family, but the only reply I received was that there was nothing wrong with the adoption process.

The agency told me to give up my endeavors to find my daughter as she was already officially registered as the daughter of the adoptive parents and she was growing up with much love from parents who could provide her with a good living environment. The agency also noted that information about the adoptive parents was confidential and that the adoptive parents had declined contact with me.

I spent my days fighting the adoption agency, wondering if indeed I would be able to see my baby's face again. Then one day, I dreamed that I was sitting on a sandy beach with a friend when a beautiful blue tidal wave came rushing toward me. My friend ran away in fear but I stood still in awe of the wave's beauty. I was overwhelmed by the wave but I felt no fear or intimidation. Rather, I felt a sense of serenity. The tidal wave broke, but I did not even get wet. Feeling refreshed and invigorated, I woke from the dream. After the dream, I felt confident that my baby would return home to me.

On February 13, 2009, I once again sent an email to the social worker who had been in charge of my case. The email described my strong desire to find my child as well as the details of the counseling I had been provided by the adoption agency. I also recorded my testimony concerning the counseling I had received from the agency's counselor and made written records. I continuously requested that the adoption agency make my position clear to the adoptive parents and emphasized in my letters (to the adoptive parents) that I had asked the agency to contact me before my child was adopted and that I had signed the adoption papers so I could leave my child in the care of the adoption agency for a short period. I was later able to contact the director of the adoption agency who had initiated my child's adoption. The director informed me on February 16 that, although my letters were not delivered to the adoptive parents, the director had contacted them via telephone and been told that they no longer wanted me to contact them. They were only willing to let me see my child when she was all grown up, and only if she was willing to meet me. I continued to plead with the director of the adoption agency and was promised that during her next visit she would try to explain my wishes once again to the adoptive parents.

On February 24, 2009, the director visited the adoptive family and told the parents that I wanted my child back. After returning from the visit, the director notified me that the adoptive parents asked if I had any plans to get back together with the father of the child. They were not willing to let the child go back to a family if the father wasn't present. I told the director that there was a possibility that we would be reunited. On February 27, 2009, I heard from the director that the adoptive mother was now inclined to return the child to me. But it was still unclear whether the adoptive father and other family members would agree. Finally, on March 5, 2009, I received notice that the adoptive parents had considered my position and strong determination to find my child and decided to send her back to me. On March 6, 2009, I finally saw my baby girl again.

It took three months for me to get my child back. I was able to see her again only by persuading the adoptive parents through the adoption agency. Looking back, I feel that if I had been told of facilities that look after children of unwed mothers regardless of their employment status or had been provided information on childcare support during the counseling session, I would never have been separated from my daughter. Also, if the social worker I asked to contact me had shared that information with other social workers and if the person who provided counseling to me was the same person who processed the adoption, my baby and I would never have undergone the pain of

separation. I hope that sufficient information on childcare support services can be provided to mothers who want to raise their children despite challenging circumstances. Also, I hope that unwed mothers do not make hasty decisions about putting their children up for adoption based on pressure they receive from those around them. The adoption of your child is one of life's most important decisions for you and your child. Therefore, it is imperative that you take enough time to think the matter through before you make your decision. I hope that other mothers do not have to undergo the heartbreaking experience I underwent.

Jinsol is the mirror to me and the most precious jewel, whom I met over a big tidal wave in my life. What I really wish is a world where kids and parents will not ever separate from each other until the last day of their lives. And that's why I am seated here as a living book in front of you to tell my wrong estimation and the biggest event in my life.

Would you feel free to help unwed mothers not to separate from their precious and lovely children?

The Turning Point of My Life

Shin Soon-hee

Child-rearing unwed mother

For me, life was just like a running stream. A stream runs to the sea and encounters the big world. But I didn't have that kind of wide world. I couldn't find any meaning in life and moreover I didn't have any reason to live. I had been living as an ordinary person in their twenties just following interesting things.

Along the way, I met my boyfriend (he is the father of my girl) and fell in love. But I got pregnant. I was so tired of my life and my baby was a big burden when I knew I got pregnant.

I wanted to tell my boyfriend the truth, but already I experienced having an abortion before, I didn't want to do it again. So I didn't contact him.

I became alone, and as time went by, my belly became swollen. Because I didn't any preparation to have a baby, I couldn't help but decide to have an abortion. However, when I decided to have an abortion, I got an ultrasound scan of my uterus in the hospital as a procedure for the abortion. That moment, I listened to the sound of my baby's beating heart. I cried and cried. I couldn't kill my baby. So I didn't have an abortion. Eventually, I looked for facilities for single moms and entered a facility. I considered giving birth and raising my baby, but I realized I could not afford anything for my baby. I thought if my baby would be adopted, my baby would be happy.

After I bore my baby, I separated from my baby. My baby was already scheduled to be adopted overseas. The baby was in a foster care facility and I could only meet my baby once a month. I was thankful my baby was growing up very well, but on the other hand, I was sorry that I was sending my baby for adoption and sad that I couldn't raise my baby.

One month, two months, three months passed. I cried every day and little by little my life started to become ruined. Eight months after my baby was born, gathered up my courage and I went to the adoption agency and asked them to give my baby back. Adoptive parents had already been assigned. Fortunately, I could bring my baby back just 2 weeks before leaving Korea.

At that time, my whole estate was only 600,000 won. For the sake of living with my baby I had to blindly do work and my baby was in a day care center while I was working.

I knew that my baby and I would suffer from so much prejudice and hostility as if I decided to raise my baby, so that's the reason I thought adoption was the best way for my baby.

Therefore in order to hide the fact that my child was born from an unwed mother, we had to separate and I lived for several months in pain. But now I just have one motivation that I think about. For the sake of living with my child, I will take on this prejudice against unwed mothers.

Every day I pledge and pledge again to my daughter that I will make her hear that more than being the daughter of an unwed mother, she is Shin Soon-yee's daughter. I do this so that to my child, I will be a mother with dignity.

My daughter was born not through a mistake, but through love. I will not hide that I bore my baby as single mom. I will acknowledge that I am an unwed mom and will strongly manage my life and bring up my baby with love.

Before and After My Divorce

Jang Hee-jeong
Womenlink, single parent

I was very apprehensive all the time during my married life. That's the reason why I feel much happier and freer than before. I had seven years of married life, and it has been nine years since I got divorced. My elder child was 8 years old, and my second child was 10 months old when I parted with my children's father. The reason why I felt get divorce was to survive and made a resolve to escape from the misfortune during my married life, I was threatened survival of my life. Naturally, I made a decision so many times to divorce ex-husband because of his verbal violence. So, it was very confused and worried to make a decision to live or to break up every time. There were two kinds of different way in my heart all the time, to live like before or to go out from this hopeless situation. One of my reasons to get divorced was verbal violence. Nevertheless I've never used swear words before, my ex-husband hurled abuses constantly. It was so hard to bear the verbal harassment at least every 2 or 3 hours a day.

Due to my affliction with emotional distress, I can't remember the reason why he verbally abused me so many times. And there was delusional jealousy about me, observation all the time as well as hardships of life. He wouldn't let me go out and meet others and even restricted me from going to see my parents. Everything that I wanted to do, he refused to let me do, and he locked me up to be in his thoughts. The only thing I could do was to go to see my parents with my child and meet with my high school classmates each month. Quarrels occurred frequently. My elder child was often nervous, and furthermore wet her pants so many times. At that point, I didn't know the reason why my child wet her pants so frequently. Owing to various circumstances, I've tried to improve the situation by having a second child. However, that was totally a mistake. The personality doesn't seem to change.

Although, the period of quarreling got shorter, the intensity of quarrelling got more serious. He pressed down hard on my opinion, ignored me all the time, smashed so many contents of the house, and even threatened me with a knife. Despite the abuse, I had never backed down over the last line and we had a severe physical fight and there was violence. The suffering continued day after day. Eventually, I thought that this situation could be over with the death one of the two of us. What will be the result in the event of this incident?

After the final struggle, I'd been the hospital to have a CT scan and got a certificate of diagnosis as well. At that time, I made a firm decision to divorce. Until I made that decision, I had gone out of the house about 3 or 4 times. My ex-husband has persistently tried to persuade me not divorce because of the two children. Besides, the baby was too young, just 1 year old. He said that the married couple is one flesh, how could they be separated, and that of them should be patient. That I was the one who should be patient every time and forever was his idea. That was not the solution what I want, and I never agreed with his idea which means a male-dominated society. I went to a shelter for women in Seoul with my babies. It was very injured heart and I've got a concussion of the brain that would take about 3 weeks to heal completely. In spite of people's concern about my body, the most serious cause was my wounded heart, the anger which had been suppressed so long time. Unfortunately, I exploded my pent up

anger at my elder child whom I really love, the most pathetic one sometimes. Through the suit for divorce, I came out to the new regional society after 7 months.

I restore my freedom like this way finally. But it was not progress smoothly after I got divorced. To live with my children, I had to choose the poorest surroundings where there is a room and a separate kitchen and bathroom outside. In the meantime, I try to recover the difficult conditions, I've joined the Incheon Womenlink, fortunately.

Through the aid of the emotional support program give organized by the regional human rights group, once or twice a week, I have recovered my confidence gradually. For instance, when I had to express myself in an art psychotherapy class, I wrote down "3 years after divorce" when answering the question "How many years has it been since you've been married?" Because of the way I wrote, I expressed that the period after divorce was more meaningful for me than the period after marriage.

However, my children don't feel like that. And I don't know why he does this, but once when my elder child met someone he didn't know, he asked me in my ear, "May I tell him that you are divorced?" Every day my kids go to play on the playground. One day, my elder child was on the opposite side and suddenly said in a voice so loud that everyone could hear, "Mommy, Mommy, why did you get divorced?" I kept a really calm walking speed and after I approached my child, I said, "Would you also part with your friend if your relationship got bad? Mommy and Daddy's relationship got back so we parted ways." Then I started walking again and again he shouted, "Mommy, why did you fight with Daddy?" I quietly took my kids and left that place. Another time, after I was divorced, things had gotten a little better because I had gotten support for getting a house. I got a home with a bathroom, I was going to a self-help meeting and I found some security. Through the education, I was able to know that I had to explain to my child about the definite situation about the divorce. I explained the reason why mommy and daddy divorced and said that I am sorry. At that time my child asked, "It was me who made things difficult so you argued with Daddy and broke up, right?" Because of me! I couldn't take care of you so I'm sorry!" I answered, "No, Mommy has to take care of you. And Mommy and Daddy's relationship got bad so that is why we divorced. I can't live with Daddy, so I'm sorry," I said. Marriage and divorce is my adult choice, but to just put children in that situation is even more difficult for them. However, I think I'm doing well. I think it's better to be a single parent and raise your children with a safe feeling rather than continuing to live in a family with fighting, nervousness, and an unsafe feeling. My elder child little by little has a secure feeling and even now often meets his father, but things are still difficult and uncomfortable for him. Of course the younger child did suffer that course for long, so he likes his father and misses him. What is the right answer? But in the life, divorce is just one incident. Isn't it better to have one family under one roof rather than two families under one roof?

As you know, it isn't easy to live in a one-parent family. We should overcome not only economic difficulties, but also the prejudice in the world and the prejudice against my children and me. Should this be the reality that my parents are so ashamed they aren't sure if they can even tell other relatives what happened? I want to stand up this. If I don't stand up proudly the reality of single parents won't change and our country will continue to live with discrimination at school, in the workplace, etc. If other people would understand our choice, that would be good. In the world, there is no such thing as an easy divorce. The choice which is chosen for the better life and happy should be understood by other people. I was pondering what a foreign official said: "In our country, many divorces mean that there are fewer unhappy marriages."

A Widowed Single Parent, a Sinful Woman?

Kong Mi-kyung
Single Mom, Seoul Single Parents' Association

Hello. I became a single parent when my husband passed away. I have lived as a single mother since my son, who is currently a high school senior, was 6 years old. Previously a stay-at-home mom and wife, when my husband died unexpectedly in an accident, I felt like I was suddenly being thrown back into the world.

With no inheritance but debt from my husband, my son and I signed a document relinquishing his inheritance. Being almost completely broke, I got a job as a cashier at the supermarket.

Then when my son entered elementary school, worried about my son being alone until I get back home from work, we were introduced to a *mojawon* (a welfare establishment for mothers and children) and moved in.

There were about 20 single mother families living in the *mojawon*, and the social workers in the office helped with childcare during their work hours. But, when I came home from work, I found my son alone, squatting on his haunches in the corner of the room.

Since I lost my son's father and husband, I had never had any emotional support. But I also haven't even had the time to look back on our struggles. Although my son has also never mentioned his difficulties, they started to be expressed through his writing, painting, and even through a tic disorder.

I realized we couldn't keep living like this so I quit my job at the supermarket and found another job as a telemarketer at an insurance company working only 5 days a week, where I could leave the office on time at 6 pm every day. I started to go with my son to counseling once a week, and this helped him slowly start to open up and his tic has also improved.

Although my son is starting to get better and better, it is still hard for me to open up to others.

I'm always scared and anxious, as if I'm a criminal, and I've never revealed that I'm a single mom to my colleagues.

For that reason, it was hard for me to have real interactions or sincere conversations with other people.

Looking back on my 12 years of living as a single mom, it seemed like I hadn't been very happy.

Dreaming for a better life, I studied hard at an online university for 4 years and obtained certifications, but I still couldn't get a job and was barely able to earn minimum wage, and I couldn't provide my son with the support he needed for his education. It was as if I had to resign myself to being satisfied with a life of sleeping and eating.

Living as a single mom is like being surrounded by a wall that can never be overcome, no matter how hard I try.

Although the government supports costs for rental houses and the minimum cost of living in the case of people who cannot work, it seems that no matter how much initiative I take in order to create a better life for us, the problem of being able to find decent job is insurmountable.

Getting a job that pays more than minimum wage seems like an impossible dream and having no emotional support, I've had to deal with my pains and wounds by myself. Once people know that I am a single mom, they regard me as someone who is pathetic, inferior to them, or needs help. They look at me with an eye of pity, assuming that I became a single mom because I am ill-fated or hard to get along with, looking at me with a judgmental and negative eye.

To some degree, I have overcome these difficulties through a deep devotion to God and in 2011, I formed an organization called "Seoul Single Parents' Association" for single moms who share the same goals.

Since the organization is new, we still have a long way to go but we would like to serve as an emotional support resource for single moms who urgently need it.

Before all single moms face the world, we would like to help them sit down for a moment to gather their strength, treat their wounds, and forgive themselves and all the people who have hurt them. We also hope that they can learn to love and trust themselves, regardless of external judgments. By doing so, we hope to become an organization that supports single moms in the same way that mothers solidly support their children. In addition, I hope that we all support and cooperate each other as single moms. Although society distinguishes between unwed mothers and single mothers, I think we are all single moms, trying to raise our children as a single parent and I hope we can cooperate and work together to support each other. I hope this cooperation will continue to develop and will lead to the improvement of the awareness and status of single moms and adoptees in Korean society.

Thank you.

Human Library

Sharon Heit
Overseas Adopted Korean

My name is Sharon. I am 31 years old. I am an adoptee who grew up in the US. I was adopted at the age of 3 with my twin sister. My adoptive father is retired military and my family was stationed in Korea at that time. We moved to the army base in Fort Meade, Maryland the next year. After my father retired, we moved to Memphis, Tennessee where I spent my elementary school years. Growing up in Memphis was difficult for me. I can't remember seeing other Asian people in my daily life. I didn't even know what being Asian meant. Little kids would follow me into the bathroom at school and demand that I speak. I remember one girl asking me if I was white or black. During those years, I had no idea that there were any other races. It was obvious I wasn't white. I longed for long blonde hair like my best friend. I thought the other kids would like me better. I made sure I always counted my money properly when I bought gum and candy at the gas station because I didn't want the cashier to think I didn't know how to count money. My mom asked our elementary school to keep my twin sister and me in different classrooms. We never even had the comfort of each other.

My family moved to Indiana when I was middle school age. There I finished high school. High school was even more difficult for me. We went to an almost all-white high school. There was very little diversity and a lot of privilege in the town we moved to. Outgoing as a young child, I became much more reserved during this time. The summer before my sophomore year, I experienced something that would change the course of my life. I was sexually assaulted by a member of my adoptive family. Afraid that I would get into trouble, I hid this from everyone. I became very withdrawn and began hurting myself in various ways. I didn't perform as well in school. I wanted to die and I wanted someone to notice. Even after that time, I found myself in situations I didn't want to be in but I didn't know how to make them stop.

I went through many years of depression and drug addiction following that event. Since then, I have grown up well and live a much better life but my experience as an adoptee still affects me today. I still experience racism, fetishism, and whitewashing – all products of overseas adoption. I've moved back to Seoul to try and reconnect with my Korean culture, but I know I can never fully connect. There is a distance there. It is a difficult thing to never truly have an identity, a nationality, a family.

Human Library

Amanda Eunha Lovell
Overseas adopted Korean

My name is Amanda. I was adopted to the US when I was six months old and grew up in a small New England town outside of Boston. I grew up with a loving adoptive family with an older and younger sister, biological to my parents. Although I had a loving family, my hometown was completely White and when I first started going to school other kids thought I was very strange or made fun of my eyes. I cried everyday and then kids called me a cry-baby. My mom decided to do a Korean culture day at school where I dressed up in my hanbok and she tried to make Korean food for my classmates, having never made it before. It was not completely my parent's fault since they did not really know much about Korea and Korean culture besides the guidebooks about Korea that they had bought in hopes of teaching themselves and me about Korea. I grew up knowing I should not be ashamed of being from Korea but also not knowing what to be proud of.

Although I had a loving family and friends, I always felt lonely. Perhaps it was because I was always surrounded by people who did not look like me. There were times when I was younger that I looked in the mirror and was surprised to see a Korean face staring back at me, so different from everyone around me. I think I might have also been lonely because I longed for my birthmother. I worried about her and I felt a sadness I couldn't explain. When I tried to talk to my parents about it, I could tell it made them uncomfortable.

I struggled with depression throughout high school and college. I remember I thought I wouldn't live past the age of thirty and didn't really want to anyway.

In college, I decided to go to a summer program in Korea. There, all of my friends for the first time in my life were Korean American. I felt different from them, but I also felt a connection. We learned about Korea together. Six years later, I went back to Korea for a Korean adoptee gathering. I bumped into an adoptee friend from the summer program who had found her birth family and was preparing to meet them. She had tried six years earlier during the summer program to find her birth family but at that time nothing happened, and she could barely get any information at all. Things seemed to have changed and many of my friends at the Gathering were starting searches and some were successful in finding birth family. Although it was terrifying, I met with a social worker at my adoption agency and she started to search for me. Two weeks later, I met my birth family.

I found out my Emos had taken me to the adoption agency without my birthmother knowing. She had become pregnant and my birthfather had promised to marry her but he broke his promise. My uncle went to beat him up. After three months of taking care of me, my youngest emo pretended to be my birthmother and my emos brought me to the adoption agency. I did not yet have a name. My adoption agency gave me my first name along with my birthfather's last name. When I met my emos and samchons, they had to ask me what my name was.

Although it was wonderful to meet my emos and samchon, I had to meet my birthmother later at my emo's house in secret. My birthmother married a year after I was born and

she has a son and a daughter. Her husband and children know nothing of me and her past.

I moved to Korea five years ago to learn Korean and in hopes of building a relationship with my birth family. I have studied Korean, reluctantly taught English, and made sacrifices to continue to live in Korea. My Korean these days is better. My boyfriend is Korean. My Korean is not fluent and I wonder if it ever will be. I realized recently that even if my Korean were perfect and communication were not a problem with my birth family, I would still not have a place in my Korean family. I am somewhere on the edge. Some people in my birth family don't even know I exist. And yet, I stubbornly stay in Korea waiting for some kind of acknowledgement. (Even when I found out I had breast cancer a few years ago, I decided to stay in Korea for treatment.)

My emo told me recently that I should pretend my birthmother is dead. She believes that is the best solution for my birthmother and me to go on living. Forgetting is best. Pretending nothing ever happened is her solution.

I hope some day that it will be easier for adoptees. I hope someday my birthmother will not be ashamed of herself and of me. I hope someday we will have a place.



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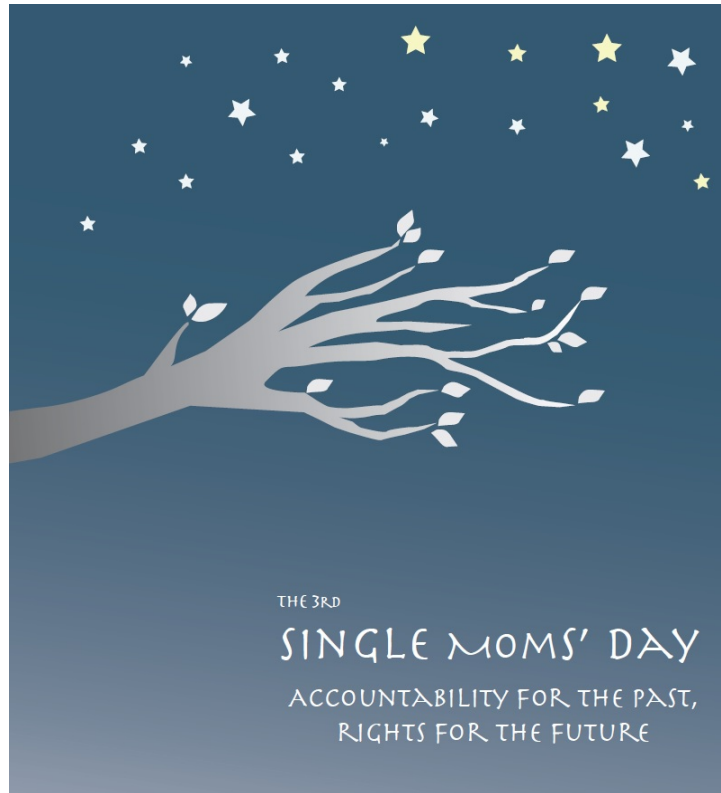
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we care about single moms and their children.

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Somewhere Out There (theme song)

by James Horner, Barry Mann, and Cynthia Weil

Somewhere out there beneath the pale moonlight
Someone's thinking of me and loving me tonight

Somewhere out there someone's saying a prayer
That we'll find one another in that big somewhere out there

And even though I know how very far apart we are
It helps to think we might be wishing on the same bright star

And when the night wind starts to sing a lonesome lullaby
It helps to think we're sleeping underneath the same big sky

Somewhere out there if love can see us through
Then we'll be together somewhere out there
Out where dreams come true

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