

Unwed Mothers Experience Limited Reproductive Choices in South Korea

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EXECUTIVE SUMMARY

In South Korea (hereinafter Korea), single women facing an unplanned pregnancy carry the burden of responsibility and blame, facing prejudice and discrimination. The traditional roles of women and family in Korean society are a contributing factor, despite the rapid growth and modernization of Korea following the Korean War. As a result, many women choose abortion, adoption, or abandonment, rather than facing the social and economic challenges of being an unwed mother. This brief will provide the cultural context of motherhood and family in Korea, trends in transnational adoption, and a critical analysis of the institutions and reforms surrounding adoption and how they have ultimately limited an unwed mother's ability to make her own reproductive choices. Finally, it will outline six recommendations to improve the lives of unwed mothers in Korea, providing the support needed to encourage motherhood as a choice.

MOTHERHOOD AND FAMILY IN KOREA

Confucian ideology has shaped and influenced Korean culture since the Joseon Dynasty during the fourteenth century. Confucianism established strict gender roles, marriage roles, and familial roles. The family structure is male-dominated and patriarchal, and only recognized men as the legal head of the household until 2005. "Patriarchal values prescribed the principle of three duties for women (sam-jong-ji-do): As a daughter, they must obey their father; as a wife, they must obey their husband; as a mother,

they must obey their son upon the death of their husband.” (Noh, Yang, & Han, 2015). The nuclear family is the foundation of Korean society, and it is through marriage and motherhood that women receive their identity and social status. “Motherhood entails the familial and reproductive responsibilities of women as nurturers and protectors of their family members’ welfare” (Hong, 2015). Confucian values disapprove of “promiscuous sexual relationships”, and deviation from the “nuclear family setting” such as pregnancy outside of marriage is a failure, with women’s “lack of morals” to blame. The patriarchal structure produces a double standard and social stigmatization of women but not men.

In Korea, the term 미혼모 (mihonmo) is translated as “single mother”, which refers to any non-married mother with a child, and includes widowed, divorced, and unwed mothers. However, the term 비혼모 (bihonmo) or “unwed mother” has become popular, despite its early connotations of an inability to get married. Korean Unwed Mothers Families Association (KUMFA) is a social advocacy group founded by and for unwed mothers. They prefer the term “unwed mother” and “have re-claimed it, proactively creating diverse and positive associations with the word” (Heit, 2013). This paper will focus on “unwed mothers” as a distinction from those who were widowed or divorced, due to the separate issues that they face.

THE SOCIAL AND ECONOMIC CONSEQUENCES OF BEING AN UNWED MOTHER

Unwed mothers are subject to significant social discrimination. “In a 2009 survey by the Korean Unwed Mothers Support Network (KUMSN) and the Korean Women’s Development Institute (KWDI), unwed mothers were found to be the group that experienced the most prejudice after homosexuals. Also, of the 2,000 people who participated in the survey, over 60% answered that unwed mothers ‘are people who lack judgment and a sense of responsibility.’” (Chon, 2011). The Korean Ministry of Health and Welfare, the agency that oversees programs designed to support unwed mothers, has defined unwed

mothers as having “usually low levels of education, with an unstable job. Lives by herself or in a boarding house, has open and impulsive sexual values.” This was published in an online health guide as recently as May 2010 (Chon, 2011).

Because of this stigma, many unwed mothers withdraw from their lives- quitting their jobs and severing ties with family and friends. As a culture with Confucian family values at its center, the shame of a pregnancy outside of marriage becomes an issue for her entire family. In several case studies, women expressed a desire to keep their children, but their families refused to support them and instead encouraged adoption (Noh et al., 2015). They also became estranged with the father of the baby, leaving them disconnected and on their own with little support. Often discriminated in the job market as well, unwed mothers have reported being fired or not getting their contracts renewed once their pregnancies became known (TRACK, KoRoot, & KUMFA, 2012). They also face discrimination in the hiring process, often being rejected due to their unwed mother status.

The lack of financial stability is one of the most urgent issues- unwed mothers often fall into poverty because of losing their job or being forced to work in a lower-wage job. A 2009 study by KWDI found “over 60% of unwed mothers are struggling because of the costs of child-rearing and education, and more than 80% live in unstable housing situations” (Chon, 2011). “Thus, despite their efforts to become financially independent, these women had to rely on support from public or private organizations. As recipients of social services, the unwed mothers also experienced forms of institutionalized injustice and discrimination from the government, private social welfare organizations, and the educational system” (Noh et al., 2015).

THREE OUT OF FOUR BABIES BORN TO UNWED MOTHERS ARE RELINQUISHED TO ADOPTION

Because of these hardships, many unwed mothers are forced to make a choice that does not reflect their true feelings. The South Korean Ministry of Health and Welfare published alarming statistics in 2007: Out of 100 pregnancies of unwed mothers, 96 were aborted, and 4 were born. Of the 4 births, 3 were relinquished to adoption and only 1 was raised by the mother herself (Hong, 2015). The balance of this report will focus on the implications of adoption and child-rearing by unwed mothers.

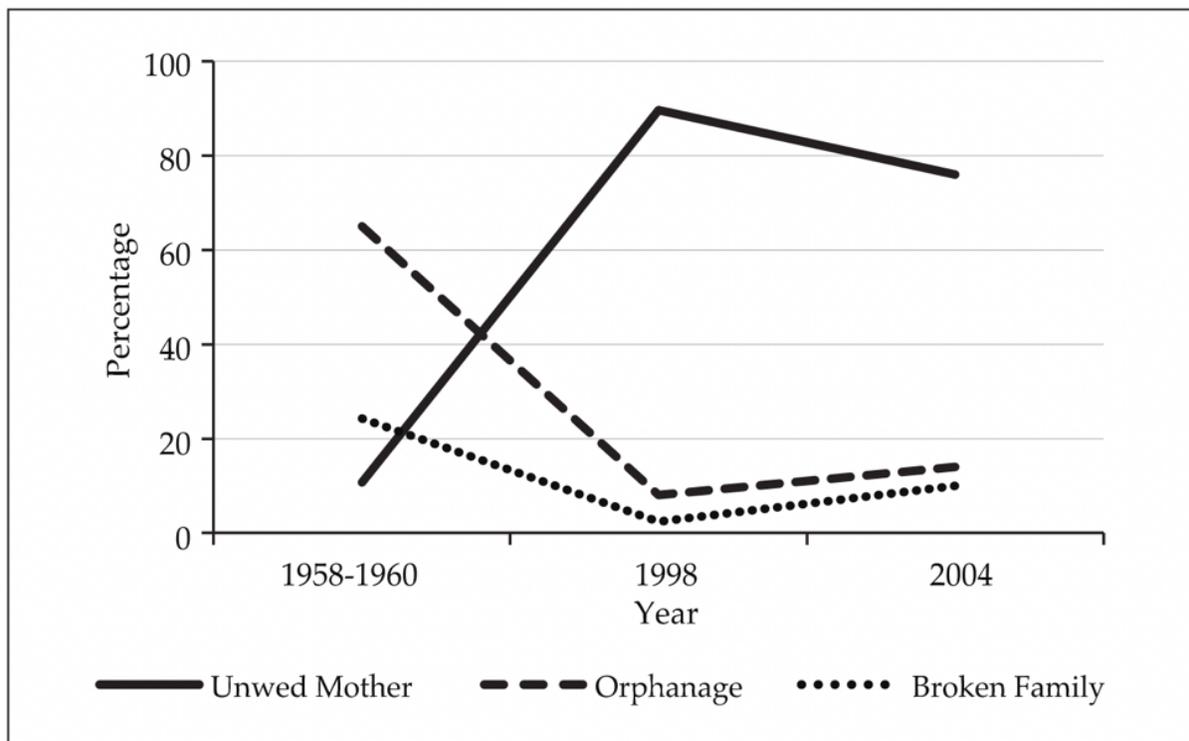
Adoption has a long history in Korea, going back to 1953 at the end of the Korean War. Children whose parents were killed in the war along with mixed-race babies born to Korean women and fathered by American and UN soldiers were among the first wave of transnational adoptions to the United States. “The broadly understood narrative of a child orphaned by war and rescued through adoption into a benevolent American family has its roots in this generation. Like the war itself, the practice of transnational adoption was in large part a product of American intervention; it was (and in many cases, still is) widely believed that it would be far better for these children to be placed in the United States than to remain in Korea, a nation that was imagined as war-torn, culturally backwards, and impoverished in the American consciousness.” (Nelson, 2009).

While Korea’s transnational adoption program began as a humanitarian project, it persists today despite Korea’s unprecedented economic growth. At its peak in 1985, over 8,800 children were sent overseas for adoption – on average 24 children per day. The same year, Korea’s GDP ranked 20th in the world (Moon, 2015). In 2015, Korea was the 3rd highest “sending country” in adoptions to the United States, after China and Ethiopia. Within the 5 highest countries (also including Ukraine and Uganda), it is the only OECD country and its GDP ranked 11th in the world (“World Bank GPD 2015,” n.d.).

The Korean government’s official numbers report that 165,603 Korea children have been adopted to families overseas (Ministry of Health and Welfare, 2013), however some adoption scholars argue the

number is significantly higher at 200,000 to 250,000. Of the 165,203 officially recorded adoptions, 120,000 or 72% were born to unwed mothers (Chang & Cavicchi, 2015). Further analysis of this figure indicates a shift from orphaned or broken families to unwed mothers as the primary source of transnational adoptions, shown in the chart below. By 1998, 90% of children adopted overseas were relinquished by unwed mothers. There was a decline to 74% in 2004, however recent data reports from the 1990's to 2013, the annual average was 90% (Ministry of Health and Welfare, 2013).

Figure 1: Origins of Children Adopted Overseas



Source: Chang et al, 2015 {South Korea Ministry of Health and Welfare, 1998, 2004}

ADOPTION REGULATES WOMEN’S SEXUALITY AND REPRODUCTIVE RIGHTS

Recent scholarship has analyzed how Korea’s transnational adoption practices have functioned as “biopolitical technology” based on Foucault’s definition of “biopower”. “Biopower can be understood as a social field of power and struggle, in which the vital aspects of human life are intervened upon for the

purpose of rationalizing regimes of authority over knowledge, the generation of truth discourses about life, and the modes through which individuals construct and interpellate subjectivities between a sense of self and the collective.” (Garrison, n.d.). Under this definition, “transnational adoption is intended to drive out ‘impure’ and ‘disposable’ children (e.g. mixed race, disabled, or illegitimate children) from South Korea” (H. Kim, 2015). It also serves to regulate unwed mothers’ reproduction, implying that some women are entitled or allowed to have children while others are deemed unworthy.

These unwed mothers enter the adoption process classified as unfit, inadequate, and incapable of motherhood due to socioeconomic status, marital status, family background, and deviation from sexual norms. This status is seen as unchangeable, and transferrable to their children – leading to the belief that “illegitimate children” have no future if they remain with their mothers in Korea. Adoption agencies and maternity homes further reinforce this message through adoption workshops which promote adoption as the “best choice for their children’s future”. In addition, visits by returning Korean adoptees on “motherland tours” support this message. These adoptees can provide the women a glimpse into the future of their unborn children – who often describe happy, successful lives in their adoptive homes. This assures the mothers that adoption will provide their child with the care and life opportunities that they cannot. Adoption is thus seen as the ultimate expression of maternal love, and “single pregnant women - once perceived as irresponsible, sexually deviant, unfit mothers - turn themselves into self-sacrificing birthmothers who are ready to make the best decision for their children.” (H. Kim, 2015).

Despite this rationalization, many birthmothers have shared their struggle with the emotional trauma of relinquishing their children. A civic group in Korea, 민드래 (mindeulae, translated as “dandelion”, a flower that symbolizes “longing of the heart”) has been advocating for change, including more support for unwed mothers and the abolishment of transnational adoption. It was founded by Noh Geum-ju, a birthmother whose son was relinquished by her family members when he was 11 months old.

Following the loss of her son, Noh experienced depression and suicidal thoughts. She has also carried a lifelong feeling of guilt for not being able to raise him on her own. "Sorrow, depression, anger, guilt, and denial are commonly observed amongst birth mothers, even after reuniting with their children." This is further compounded by the high level of secrecy around adoption, limiting the amount of support birth mothers seek and receive. Studies in the US have found that birthmothers experience feelings of loss throughout their lifetime. Mothers who felt pressured into adoption have a higher tendency of long-term grief (C. Lee, 2015). When society, family, and the father all expect abortion or adoption, the amount of "choice" these women truly have is questionable.

WHAT ABOUT THE FATHERS?

It should be mentioned that the dominant focus of the research, literature, and media on unwed mothers is on the mothers themselves, and not the fathers. The father's disapproval of the pregnancy and subsequent demands to either abort or give the baby up for adoption, and his family's refusal to acknowledge the child have been current themes in narratives collected by unwed mothers (Noh et al., 2015). In some cases, the women learned of their pregnancy after separating from the father. However, there is little to no discussion of the father's responsibility, and the subsequent blame and burden are placed entirely on the mother.

This theme is also evident through the legislation of the Single-mother and Child Welfare Act in the 1980's. The support for this legislation can be attributed to the advocacy of women's groups and the establishment of Korean Women's Development Institute (KWDI) following the UN CEDAW. At the time of the legislation, KWDI studies showed that 95% of single-parent families were headed by single mothers, while only 5% were by single fathers. The policy was amended to the Single-parent and Child Welfare Act in 2007 to be more inclusive of single fathers, grandparents, and other family structures (E.-J. Kim, Hwang, Jung, & Jung, 2014).

The issue of child support raises another challenge for unwed mothers. They must locate the father, prove paternity, and enter a complex and lengthy litigation process. Per a study by the Korean government, 83% of all single parents never received any child support payments in 2012, and only 4.6% of them filed a lawsuit. 77.3% of parents who won their case said they never received any payments, despite the court order. In 2015, the Child Support Agency was established to aid in collecting overdue payments. 86% of single parents who filed a claim with the agency were female, yet unwed single parents made up only 5.34% of all single parents who filed (C. Lee, 2016).

ADOPTION REFORM: HELPING KOREA SAVE FACE VS. HELPING MOTHERS KEEP THEIR CHILDREN

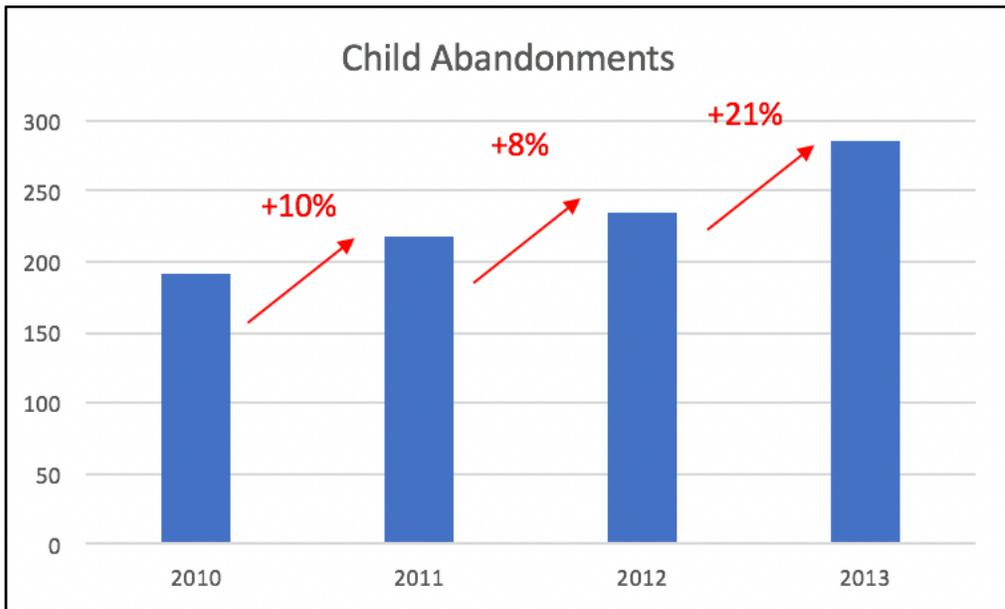
For the first thirty years of Korea's transnational adoption program, very little attention was called to it within domestic or international rhetoric. It wasn't until the spotlight of the 1988 Seoul Olympics highlighted Korea's "baby export business", criticized broadly in the western media. The Korean government, ashamed by this criticism, began to seek ways to reduce the number of children adopted overseas. Korean unwed mothers were blamed and stigmatized for this "national shame", and transnational adoption became a highly controversial issue in Korean society.

Numerous policy and program reforms were enacted over the following twenty years, including a quota system to limit transnational adoption, social welfare to support unwed mothers, promotion of domestic adoption, and incentives for adoptive families including tax and healthcare benefits among other financial subsidies. The most notable change was with the 2011 Special Adoption Law (hereinafter SAL), which amended previous adoption laws to add accountability and oversight to the adoption process. The goals of the SAL were to decrease transnational adoptions, increase domestic adoptions, and encourage family preservation. For birth parents to place their child for adoption, they were now required to meet three conditions. First, they must wait one week following the birth before relinquishing their child. Second, they must receive counseling that explains the resources they are eligible for, if they decide to

raise their child. Third, they must register the birth of the child and enter the family court system to initiate the adoption, meaning the birth and adoption would become a matter of public record (S. K. Kim, 2015).

While the goals of the SAL are noble, especially given the strong support and advocacy amongst international activists including adult adoptees, its effectiveness is in doubt. From 2011 to 2013, domestic adoptions were down 56%, from 1,548 to 686. The percent of domestic adoptions vs. transnational adoptions improved (62.8% in 2011 to 74.4% in 2013), but there were fewer adoptions in total. This could indicate a higher number of children were left in need of families. In addition, one unintended consequence of SAL was an increase in abandonment. In the seven months prior to the enactment of SAL, 62 children were abandoned. Comparing to the same timeframe in 2013, 152 children were abandoned, an increase of 145%. Reviewing the trend from 2010 through 2013 indicates a higher increase from 2012 to 2013, after the SAL was enacted, as shown in Figure 2 below (S. K. Kim, 2015).

Figure 2: Child Abandonment Trend 2010-2013



Source: Kim, S.K. (2015)

The decrease in domestic adoptions and the increase in abandonment suggest that SAL has not been successful, outside of reducing transnational adoptions. Opponents of the SAL argue that it makes the process for adoption too burdensome for the birth parents. The requirements around birth registration and the court process has led to fear amongst unwed mothers that they will not be able to keep their child's birth nor adoption a secret (S. K. Kim, 2015). They see abandonment as the only option to avoid the social discrimination associated with being an unwed mother.

This issue has recently received international exposure through the film *The Drop Box*, a documentary which chronicles the story of Pastor Jon-Rak Lee and the "baby box" he installed in his church in Seoul. This has led to increased controversy; on one hand, it may reduce the likelihood of a baby dying due to being abandoned on the streets. On the other, it may further encourage abandonment. This suggests that the SAL and other policy reforms have not addressed the underlying causes of women choosing abortion, adoption, or abandonment. Absent from these reforms were any policies that directly supported unwed mothers or their children.

MATERNITY HOMES PROVIDE SHELTER, BUT PRESENT A CONFLICT OF INTEREST

Initially founded by Christian missionary organizations in the 1960's, maternity homes were set up to offer shelter and social services to unwed pregnant women. Within their stated goals were "the mission of salvation and to save life according to Christian ethics" (H. Kim, 2015). In the following twenty years, there was a significant increase in the number of maternity homes, driven largely by adoption agencies. By the mid-2000's, more than half were run by three adoption agencies- Holt International, Social Welfare Society (SWS), and Eastern Social Welfare Society (ESWS). These agencies were also founded by Christians and rooted in Christian beliefs.

Adoption law reform in 1976 required adoption agencies to provide financial support to orphanages and other child welfare institutions (including maternity homes), or they would not be able to continue their transnational adoption programs. Thus, maternity homes became dependent upon adoption agencies, and the services they provided were often in the best interest of the adoption agencies. “Such dependence, combined with the lack of social services for single mothers, placed upon the maternity home the precarious structural condition of ‘adoption facilitation rather than family preservation’ in order to survive” (H. Kim, 2015).

This issue can be exemplified by the counseling services maternity homes provide. In many cases, they operate as the adoption agency, shelter and residence, and a care facility for the babies during the seven-day waiting period. In addition, there are no established minimal standards or requirements for the counseling provided. For example, there are no requirements to communicate the rights of the mother, legal consequences of adoption, etc. In many cases, they are provided inaccurate information around transnational vs. domestic adoption – they are told that transnational adoption is an open adoption, a viable “choice” for maintaining a relationship with their child. Conversely, domestic adoption is often described as a “secret adoption” which will minimize the likelihood of ever being found or reunited (TRACK et al., 2012).

Often, the maternity home is the only option for an unwed mother to receive shelter, food, and medical care after being disconnected from her family, friends, job, and the father of their child. There have been accounts of unwed mothers being turned away from maternity homes when they stated their desire to keep their baby, yet spots “opening up” after changing their intention to “undecided”. On an ongoing basis, representatives from adoption agencies would visit the mothers in the maternity homes, often pressuring them with relinquishment and adoption paperwork. It has also been reported that during their first counseling session, unwed mothers were asked to sign a memorandum of understanding

(MOU) to relinquish their parental rights. Even though the MOU is not legally binding, it is often used to “bully” them if they change their minds later (H. Kim, 2015; TRACK et al., 2012).

SOCIAL WELFARE PROGRAMS DO NOT PROVIDE ENOUGH SUPPORT; FAVOR ADOPTION

Support is provided to unwed mothers under the Single-Parent Family Support (SPFS) Act. “The main support provided to unwed mothers under this act is facility-related. Each facility provides free-of-charge housing or accommodations, and those residing in the facilities are eligible for welfare benefits” (M. Lee, Kim, Sun, Kim, & Choi, 2010). These facilities include maternity homes and group homes for unwed mothers who are raising their children. This limits unwed mothers’ ability to live independently and break free of poverty (Chon, 2011).

The welfare benefits under SPFS are provided to single-parent families with children under age 18, whose monthly income does not exceed 130% of minimum living costs (in 2010, this was KRW 1,116,370 or \$951 USD). The benefits include a childcare allowance of KRW 70,000 for children up to age 12. Other benefits within SPFS include housing support in the form of rental housing, welfare fund loans to start a business, child support enforcement services, a community center for single parents, and a teen single-parent assistance program.

Another welfare benefit that a low-income unwed mother can receive is the National Basic Livelihood Security (NBL) benefit, which includes livelihood benefits, housing benefits, education benefits, childbirth benefits, and medical benefits. The NBL has eligibility requirements based on income being below the minimum cost of living. The income requirement considers the income and asset amount of the potential recipient as well as the Person Liable for Supporting. In many cases, the Person Liable for Supporting refer to the unwed mother’s parents. In many cases, unwed mothers experience a rupture in emotional and/or financial ties with their parents because of their pregnancy, and will not receive any

support. At the same time, she may be ineligible for NBS due to her parents (Person Liable for Supporting) if they have been identified as having sufficient income and assets to support her. Based on a 2009 KWDI study, 62% of respondents who did not register as NBS beneficiaries did not do so because of income ineligibility, while 38% were not aware of the program (M. Lee et al., 2010).

Despite these programs and benefits, ultimately the Korean government offers more financial support for domestic adoption than it does to family preservation (see Figure 3 below). Unwed mothers must also demonstrate they fall below the poverty line in order to receive support, which is not a requirement for adoptive or foster parents (Chang & Cavicchi, 2015).

Figure 3: Korean Government Support of Child Care Institutions

Child Care Institution	Monthly Support per Child
Family group home facility	KRW 1,070,000 (\$912 USD)
Child welfare facility (orphanage)	KRW 1,050,000 (\$895 USD)
Foster care	KRW 250,000 (\$213 USD)
Domestic adoptive family	KRW 150,000 (\$128 USD)
Single parent family	KRW 70,000 (\$60 USD)

Source: UN Submission (2012) (Chang & Cavicchi, 2015)

RECOMMENDATIONS FOR ACTION

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- Develop a campaign to promote attitude change towards unwed mothers.** The deep-seated ideologies and views held by Korean society will take time to evolve, but the ongoing modernization and environment of rapid change, especially amongst the younger generations should be leveraged. Utilize multiple channels such as social media, government websites, and public announcements on subways and buses for maximum reach.

- **Provide social support structures for unwed mothers.** Improving unwed mothers' reputation in society will also reduce the need for secrecy and isolation. The government should facilitate additional individual and group therapy services, and aid the reunion efforts by Korean adoptees and birth mothers with accompanying support services.
- **Continue to modify the Special Adoption Law, shifting the focus from reducing transnational adoption to increasing family preservation.** Develop and enforce counseling requirements based on the accurate disclosure of the adoption process and the rights of the mother and her child. De-couple adoption agencies and maternity homes to eliminate conflicts of interest and promote the interests of the mother and her child. Limit access to the family registry and seal court documents to maintain the identity rights of the child while protecting the privacy of the mother.
- **Reform welfare policies to reduce poverty and improve human capital.** Eliminate the unfair means-testing required of unwed mothers (but not foster parents, adoptive parents, or institutions). Increase education benefits to unwed mothers who were forced to leave high school or college. Create tax incentives such as the EITC in the US, child care subsidies, and transportation subsidies that support unwed mothers re-entering the job market.
- **Reduce workplace discrimination against unwed mothers.** Examine international examples such as Equal Employment and Opportunities Act and Title VII from the United States to improve reporting, eliminate retaliation, and increase accountability to existing anti-discrimination laws. Provide tax incentives for companies who hire and continuously employ unwed mothers.
- **Hold fathers accountable.** Develop policies and procedures to remove barriers for unwed mothers to file and claim child support. Hold fathers accountable to child support agreements through establishing a federal child support enforcement office.

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