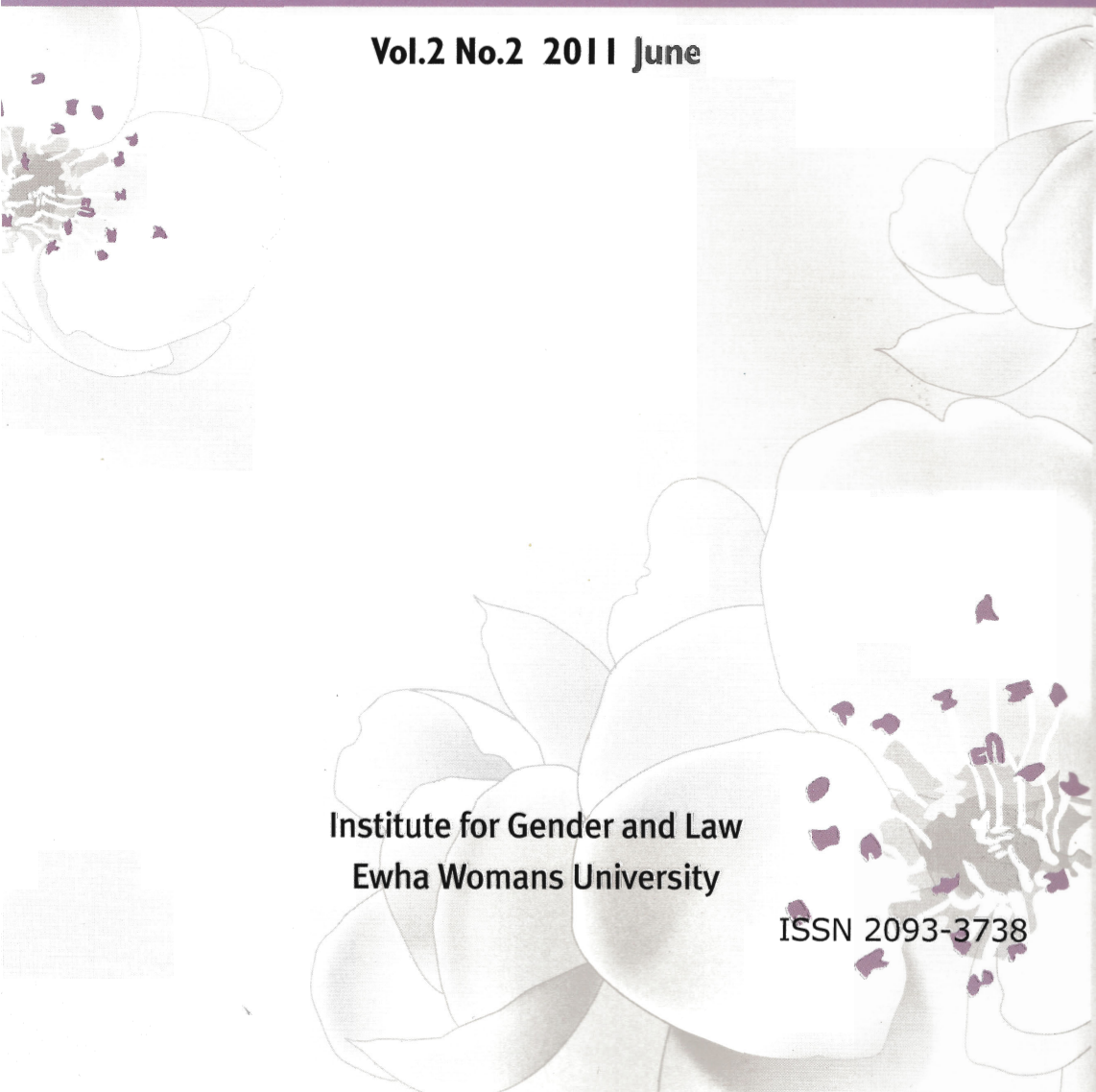


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# Internationally Adopted Koreans and the Movement to Revise the Korean Adoption Law

Jane Jeong Trenka \*

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\* President of TRACK, Author of *The Language of Blood and Fugitive Visions*, Co-editor of *Outsiders Within: Writings on Transracial Adoption*

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**ABSTRACT**

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A coalition of parties affected by international adoption has banded together to revise South Korea's Special Law on Adoption Promotion and Procedure with a bill sponsored by National Assembly member Choi Young-hee(DP). The coalition consists of the overseas adoptee organizations Truth and Reconciliation for the Adoption Community of Korea(TRACK) and Adoptee Solidarity Korea(ASK), the civic organization KoRoot(House of Korean Root), Korean Unwed Mothers and Family Association(KUMFA, also known as Miss Mamma Mia), Dandelions group for parents who lost children to adoption, and the Gonggam Public Interest Lawyers.

This article starts by giving a brief history of the people and organizations involved in fostering an environment in Seoul where it became possible for adoptees to live and work full-time, and that led to a opening a space where some adoptees chose to do activist work, including the proposal of changes to the Special Law on the Procedure and Promotion of Adoption when most are not even recognized as Korean citizens. I also give a short history of the relationships that have been built over time between the internationally adopted Koreans and people in the Korean society, including child-rearing single mothers and parents who lost children to adoption. An average of 89.17 of the children legally adopted from 2000-2009 were the children of unwed single mothers, whereas all of the secret adoptions within Korea, which are conducted outside the law, are presumed to involve the children of these mothers.

The next part of the article is a history of how TRACK came to spearhead the adoption law revisions, beginning with a request to the ombudsman of Korea, which was later folded into the Anti-Corruption and Civil Rights Commission under the Lee Myung-bak administration. This frustrated attempt to investigate corrupted adoptions led to our cooperation with the Gonggam Public Interest Lawyers, who persuaded us to try to reform the adoption law.

The next part of the article is a look at the United Nations Convention on

the Rights of the Child and The Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption with an eye toward bringing South Korea up to international standards for child protection. South Korea has not yet ratified the Hague convention and considers itself not bound by sub-paragraph(b)(v) of paragraph 2 of Article 40: and paragraph(a) of Article 21 of the UN CRC. I recommend that the South Korean government should include the opinions of adoptees, single parents, and parents and families who lost children to adoption in processes that will determine how the language of the convention is interpreted and enforced at a practical level within Korea.

The last part of the article concerns the coalition's recommendations for law reform.

**KEYWORDS**

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Korean adoption, unwed mothers, single mothers, international adoption, adoptee activism, TRACK

A coalition of parties affected by international adoption has banded together to revise South Korea's Special Law on Adoption Promotion and Procedure with a bill sponsored by National Assembly member Choi Young-hee(DP). The coalition consists of the overseas adoptee organizations Truth and Reconciliation for the Adoption Community of Korea(TRACK) and Adoptee Solidarity Korea(ASK), the civic organization KoRoot(House of Korean Root), Korean Unwed Mothers and Family Association(KUMFA), Dandelions group for parents who lost children to adoption, and the Gonggam Public Interest Lawyers.

While the law and why it needs to be changed is the main part of this article, many people, including adoptees themselves, have asked how it is possible that a group of adoptees have suddenly been able to form a coalition that includes unwed mothers and natural parents when most adoptees do not even speak Korean, not to mention suddenly propose changes to the Korean law when they are not even recognized as Korean citizens.

Various organizations have fostered an environment in Seoul where it became possible for adoptees to live and work full-time. This vibrant environment led to an opening a space where some adoptees chose to do activist work. In addition, growing awareness of international adoption in Korea, as well as family reunions of adoptees who traveled to Korea and their parents, led to an environment where birth family members could become activists. Finally, an environment started to grow where single mothers also were able to become activists. All three parties recognizing what they held in common in the past, and their desires to make changes for the future, led to building this coalition.

From the point of view of a transnationally adopted person, I think it may be important for the future of transnational adoptee activism, which I hope will occur in countries such as China, Haiti, Colombia, Ethiopia, India, and Vietnam, that there be some kind of record, albeit incomplete, of how we were able to build organizations and finally write a bill to reform international adoption from South Korea. Organizations are made of people. For that reason, I would like to talk personally about some of the people who have powered the organizations, and

the beautiful and mysterious way in which they have intersected or had particular experiences that would later lead to partnerships and tangible, practical changes in Korean society.

## **I. Self-introduction**

It is of course my own experience as a Korean transnational adoptee that leads me to do work in the adoption field. My older sister and I were sent to rural Minnesota in September 1972 through Korea Social Services and Lutheran Social Services in what I believe would now be considered an unethical adoption by international standards because of the falsified paperwork used to conduct the adoption with reckless speed and no consideration for family preservation. Our Korean mother, who said she was so distressed that she carried dogs on her back instead of me after the separation, managed to get the address of our American adoptive parents from the adoption agency by sitting and crying at the agency until the worker gave the contact information. Although our adoptive parents did not welcome contact, my mother started sending letters and gifts from Christmas of 1972. There was intermittent contact until 1988, when I was in high school and was able to gain control over the contact with my family for myself.

Seven years after I gained continuous contact with my family, I came to Korea for the first time. It was 1995, I had just graduated from Augsburg College with degrees in piano performance and English literature, and I came on a trip led by the adoption agency Children's Children's Home Society of Minnesota. During that time, I visited the regular tourist spots and also Aeranwon, a facility for unwed mothers. I would characterize the visit as zoological or voyeuristic, because there was no possibility of building a personal relationship; all we Americans and Koreans could do was look at each other from across the room. Moreover, I could not figure out what unwed mothers had to do with me, since my mother was married at the time of my adoption, even though I had been

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represented to my adoptive parents as the child of an unwed mother who had abandoned her children. I came again for family visits of a few weeks to a month in each 1999, 2000, and 2002. During those times, I was not aware of any services for adoptees in Korea or any community of adoptees.

However, unbeknownst to me at the time, a person who attended the same college as I did would go on after college to become one of the leaders of the adoptee community in Seoul and was providing resources to adoptees. Ami Inja Nafzger and I both matriculated at Augsburg College in Minnesota, USA, in 1990. Although we were not friends at the time, we lived in the same dormitory on the same floor and shared the same bathroom, and I remember her as being far cooler than myself. After college, Nafzger went on to develop Global Overseas Adoptees' Link(GOAL) in Seoul, where she lived until 2004, and I worked in a non-profit classical music organization. I came to the southern part of Korea during the monsoon season of 2004, but at that time I did not meet Ami, who was living in Seoul.

After I completed the semester-long adoptee program at Inje University in Gimhae, near Busan, in December of 2004, I went to Geungang University to teach an English camp. There I met the Danish adoptee Han Boon-young, who later co-founded TRACK and who told me, "If you just decide to stay in Korea, your life will get a lot easier." I went back to the U.S. in January of 2005, came back to Korea in May 2005, and have turned what started out as a four-month trip into a six-year-and-counting, life-changing journey.

Fellow travelers are the most important part of a journey. Looking back on the experiences that I have had leading TRACK for only slightly more than two years, I can clearly see the importance of the foundation that has been laid in the past to the work that we are doing today, and the importance of human relationships, which are ever-changing, as well as the contributions of people who have done their part at one time, although they may have gone on to do other things since. Because I have published books and have written articles about the adoption topic, I am often put in front of the media and asked to speak at

conferences, etc.. However, the fact is that the ideas circulating within our community are the result of literally sitting at tables and talking with each other over long hours as friends. We talked and drank beer at Mike's Cabin, and we noticed that there were similarities in many people's adoption stories. We talked and ate samgyupsal, and we decided we should do something about it. We talked and drank coffee and milkshakes at the 24-hour cafe Lavazza, and we figured out who we could ask for help because we could do so little ourselves. We talked and ate chicken that we bought out of the back of a truck, and we came up with strategies. We talked and we talked and we talked.

I joined TRACK because my friend Boon-young asked me to, and after her departure, I became president not because I was the most qualified adoptee in Seoul, but because nobody else wanted to do it. My Korean was at about Level 3 at the time, and the highest level of formal education that I had achieved was a bachelor's degree in piano performance and English. So it was with reluctance and trepidation that I came into organized activism, as opposed to what I used to call my "literary activism." I have had help with every step. At the first public hearing for the change in adoption law in January of 2009, for example, I relied on the experience of Korean-American Song Dae-Han, who was trained as an activist at the trilingual Strategy Center in Los Angeles and who had attended many public hearings in the L.A., to get me through the first public hearing on adoption law. Our requests prior to the hearing for translation and interpretation had been all but ignored by the organizers of the public hearing. Although GOAL had provided volunteer translation, it was not sufficient, and the adoptees were being all but ignored during the hearing. "What am I supposed to do now?" I whispered in his ear. "Go up there and take the microphone," was the answer. So I did. Our movement that is powered by the knowledge, experience, and hard work of many people, many of whom are unknown outside Seoul and often within Seoul as well. So with gratitude to many people, and with respect for the activist community that exists in Seoul, despite many individual differences in opinion and method, I offer this activist's paper on the adoptee movement to



revise Korea's international adoption law.

## II. A short activist history of returned Korean adoptees and their allies in Seoul

Since 1953, almost 200,000 Korean children have been sent overseas to around 15 Western countries and 75,000 children have been placed domestically. South Korea has the 10th largest economy in the world and ranked of 22nd in terms of Global Competitiveness in a 2010-2011 report by the World Economic Forum, yet international adoptions continue from South Korea at the rate of over 1,000 per year. An average of 89% of children legally placed for adoption both overseas and domestically in the decade of the 2000s were children of unwed mothers. Meanwhile, all of the children sent for "secret" domestic adoptions, which are completely outside the law, are presumed to be the children of unwed mothers. This may be no surprise, as the World Economic Forum's 2010 report on "Measuring the Global Gender Gap" ranked South Korea ranked 104 out of 134 countries, between the United Arab Emirates(103) and Kuwait(105). Meanwhile, the government allocated about 8,800 per child on social welfare in 2008, and child and family expenditures accounted for 1.7% of the national budget, the lowest level among OECD countries, according to a 2010 Alternative Report by Korean NGOs to the UN Convention on the Rights of the Child committee. It is this reality that adopted Koreans face when they return to Korea, and it is this situation that our coalition seeks to remedy by amending the Special Law on Adoption Promotion and Procedure.

In her dissertation *Adopted Territory: Transnational Korean Adoptees and the Politics of Belonging*(2010), Professor Eleana Kim gives a wonderful overview of the adult adoptee community, including the one in Seoul. She includes in her history the years leading up to the period during which her work was concentrated, namely 1994-2004, between the first and third Gathering

conferences(p. 18), which take place in August. As it is now 2011, seven years have elapsed between Dr. Kim's research and the present day. In order to fill in this gap and also provide some context to the law revisions, I would like to present a timeline of some of the events in the community, without which TRACK could not have been created and therefore the changes in the adoption law could not have been proposed at this time. The dates included here are partly from Eleana Kim's book and partly from my own conversations with activists in Seoul.

### **A few important events in adoptee activist history**

- Late 1980s – early 1990s adopted Koreans start returning to Korea.<sup>1)</sup>
- 1993 – Swiss adoptee Kim Dae-won(adoptive name Jan Wenger) and Rev. Kim Do Hyun found Dongari in Switzerland.<sup>2)</sup>
- 1995 – Belgian adopted artist and activist Mihee Nathalie Lemoine moves to Seoul.<sup>3)</sup>
- Summer 1995 – American adoptee Jane Jeong Trenka makes the first of four trips to Korea before her repatriation, which became the basis for *The Language of Blood*.
- Summer 1996 – Swedish adopted scholar Tobias Hübinette makes the first of a series of trips to Korea, leading to the research that became the basis for *Comforting an Orphaned Nation*.<sup>4)</sup>
- March 5, 1998 – GOAL is established by Lemoine and 11 other adoptees.<sup>5)</sup> American adoptee Ami Nafzger emerges as leader<sup>6)</sup> and stays in Korea until

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1) Eleana Kim, *Adopted Territory: Transnational Korean Adoptees and the Politics of Belonging*, 190.

2) *Ibid.*, 109.

3) *Ibid.*, 108.

4) Tobias Hübinette, *Comforting an Orphaned Nation*, 1.

5) *Ibid.*, 178.

6) *Ibid.*, 224.

2004.<sup>7)</sup>

- 1999 – The Overseas Koreans Visa(F-4) comes into effect, and overseas adoptees are included.<sup>8)</sup> The visa allows holders many benefits, including the ability to live and work in Korea for an extended period of time.
- June 2003 – Kim Dae-won moves to Korea. He served as Secretary-General of GOAL from February 2004-April 2010.<sup>9)</sup>
- March 2004 – Adoptee Solidarity Korea(ASK) is founded.<sup>10)</sup>
- April 2004 – Rev. Kim Do Hyun becomes manager of KoRoot.<sup>11)</sup>
- August 2004 – Jane Jeong Trenka moves to Korea, *The Language of Blood* is published in Korean.
- 2004 – Danish adoptee Han Boon Young moves to Korea.
- September 2004 Ross Oke moves to Korea.
- 2005 – Unwed mothers Choi Hyung-Sook and Mok Kyung-Hwa, who later become leaders of KUMFN, meet at Aeranwon.
- 2006 – Dandelions started by birthparents who were connected through GOAL after being reunited with their children who had been sent for adoption.<sup>12)</sup>
- Fall 2006 – Ross Oke starts work with ASK and Aeranwon.
- May 2006 National Assembly Rep. Ko Kyung Hwa unveils a bill to discontinue South Korea's adoption program.<sup>13)</sup> Ultimately the bill failed.<sup>14)</sup>
- August 2006 – American adoptee Shin Joo Ae moves to Korea. Shin dedicated the years 2007 – 2010 to Korean language acquisition. Because of her language facility and friendship with Mok Kyung-hwa, she would later serve as a liaison between unwed mothers and ASK and TRACK.
- November 2006 – May 2008 – American adoptee Ko Su-yoon, a member of

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7) Ibid, 184.

8) Trenka, Oparah, Shin, eds, *Outsiders Within: Writing on Transracial Adoption*, 244-245.

9) Phone call with Kim Dae-won, May 13, 2011.

10) ASK Web site, accessed May 13, 2011 <http://www.adopteesolidarity.org/indexH.html>.

11) Eleana Kim, 230.

12) Text message correspondence with 노금주 May 13, 2011.

13) Eleana Kim, 1.

14) Eleana Kim, 4.

ASK, leads a series of eight discussion sessions among unwed mothers and adoptees, which allowed the two groups to learn about each other's perspective and reality firsthand.<sup>15)</sup>

- April 30, 2007 – ASK submits a petition calling for the end of intercountry adoption to the National Assembly with the support of Rep. Jang Hyang-Sook.<sup>16)</sup>
- 2007 – 2011 – GOAL dual citizenship campaign.<sup>17)</sup>
- June 2007 – Dr. Richard Boas is interviewed by Kim Young-gyo Jane Jeong Trenka for Yonhap News Agency. Through his foundation, Boas would later found Korean Unwed Mothers Support Network and fund a host of other projects supporting unwed mothers.
- August 2007 – Dandelions organizes protest of international adoption in Seoul and starts signature campaign to end international adoption.<sup>18)</sup>
- August 2007 – TRACK founded by Han Boon Young with co-founders Tobias Hübinette, Ross Oke, Danish adoptee Kim Su Rasmussen, Jane Jeong Trenka. Han, Oke, and Rasmussen had formerly been ASK members.
- August 2008 – Tobias Hübinette's *Comforting an Orphaned Nation* is published in Korean.
- August 21, 2008 – TRACK holds founding event at Largo Art Hall in Gangnam, Seoul.

### **How we began to work together**

TRACK was formed with the principle that we would respect what the other adoptee-run groups were already doing. We viewed services such as birthfamily search as belonging to GOAL, and the unwed mothers' issue as belonging to ASK. Therefore, we were reluctant to touch the issue of unwed mothers.

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15) Aeranwon 50th anniversary book.

16) ASK Web site

17) Phone call with Kim Dae-won, May 13, 2011.

18) Eleana Kim, 256.

However, it quickly became impossible to not touch the issue when we started the law revisions in 2008.

After I starting leading TRACK in February of 2009, TRACK naturally took on a more Minneapolis flavor, since I had lived in Minneapolis-St. Paul from 1990-2004. "What we need around here is more giant puppets, don't you think?" I asked some adoptees. Since the U.S. state of Minnesota has taken about 15,000 adoptees, and many of them have returned to Seoul, it was easy to find adoptees who heartily agreed that, yes, there should definitely be more puppets. Therefore, on Adoption Day on May 11, 2009, TRACK commissioned the Korean artist Eom Jeong-ae, who is also a single mother, to make huge puppets and passed out flyers to raise awareness about the link between unwed mothers and international adoption at Bosingak in downtown Seoul.<sup>19)</sup> In addition to a puppet that Jeong-ae created representing an unwed who lost her child to adoption, she also created a bride puppet to clearly highlight the issue. Eom wrote messages on the puppets such as "Support the rights of adopted adults and unwed mothers mothers, and volunteers distributed flyers titled "Test Your Adoption Knowledge"(입양과 관련된 당신의 지식을 테스트해 보세요), which contained short questions and answers under the headings of history, economics, sociology, math, and finally, ethics, under which TRACK's support for unwed mothers was expressed.

The partnership fueling the law revision that is made of adoptees, child-rearing single mothers, and parents who have lost children to adoption, is the natural and logical result of the Korean adoption system. Yet the partnership is a surprising

19) In the Heart of the Beast Puppet and Mask Theatre in Minneapolis, which hosts the annual Mayday Parade and Pageant featuring giant puppets and masks in a Minneapolis's Powderhorn Park, was the first American organization to perform inside the DMZ in 2000. Sandy Spieler, the director of HOBOT the past and put us in touch with Eom Jeong-ae, who works at the Chuncheon puppet theater. Puppets and masks have been used in both Korea and the U.S. to forward draw attention to issues. For instance, Pastor Kim Do Hyun had been a member of a mask dance group that criticized the authoritarian government during his student days at Seoul National University, while Bread and Puppet Theater was a fixture at Vietnam War protests in New York. TRACK has at various times used animal costumes and unpainted talchum masks to draw attention to our issue.

one to many people. It is indeed a partnership that is difficult to build when most adoptees do not have Korean language facility and most single parents and natural parents do not speak English or the adoptees' languages. Therefore I will attempt to roughly describe some of the sustained efforts that have been made to help build these friendships even through enormous linguistic and cultural barriers.

The Korean language is the primary obstacle and everyday nuisance for most adoptees who live in Seoul, but teaching English can serve as an important site of community building community. For instance, the Dutch adoptee Alice Flikweert, who is proficient in Korean, has faithfully taught English to parents who lost children to adoption for years at the GOAL office along with the Korean national Lee Ho-kyeong ("Hoya"), who was director of birthfamily searches. The American adoptee Shin Joo Ae, who achieved fluency in Korean, also taught English to unwed mothers over the long-term, as I also have. These meetings start with the structure of an English class, but blossom into sincere friendships. Other sites where connections among adoptees, natural parents, and single mothers have been built over repeated encounters have been dinners and other social functions hosted by GOAL, KoRoot, and TRACK, as well as meeting places that have included the offices of KUMSN, KUMFA, GOAL, KoRoot, and restaurants and cafes in their neighborhoods, the Gonggam Public Interest lawyers, as well as public spaces in university areas and people's homes. In addition, one natural mother's small clothing shop located in a busy transfer subway station in the western part of Seoul was an early meeting place for Dandelions mothers until the shop closed. It was at that shop that the 2007 protest against international adoption was organized. In addition, the filming process and world premiere in 2009 at the Pusan International Film Festival of Tammy Chu's film *Resilience*, produced by KoRoot, was an important event in the community that brought together birthparents, child-rearing unwed mothers, and adoptees. Adoptees such as Cody Winter, Stefano Zennaro, and Felix Soulie who have gained fluency in the Korean language have helped innumerable times with

translation and interpretation between adoptees and their families and unwed mothers. Although they are not always directly working for an organization, they contribute to the good will and cooperative spirit amongst Korean-speakers and adoptees. In addition, the always professional and gracious American adoptee Nicole Sheppard, who became a fluent Korean speaker and who was GOAL's vice secretary general during most of the term of Kim Dae-won, made huge and sustained efforts on behalf of the adoptee community that cannot begin to be quantified.

I want to mention the American adoptee Shin Joo Ae again because she has served an almost accidental yet key role in fostering sincere relationships between adoptees and single child-rearing mothers. As an ASK member in 2007, she met the mothers from Aeranwon who would later go on to found Korean Unwed Mothers and Family Association(KUMFA or "Miss Mamma Mia") at a forum organized by Ko Su-yoon. The mothers themselves later organized a seminar, where they met again. Joo Ae, one of the few ASK members with language facility, formed a personal friendship with Ko Kyung-hwa, who would go on to be the president of KUMFA. Joo Ae looked after Kyung-hwa's child while Kyung-hwa volunteered at Aeranwon, taught Kyung-hwa English, and also volunteered to share more about her experience as an adoptee. In 2009, Joo Ae organized a joint gift drive with ASK and TRACK for the single mothers, and in May 2011, she organized another gift drive for the single mothers to commemorate the "1st Single Moms' Day" in South Korea along with Melissa Miller Menard and Linda Gregory.

In addition, the American adoptee Ross Oke has played a key role in interactions between Koreans and adoptees because of his work gathering resources and also coordinating volunteer translators and interpreters for events and group discussions as an ASK member. He later coordinated volunteer translators and interpreters for Tammy Chu's film Resilience March 2006 to mid-2007. In addition, in 2006, he coordinated a letter exchange program for single mothers at Aeranwon, as well as the translation and proofreading for Aeranwon's

second book, *Dreaming a World: Korean Birthmothers Tell Their Stories*, which was published in 2010.

Other adoptees who have visited Korea for several weeks during vacations have also contributed to the exchange between birthfamilies, unwed mothers, and adoptees. For example, the Swedish adoptee Linnaea Manberger faithfully taught English to the Miss Mamma Mia mothers during the summer of 2010 while she was studying the Korean language at Yonsei University, and adopted journalists such as the Swedish adoptee Danjel Nam have brought news from Korea to their adoptive countries. American adoptee Jennifer Kwon Dobbs, a professor at St. Olaf College in Northfield, Minnesota, was present at a meeting in July 2009 facilitated by Park Yeong-mi, the community representative from Korean Women's Association United. The meeting, held at the Single Parent Support Center in the Guro district, was covered by the *Daily Daehan News*<sup>20)</sup> and attended by the English-speaking Koreans Kwon Hee Jung and Yoo Ji Young from Korean Unwed Mothers Support Network, many of the women who had recently formed Miss Mamma Mia, including Mok Kyung-hwa and Choi Hyung-Sook, as well as another mother, Ko ○ ○, who speaks English, myself, and others.

Many non-adoptees have helped TRACK to begin to realize its overall vision. The reconciliation process must naturally include fostering understanding between all parties affected by adoption, as well as the actors who were involved in carrying out the adoption processes on the working level. Key non-adopted Koreans who have helped to bridge the gap between adoptees and the Korean society include Kim Sung-Yee, Oh Ki-chul, Shin Soon-bong, Yoo Jong-son, Song Dae-Han, Park In-sun and Helen Noh, who have made important contributions to TRACK in terms of knowledge and resources. In addition, Lee

20) Paik Yeong-mi, "Unwed mothers, adult adoptees, raise one voice", July 14, 2009. *Daily Daehan News* Web site accessed June 3, 2011.

[http://www.dhns.co.kr/board\\_view\\_info.php?idx=27290&s\\_where=&s\\_word=&page\\_num1=1&seq=2](http://www.dhns.co.kr/board_view_info.php?idx=27290&s_where=&s_word=&page_num1=1&seq=2)



Chulwoo and Lee Yewon made contributions not only for TRACK but for the other groups related to adoptees as well. Kim Mina, who worked at KoRoot, Choi Jinkyung, who worked at GOAL, Kim Doo Yeon, who currently works at KoRoot, Kwon Hee Jung and Choi Ji-young from KUMSN have all acted as the human foundations upon which much of the adoptee work and collaboration has been built upon. the funding of Dr. Richard Boas for many projects In addition, the foundational research led by Kim Hyeyoung and Lee Mijeong, as well as the writings of the single mothers themselves, is the basis for much of the activist work surrounding single moms and the relationship between them and adoption. In addition, Koreans who run facilities for single parents such as Lim Ae-duk of Aesanwon and Han Sang-soon of Aeranwon have contributed greatly to the understanding of the lives of single mothers. In addition, Hosu Kim, a Korean sociology professor who teaches in the United States and who visits Korea regularly, has been key to facilitating contact between adoptees and natural parents. She started interviews with birthmothers in February 2010 that TRACK will later use as the foundation of a request for a truth and reconciliation commission into international adoption from South Korea. The Korean filmmaker Yeongran Kim, also based in New York, filmed these interviews. Even after returning to the U.S., Hosu stayed involved by making frequent phone calls to Korea in the true spirit of friendship and collaboration. Paik Yeon-ah, another English-speaking Korean filmmaker, was always generous in reaching out to adoptees while she was filming unwed mothers. Friends in the world of publishing and literature, such as Im Jiwon, Cho Dongwook, Jae Pyeng Song, Eun Kyung Min, Yoo Hee-seok, Kim Ki-taek, and Lee So-hee have helped to build awareness about adoptees in the larger Korean society. Most notably, Pastor Kim Do Hyun, the manager of KoRoot in Seoul, challenged the adoptees to think about domestic adoption and single mothers, instead of only about overseas adoption, and acted as a main point of connection between the adoptees and various parties in Korean society by sitting together with the adoptees and patiently explaining and translating all the things that the adoptees could not

understand, which were many. In addition, his understanding of mothers who have been separated from their children as part of the “minjung” or common people of Korea, as well as the importance of bringing the voice of the “dangsaja” or affected party into policymaking and debate, has helped give our movement theoretical foundation.

It is impossible to name all of the adoptees, natural parents, single child-rearing mothers and Koreans from the civil society who have contributed to a fostering an environment where it is actually possible for returned adoptees to flourish and to appeal to the Korean government for law revisions. This is by no means a complete list nor can it even attempt to be. However, I hope to give a glimpse into the enormity of the work that has been undertaken in various stages, with various goals and results, by a lot of wonderful people with different ideas over time, which has given diversity and vitality to the community and also opened the space in history necessary for law revisions to be undertaken by adoptees, single mothers, and parents who have lost children to adoption.

I am writing this long, albeit incomplete history this so that the work of TRACK and the law reform coalition may in the future be understood through a broad context of community activism even though the returned adoptee community is inherently transient and therefore extremely vulnerable to a vanishing collective memory.

### **The Ombudsman**

TRACK had originally conceived of Korean international adoption not as an international or foreigners’ issue, but a Korean issue amongst Koreans. For this reason, in February of 2008, we paid visits to both the National Assembly Office of Civil Affairs and the Ombudsman of Korea. It was at the Ombudsman of Korea, though, where we ended up filing the request that would ultimately propel us into becoming involved in revising the Special Adoption Law.

The initial request was as follows:

### Request to the Ombudsman

A significant part of the global Korean diaspora has been created by the mass migration of Korean children to over 15 different Western countries for adoption. From 1953-2006, 160,242 children were sent away from the Republic of Korea as part of the international adoption program. In addition, an unknown number of children have been adopted privately and were not recorded in the government's statistics. Therefore, the number of children sent overseas may be as high as 200,000. If each adopted Korean has at the very least a mother, a father, and four grandparents, the number of Koreans directly affected may be as high as 1 million. Despite the number of Koreans affected, the adoption issue and its history have never been comprehensively addressed on a national level by the government of South Korea.

한국인의 디아스포라의 일부분은 15개국으로 입양 보내진 한국 어린이들에 의해 이루어졌다 해도 과언이 아닙니다. 1953년부터 2006년까지 대한민국으로부터 160,242명의 아이들이 해외입양 프로그램의 일환으로 외국으로 보내졌습니다. 덧붙여 정부 통계 외 수가 과잉되지 않은 여러 명의 아이들이 개인적으로 입양 보내져 기록에서 제외되었습니다. 따라서, 해외로 입양 보내진 아이들은 많게는 20만 명 가까이 추정됩니다. 각각의 아이들이 어머니, 아버지와 네 명의 조부모들이 있다고 가정했을 경우 직접적으로 영향을 받은 한국인들은 1백만 명 가까이 될 것입니다. 해외입양의 직접적인 영향을 받은 사람이 많음에도 불구하고, 한국 정부는 입양과 이의 역사를 국가적 차원에서 포괄적으로 검토하지 않았습니다.

As more and more adult adoptees have located their birthparents and learned to read their own records in Korean, examples of dubious practices in international adoption from Korea have surfaced. As only about 1 percent<sup>21</sup>:

21) This was an error. The 2006 Overseas Koreans Foundation book states that from 1995-2005, a total of 76,646 adoptees received counseling for birth family search, and 2,113, or 2.7%, were reunited. The book does not say how the adoptees were counted, e.g., if they were counted

of adoptees who have been officially recorded by the agencies as having made efforts to find their families have had a reunion, the frequency with which the same stories arise is surely disturbing.

성장하여 친부모를 찾고 자신의 기록을 한국어로 읽을 수 있는 입양아들이 증가함에 따라 한국 내 해외입양의 다양한 문제점이 드러나고 있습니다. 친부모 찾기에 나섰던 입양아의 단지 1퍼센트만이 가족과 재회를 했고, 이런 경우가 계속 반복되는 상황은 실로 심각합니다.

Yet there has never been an investigation into any of these dubious cases, either individually or as a group. Nor has there ever been any investigation into international adoption itself as a practice, or the role that the government has played in facilitating the adoptions through either policy or approving documents such as orphan hojuks and travel visas.

그러나 이 때까지 이러한 의심스러운 케이스에 대한 개인적 혹은 단체의 조사가 이루어진 적이 없었습니다. 또한 해외 입양 자체에 대해, 또는 입양을 용이하게 할 정부의 정책 혹은 고아 호적이나 여행 비자에 대한 정부의 역할에 대해 한번도 조사가 이루어지지 않았습니다.

Some of these dubious practices that have been discovered by adoptees, particularly those who have been reunited, include but are not limited to:

의심스러운 관행은 대부분 가족을 만나게 된 입양아들에 의해 밝혀졌습니다.

1. Unclear relinquishment -- parent did not relinquish under real name, a person other than the parent relinquished, only one parent relinquished, the child was relinquished for domestic but NOT international adoption, or the signature on the relinquishment form appears to be forged.

불확실한 포기 - 부모들이 가명으로 아이를 포기, 부모가 아닌 제3자가 포기, 부모 중 한 사람만이 포기, 부모가 국외입양이 아닌 국내입양을 신청했으나 신청서 조작

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each time they made a phone call to the agency or each time they visited the agency, etc.

2. Kidnappings within the family, particularly by paternal grandmother.

가족 간의, 특히 친할머니에 의한 유괴

3. Misrepresentation of child to adoptive parents and Western adoption agency(such as age, social history, medical history).

입양 부모 혹은 서구 입양시 아이의 나이, 사회 기록, 의료 기록의 허위진술

4. Contradictions in the adoption file of the same child. Contradictions may be found going from Korean-language record to Korean-language record(from police to orphanage to agency, or intra-agency), or going from Korean-language record to English-language record(or other Western language).

아이의 모순된 입양 기록. 한국어 기록을 옮길 때(경찰에서 고아원에서 기관으로 넘어 갈 경우 발생), 혹은 한국어에서 영어 기록(혹은 다른 외국어)으로 옮길 경우 발생

5. Kidnapping by orphanage – the Korean parent came looking and they were told that the child was not there, or had died.

고아원에 의한 유괴 – 한국인 부모가 아이를 찾으러 왔으나 아이가 없거나 죽었다고 알려짐

6. An orphan hojuk made to replace the child's real hojuk. The fake orphan hojuk was used for adoption.

고아의 호적이 조작되어 아이의 실제 호적을 대신, 가짜 고아 호적은 입양을 위해 사용되었다.

7. The child was recorded as having been sent to a different adoptive country than they really were and were recorded as having gained the citizenship of the wrong country.

아이가 실제 입양된 국가와 다른 국가로 입양되어 그 국가의 시민권을 얻었다고 기록.

8. The child was switched for another child who was not able to be sent at the time the adoption was scheduled.

입양을 해야 할 시점에 다른 아이를 대신하여 입양된 경우

These practices do not seem to be limited to a single agency, but seem that they were endemic to the whole system, no matter what the agency and no matter where the child was sent.

위와 같은 관습은 한 기관에서 이루어진 것이 아니라 기관과 나라에 관계없이 전반적으로 입양 시스템 내에 만연한 듯합니다.

Various questions have also come up as adopted Koreans have learned more about Korean civil law and the commonalities found in many adoptees' files. These questions include but are not limited to:

한국인 입양아들이 한국 민법과 입양아 기록에서 발견되는 여러 공통점에 대해 알게 되면서 질문도 늘어나게 되었습니다.

1. Is it an abuse of power for one government official to be the legal guardian of potentially hundreds of children in order to facilitate "proxy" adoptions?

대리 입양을 촉진하기 위해 한 명의 공무원이 잠재적으로 몇백 명의 아이들의 법적 보호인이 되는 것이 권력 남용인가?

2. Is it an abuse of public power for the Korean government to send away Korean citizens(adoptees) to foreign countries under the legal guardianship of a public official who resides in Korea? Is the guardianship, which is in name only, an abuse of the government's power?

한국인 공무원의 법적 보호 아래 한국인 입양아들을 해외로 입양 보내는 것이 공권 남용인가? 이름뿐인 '후견인' 이 정부 권력의 남용인가?

3. Did the agencies at one time have to post an ad in the newspaper for

children before they were sent to adoption? If these ads cannot be found to have ever existed, were those adoptions legal?

아이들을 입양 보내기 전, 기관들이 한번이라도 신문에 광고를 냈었는가? 만약 광고가 존재한 적이 없었을 경우, 이 입양은 합법적인가?

4. The Korean government had to issue orphan hojuks and travel visas to perform every adoption. Can it be said that the government abused its power or conspired in wrongdoing if the means used by the agencies to perform the adoptions appeared to be legal, but were not, i.e., if agencies engaged wrongdoing and government agencies approved false papers created by the agencies, is that an abuse of public power?

한국 정부는 모든 입양을 위해 고아 호적과 여행 비자를 발급해야 했다. 만약 입양 기관들이 겉으로 보기에는 합법적이지만 실제로는 불법이었을 경우 정부는 권력 남용은 물론 불법행위에 공모했다고 할 수 있는가? 예컨대 기관이 불법 행위와 연관되었고 정부가 해당 기관의 허위 문서를 승인한 경우 이는 공권 남용인가?

5. Can it be said that the government abused its power if it can be shown that instead of offering reasonable support to Korean mothers and children, it encouraged private enterprise(the adoption agencies) to transport citizens(adoptees) out of the country?

만약 한국 정부가 한국인 부모와 아이에게 적합한 지원을 제공하는 대신 사립 입양 기관을 통해 입양을 보낼 것을 권장했을 경우, 정부가 권력을 남용했다고 말할 수 있는가?

Counter to the Hague Convention on international adoption, of which the R.O.K. is not a signatory, there is no centralized department within the Korean government that supervises and organizes international adoption from Korea.

국제 입양에 관한 헤이그 협약에 반해(대한민국은 이 협약의 가맹국이 아니  
다) 한국 정부에는 국제 입양을 관리하고 조직하는 중앙 부서가 없습니다.

In light of these potential abuses of public power, we are wondering if the [Blue House or the Ombudsman of Korea] would find it worthy to investigate either individual cases or international adoption from Korea as a whole.

잠재적인 공권 남용을 고려해볼 때, 우리는 과연 청와대나 국민고충처리위원회에서 개개인의 케이스나 전체적인 해외입양 자체를 조사해 볼 가치가 있다고 생각하는지 알고 싶습니다.

After submitting the initial request to file a complaint, we submitted the cases of six adoptees whose cases we felt were representative of the corrupted adoptions that we had heard about anecdotally.

The achievement of our work at the ombudsman's office, which was completed June 8, 2008, was twofold. First, it moved the stories from the anecdotal into the official. We had heard many times from adoptees about the unsatisfying explanations they had been given by adoption agencies, which we viewed as excuses, but we had no proof other than stories. Because the agencies had given the same answers to the ombudsman and the ombudsman seemed to have simply recorded the answers without a true investigation, we could prove that these were systematic responses. Second, awareness of our issue was raised sufficiently enough so that Oh Sang Seok, Director of the Welfare and Labor Complaints Division of the Anti-Corruption and Civil Rights Commission(which the ombudsman had been folded into after the start of the Lee Myung-bak administration) participated as a panelist at the public hearing in November 2009 that Rep. Choi Young Hee had arranged to introduce the adoption law revisions.

It was because of what we felt was a superficial response to our complaint that TRACK took the issue to the Gonggam Public Interest Lawyers. It was due to their patient listening and advice that we decided to throw our hat into the ring of revising the adoption law. So Rami is the lawyer who eventually wrote the bill, and Hwang Pillgyu is the lawyer who of course worked on the bill, spoke perfect English to us, and also made us laugh really hard.

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### **Events related to the development of the coalition bill to revise the adoption law**

- January 2008 – TRACK submits six cases of adoption irregularities to the Ombudsman of Korea, which was later folded into the Anti-Corruption and Civil Rights Commission.
- August 2008 – TRACK forms alliance with the Korean Public Interest Lawyers' group Gonggam and National Assembly Rep. Choi Young-hee.
- Fall 2008 – Law coalition of TRACK, ASK, and KoRoot formed.
- Fall 2008, 2009, 2010 – Rep. Choi Young-hee submits questions from TRACK, ASK, and KoRoot to the National Assembly audit of the Ministry of Health and Welfare.
- 2009 – The ministry of strategy and finance allocates 720 million won to set up a “central authority.” A central authority is necessary for South Korea to ratify the Hague convention.<sup>22)</sup>
- January 2009 – TRACK starts struggle for language access at government public hearings.
- February – March 2009 – TRACK and KoRoot attend Ministry of Health and Welfare's adoption law reform meetings.
- May 11, 2009 – TRACK puppet performance and public education event at Boshingak in downtown Seoul start media attention for adoptee, birthfamily, and unwed mothers' rights.
- July 2009 – Simultaneous professional translation is provided by KWDI at the ministry's second public hearing, enabling adoptees to talk directly to the Korean government about laws affecting their lives.
- July 2009 – Miss Mamma Mia, later called Korean Unwed Mothers and Family Association, joins the law coalition.
- August 2009 – Petitioned the MOHW to include the adoption community in adoption law revisions. So Ramí from Gonggam is appointed to the

22 [http://english.hani.co.kr/arti/english\\_edition/e\\_national/387880.html](http://english.hani.co.kr/arti/english_edition/e_national/387880.html)

government task force.

- November 10, 2009 – Public hearing on coalition’s adoption law revision bill, sponsored by Rep. Choi Young-hee, held at the National Assembly.
- May 11, 2010 – Press conference held by Choi Young-hee to introduce the bill to the National Assembly.
- June 2010 – National Assembly TV broadcast airs.
- June 9 – 15 2010 – A Collection of One, a community artwork conceived by American adoptee Leanne Leith, is installed in the lobby of the office building of the National Assembly members. With the cooperating of the office of Choi Young Hee, TRACK funds the artwork and organizes an army of volunteers, who attempt to hang 200,000 uniquely stamped price tags inside a white cloth tunnel. Only 60,000 tags were able to be hung, reflecting the massive scale of the adoption program.
- September 26, 2010 – The Ministry of Justice announces that adoptions of children by Koreans and foreigners should be approved by the court and sets up a committee to discuss how to amend the civil law.
- March 2011 – Dandelions group of parents who lost children to adoption join the coalition.
- March 10, 2011 Choi Young Hee makes motion to pass the Hague Convention with Respect to Inter-country Adoption 1808456 헤이그국제아동입양협약 비준동의안 재출 촉구 결의안
- March 11, 2011 The Single Parent Support Bill 1811098 한부모가족지원법 일부개정법률안(대안) sponsored by Choi Young Hee is passed. The bill requires the separation of adoption agencies and unwed mothers’ homes.
- April 2011 – The review of the bill introduced by Choi Young-hee is completed by the Health and Welfare Committee. The bill goes into the Health and Welfare subcommittee, but does is neither forwarded on nor rejected.
- May 11, 2011 – TRACK, KoRoot, Korean Unwed Mothers and Family Association, and Korean Single Parent Association declare “Single Moms’ Day” to challenge the government and adoption agency-led “Adoption Day.”

The conference held in celebration is called "Redefining Family: Moving from Adoption to Family Preservation." The three major TV broadcasters cover the event, as well as many newspapers and internet sites.

### III. International law and the ROK

The Republic of South Korea signed the UN Convention on the Rights of the Child on September 25, 1990 and ratified it on November 20, 1991. The ROK considers itself not bound by sub-paragraph(b)(v) of paragraph 2 of Article 40:

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(v) 형법위반으로 간주되는 경우, 그 판결 및 그에 따라 부과된 여하한 조치는 법률에 따라 권한 있고 독립적이며 공정한 상급당국이나 사법기관에 의하여 심사되어야 한다.

The ROK also considers itself not to be bound by the the provisions of paragraph(a) of Article 21:

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned

have given their informed consent to the adoption on the basis of such counselling as may be necessary;

제21조 입양제도를 인정하거나 허용하는 당사국은 아동의 최선의 이익이 최우선적으로 고려되도록 보장하여야 하며, 또한 당사국은: (a) 아동의 입양은, 적용 가능한 법률과 절차에 따라서 그리고 적절하고 신빙성 있는 모든 정보에 기초하여, 입양이 부모·친척 및 후견인에 대한 아동의 신분에 비추어 허용될 수 있음을, 그리고 요구되는 경우 관계자들이 필요한 협의에 의하여 입양에 대한 분별 있는 승낙을 하였음을 결정하는 관계당국에 의하여만 허가되도록 보장하여야 한다.

The ROK agrees to the following provisions of the UN CRC, but in light of the ongoing international adoption program, as well as various loopholes within the civil code that make "secret adoption" possible, it seems rather obvious that these provisions are not being strictly followed on the practical level.

*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.

제7조 1. 아동은 출생 후 즉시 등록되어야 하며, 출생시부터 성명권과 국적취득권을 가지며, 가능한 한 자신의 부모를 알고 부모에 의하여 양육받을 권리를 가진다.

*Article 8*

1. 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.

제8조 1. 당사국은 위법한 간섭을 받지 아니하고, 국적, 성명 및 가족관계를 포함하여 법률에 의하여 인정된 신분을 보존할 수 있는 아동의 권리를 존중한다.

*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.

제9조 1. 당사국은 사법적 심사의 구속을 받는 관계당국이 적용 가능한 법률 및 절차에 따라서 분리가 아동의 최상의 이익을 위하여 필요하다고 결정하는 경우 외에는, 아동이 그의 의사에 반하여 부모로부터 분리되지 아니하도록 보장하여야 한다. 위의 결정은 부모에 의한 아동 학대 또는 유기 의 경우나 부모의 별거로 인하여 아동의 거소에 관한 결정이 내려져야 하는 등 특별한 경우에 필요할 수 있다.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

3. 당사국은 아동의 최선의 이익에 반하는 경우 외에는, 부모의 일방 또는 쌍방으로부터 분리된 아동이 정기적으로 부모와 개인적 관계 및 직접적인 면접교섭을 유지할 권리를 가짐을 존중하여야 한다.

*Article 20*

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

제20조 1. 일시적 또는 항구적으로 가정환경을 박탈당하거나 가정환경에

있는 것이 스스로의 최선의 이익을 위하여 허용될 수 없는 아동은 국가로부터 특별한 보호와 원조를 부여받을 권리가 있다.

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin:

(b) 국제입양은, 아동이 위탁양육자나 입양가족에 두어질 수 없거나 또는 어떠한 적절한 방법으로도 출신국에서 양육되어질 수 없는 경우, 아동 양육의 대체수단으로서 고려될 수 있음을 인정하여야 한다.

#### *Article 21*

State parties shall:

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(d) 국제입양에 있어서 양육지정이 관계자들에게 부당한 재정적 이익을 주는 결과가 되지 아니하도록 모든 적절한 조치를 취하여야 한다.

#### *Article 35*

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

제35조 당사국은 모든 목적과 형태의 아동의 약취유인이나 매매 또는 거래를 방지하기 위한 모든 적절한 국내적, 양국간, 다국간 조치를 취하여야 한다.

The ROK has not yet ratified the The Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption. I

believe that considering the current state of international adoption from Korea, South Korea must take extra care to comply with these articles below. I also firmly believe that the government should include the adoptees, single parents, and parents and families who lost children to adoption to be able to give their input into processes that will determine *how the language of the convention is interpreted* and enforced at a practical level within Korea.

## CHAPTER II

### Article 4

An adoption within the scope of the Convention shall take place only if the competent authorities of the State of origin -

c) have ensured that

(1) the persons, institutions and authorities whose consent is necessary for adoption, have been counselled as may be necessary and duly informed of the effects of their consent, in particular whether or not an adoption will result in the termination of the legal relationship between the child and his or her family of origin,

(4) the consent of the mother, where required, has been given only after the birth of the child;

c) 아래와 같은 사실들을 확보하였고,

(1) 입양에 동의가 필요한 개인, 단체, 기관 등이 필요한 상담을 받았고 동意的 효과, 특히 입양의 결과 아동과 生家 간의 법적 관계가 종료되는지 여부에 대하여 적절히 설명을 받았으며

(4) 母의 동의가 필요한 경우에는 그 동의가 아동의 출생 이후에 이루어졌으며

## CHAPTER III

Article 8

Central Authorities shall take, directly or through public authorities, all appropriate measures to prevent improper financial or other gain in connection with an adoption and to deter all practices contrary to the objects of the Convention.

제8조 중앙국가기관은 입양에 관련된 부당한 재정적 또는 기타 이득을 방지하고 이 협약의 목적에 반하는 모든 관행을 저지하기 위하여 직접 또는 공적기관을 통하여 적절한 모든 조치를 취하여야 한다.

Article 9

Central Authorities shall take, directly or through public authorities or other bodies duly accredited in their State, all appropriate measures, in particular to -

a) collect, preserve and exchange information about the situation of the child and the prospective adoptive parents, so far as is necessary to complete the adoption;

제9조 중앙국가기관은 직접 또는 공적 기관이나 당해 국가에서 적법하게 인가된 단체를 통하여 특히 다음의 사항을 위한 적절한 모든 조치를 취하여야 한다.

a) 입양을 완료하기 위하여 필요한 한도에서, 아동과 양친이 될 자의 사정에 대한 정보의 수집, 보존 및 교환

Article 16

(1) If the Central Authority of the State of origin is satisfied that the child is adoptable, it shall -

a) prepare a report including information about his or her identity, adoptability, background, social environment, family history, medical history including that of the child's family, and any special needs of the child;



b) give due consideration to the child's upbringing and to his or her ethnic, religious and cultural background;

제16조

(1) 출신국의 중앙국가기관은 아동이 입양 가능하다고 인정하면 다음의 사항을 수행하여야 한다.

a) 아동의 신원, 입양가능성, 배경, 사회적 환경, 가족사, 아동 및 그 가족의 병력, 그리고 아동에게 특히 요구되는 사항 등을 포함한 보고서를 작성한다.

b) 아동의 성장과정과 그의 인종적·종교적·문화적 배경을 적절히 고려한다.

#### Article 20

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

3. 이러한 보호는 특히 양육위탁, 회교법의 카팔라, 입양, 또는 필요한 경우 적절한 아동 양육기관에 두는 것을 포함한다. 해결책을 모색하는 경우에는 아동 양육에 있어 계속성의 보장이 바람직하다는 점과 아동의 인종적·종교적·문화적 및 언어적 배경에 대하여 정당한 고려가 배풀어져야 한다.

#### IV. The recommendations of our coalition

It is not possible for me to write anything about the recommendations of our law coalition that is better than the pamphlet that was co-written by Gonggam lawyer So Rami, Rev. Kim Do Hyun, and myself. Therefore, I will conclude with the text of the pamphlet that we wrote to represent our coalition as we try to garner support for our law revision, which we hope will be voted on by the

National Assembly in June or September of 2011. These suggestions are the result of community building, persistent and systematic work using the existing system and tools available to us, years of accumulated experience, and our personal relationships, many of them developed at the same slow rate as language acquisition. Our organizations range from the low-budget to the no-budget. It is with our free ideas, creativity, and love for our families and friends that we sincerely hope to create a better Korea for everyone who lives here.

초록

해외입양한국인과 한국입법개정을 위한 움직임

제인 정 트렌카\*

해외입양문제에 관심을 가지고 있는 여러 단체가 최영희 국회의원이 대표발의한 "한국의 입양촉진 및 절차에 관한 특례법"을 개정하는 데 의견을 모았다. 해당 참여단체는 진실과 화해를 위한 해외입양인모임(TRACK), 국외입양인연대(ASK), 민간단체 뿌리의집(KoRoot), 한국미혼모가족협회(미스맘마미아로도 알려진 KUMFA), 입양으로 아이를 잃은 부모들을 위한 '민들레' 단체, 공익변호사그룹 공감으로 구성되어 있다.

이 글은 서울에서의 입양아의 상황을 개선하는데 기여한 단체와 사람들의 역사를 요약하는 것에서 시작한다. 이들의 노력을 통해 대부분 입양아가 한국 시민으로 인정조차 되지 않았을 때조차 입양아들이 일하고 살아가는 것을 가능하게 하였고, 입양촉진과 절차에 관한 특례법이 개정되도록 하였다. 또한 일부 입양아에게 관련활동가가 되어 일할 수 있는 공간을 열어주었다. 또한 나는 한국에서 아이를 양육하는 비혼모, 입양으로 아이를 잃은 부모를 비롯한 사람들과 해외로 입양된 한국인 사이의 오랜 시간동안 쌓여온 관계에 대한 짧은 역사를 서술하고자 한다. 2000~2009년에 법적으로 입양된 아이들의 평균 89.17%는 비혼모의 자녀였다. 하지만 한국의 모든 입양은 법의 테두리 밖에서 이루어져 드러나지 않는 형태를 띤다. 비혼모의 자녀가 여기에 해당될 것으로 추정된다.

다음 장은 이명박 정부에서 국민권익위원회로 통합된 한국 고충처리위원회(음부즈만)의 요구사항과 더불어 그간 TRACK이 입양법 개정을 어떻게 이루어왔는지에 대한 역사에 대한 것이다. 잘못된 방향으로 이루어지고 있는 입양실태를 검토하려던 TRACK의 시도들이 좌절되었지만, 공익변호사그룹 공감이 입양법 개정노력을 계속해야 한다고 설득하여 함께 힘을 모아 입양법 개혁을 이어가게 된다.

다음 장에서는 아동보호에 관한 한국 법규를 국제기준까지 끌어올리는 것을 위해서, 유엔아동권리협약(the United Nations Convention on the Rights of the Child)과

\* TRACK대표, <The Language of Blood and Fugitive Visions> 작가, <Outsiders Within: Writings on Transracial Adoption> 공동편집자

1993년 5월 29일 국가간 입양에 관한 아동보호 및 협력에 관한 헤이그협약(The Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption)을 검토한다. 한국은 아직 동 헤이그협약을 비준하지 않았고, 유엔아동권리 협약 제21조(a), 제40조의2(b)(v)을 유보한 상태이다. 나는 한국정부가 한국 내에서 위의 협약을 실질적인 차원에서 집행하고 시행하는 과정에 입양아, 한부모, 입양에 의해 아이를 잃은 부모와 가족의 의견이 포함되어야 한다고 주장하는 바이다.

마지막 장에서는 서두에 언급한 여러 단체가 법개정 내용으로 권고한 내용을 다룬다.

## 주제어

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한국입양, 비혼모, 싱글맘, 국제입양, 입양운동, TRACK