

# Human Rights Violation in Intercountry Adoption

2025



Truth and Reconciliation Commission,  
Republic of Korea

# Truth and Reconciliation Commission

## Decision

**Case:** Human Rights Violation in Intercountry Adoption: 56 Petitioners, Including 2-ra-14447

**Petitioners:** 56 individuals, including J.P.

**Date of decision:** March 25, 2025

**Decision:** The Truth and Reconciliation Commission, having investigated the petitioners' cases, hereby presents its report on the state and truth of human rights violation in intercountry adoption.

**Reason:**

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## I. Overview of the investigation

### 1. Case summary

#### A. Overview

In the aftermath of the Korean War, the South Korean government promoted intercountry adoption of war orphans and mixed-race children housed in facilities, citing the burden of relief costs and concerns over undermining the nation’s “monoethnic” tradition. In 1961, the Act on Special Cases concerning Orphan Adoption was enacted, and a 1966 amendment restricted intercountry adoption mediation to government-authorized adoption agencies. During the 1970s and 1980s, the program expanded to include children born to unmarried mothers, and the overall scale of intercountry adoptions grew significantly.

Government-licensed adoption agencies extended their operations to centers for missing and abandoned children, facilities for unmarried mothers, and child counseling centers. These agencies became involved in the entire process that spanned securing children in need of care, verifying their identities, providing consent as guardians, linking children with adoptive parents overseas, and arranging their departure. In addition to official adoption fees, large sums were often transferred as purported donations, fueling the industrialization of intercountry adoption and the commodification of children.

During this period, reports surfaced of young victims of crime or missing children being misclassified as abandoned, as well as of children suffering abuse, dying, or failing to be adopted in the receiving countries. Despite these revelations, intercountry adoption continued without corrective measures. Between 1955 and 1999, an estimated 141,778 children were adopted abroad.<sup>1</sup> Figure 1 shows the distribution of these children by receiving country during this period.<sup>2</sup>

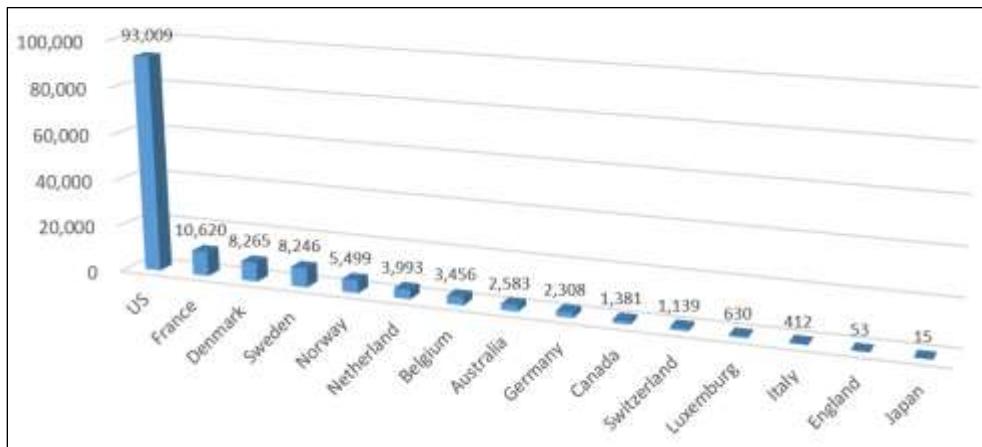
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<sup>1</sup> The figures represent the total number of intercountry adoptions completed between 1955 and 1999 as reported to the Truth and Reconciliation Commission by the four adoption agencies, i.e., Holt Children’s Services, Korea Social Service, Eastern Child Welfare Service, and Korea Welfare Service. Statistics prior to 1955 are unavailable.

To verify the reliability of the agencies’ data, the Commission compared their figures with the Ministry of Health and Social Affairs’ Register of Overseas Emigration Permits for 1962 to 1992, for which the Commission holds copies. The comparison showed approximately 128,738 cases in the register and 123,434 cases in the agencies’ reports, a difference of about four percent. However, the register total was estimated by multiplying the number of entries per page by the total number of pages, a method acknowledged as imprecise. The calculation also did not account for adoptions handled by other agencies previously active in intercountry adoption, such as Seongyugwon, International Social Service, and Catholic Relief Services; cases where emigration permits were issued and later cancelled; private adoptions arranged without agency involvement; or blank pages in the register. Given these factors, the figures submitted by the four agencies are considered generally reliable.

<sup>2</sup> Other receiving countries not shown in the figure include Ireland, Paraguay, Iceland, Finland, Spain, Scotland, Gabon, and New Zealand, among others.

Figure 1. Number of adopted children, by receiving country (1955–1999)



## B. Purpose of the petition

The 56 petitioners of this case, including J. Park (Park ○●), were adopted as infants or young children between 1964 and 1999 into 11 different countries. In most cases, so-called “orphan registers” were created in bulk under the Establishment of Family system during the adoption process.<sup>3</sup> The petitioners argue that their “right to know their identity” was violated, as some were issued duplicate family registers, while others had their identities changed to those of entirely different individuals, with some even being adopted without the explicit consent of their biological parents, and in other cases missing children were falsely recorded as abandoned before being sent overseas. Some also claim that they were adopted by individuals unfit to serve as parents and did not acquire citizenship in the receiving country until adulthood.

The petitioners contend that intercountry adoptions were conducted under the sanction of Korean law and the state; that the Minister of Health and Social Affairs granted specific adoption agencies exclusive authority to handle these adoptions; and that the courts, central government ministries, and local governments neglected their responsibility to verify the children’s identities, rushing instead to create official registries and issue the documents required for departure. On this

<sup>3</sup> The term *goa-hojeok* (고아호적, translated as “orphan register” throughout this report - translator) is a Korean rendering of what the petitioners call the family registers created in the “establishment of family” format during the intercountry adoption process, without proper review and investigation into the existence and details of the original family registers of the children being placed in adoption. It is not a legal term. It refers to a new register created when a person whose parents are unknown obtains court permission under the Civil Act and the Family Registration Act to establish a family name and origin, thereby founding a new family line even when they are a child. The system was intended to ensure that even abandoned children without a known family or legal guardian could be assigned a family register so that they could be counted as part of the nation’s population and identity records. This framework was codified in colonial law in Article 65 of the Joseon Family Registration Decree (Governor-General of Korea Decree No. 154, enacted December 18, 1922) and, in a nearly identical form, as early as Article 4 of the Enforcement Guidelines of the Civil Status Act of the Korean Empire (Ministry of the Interior Directive No. 39, published March 23, 1909). Although orphan registers were not initially introduced with the specifically purpose of facilitating intercountry adoption, for decades they were used in the process to conceal a child’s original identity and present the child as “eligible for adoption.”

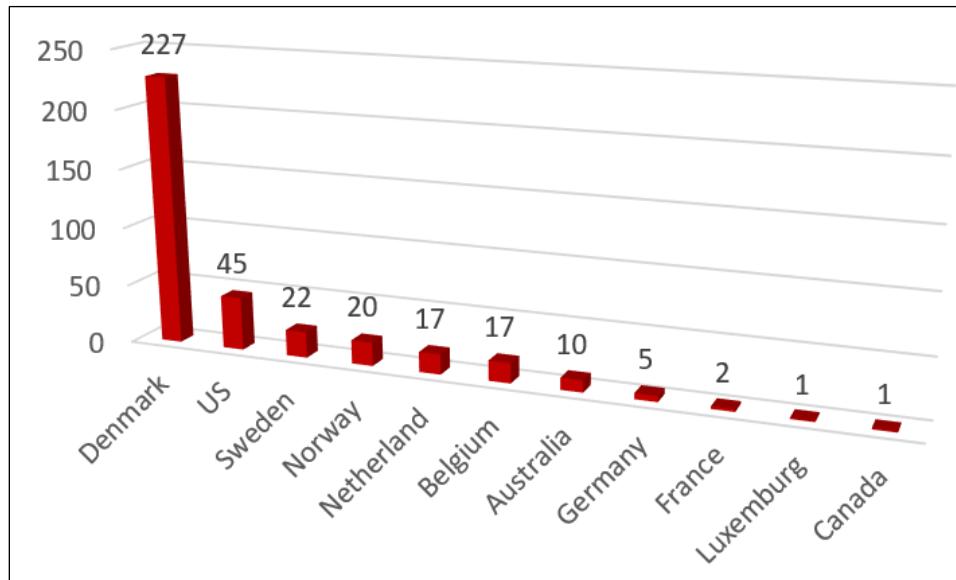
basis, they argue that the Korean state bears responsibility for the human rights violations that occurred during the intercountry adoption process. Between June 16 and December 9, 2022, they submitted petitions for truth-finding to the Truth and Reconciliation Commission. The Commission subsequently issued three rounds of decisions to commence investigations, covering all 367 cases filed, as shown in Table 1.

Table 1. Investigation process for human rights violations in the intercountry adoption process

No.	Committee	Date	Key details
1	47 <sup>th</sup> Plenary Committee	December 6, 2022	Decision to commence investigation; consolidation of 33 cases including 2-ra-14463 <sup>4</sup>
2	56 <sup>th</sup> Plenary Committee	June 7, 2023	Decision to commence investigation; consolidation of 237 cases including 2-ra-13206-2
3	63 <sup>rd</sup> Plenary Committee	September 26, 2023	Decision to commence investigation; consolidation of 97 cases including 2-ra-14450

As shown in Figure 2, Denmark and other Nordic countries account for the largest share of petitioners. This is largely because petitions were filed mainly in countries where adoptee organizations are currently active. This pattern differs from the actual adoption statistics, in which the United States represents by far the largest adopter of the countries that received adoptee children from South Korea.<sup>5</sup>

Figure 2. Distribution of petitioners by receiving country



<sup>4</sup> A total of 34 cases were initially approved for investigation, though one was withdrawn after the decision to commence the investigation had been issued.

<sup>5</sup> Because the inquiry relied primarily on the petitioners' testimony and related records, the findings focus largely on intercountry adoptions involving Denmark and other Nordic countries. This reflects the available evidence but does not fully capture the broader reality, in which the United States accounted for the vast majority of adoptions.

## **2. Basis and purpose of investigation**

Article 1 of the Framework Act on Settling the Past for Truth and Reconciliation (hereinafter the “Framework Act”) states that its purpose is “to contribute to national unity in order to enhance national legitimacy and to move towards the future through reconciliation with the past by investigating independence movements against Imperial Japan and cases of human rights abuses, violence, massacres, suspicious deaths, etc. caused by anti-democratic acts or acts against human rights and thereby clarifying the truth that had been distorted or concealed.”

Article 2, paragraph 1, subparagraph 4 of the Act defines the scope of truth-finding on human rights violations as covering “cases of deaths, injuries, or missing which occurred as a result of unlawful or seriously unjust exercise of governmental power, such as acts of destruction of the constitutional order, and other cases of grave human rights violations and allegedly fabricated cases from August 15, 1945, to the period of authoritarian rule.”<sup>6</sup>

At the heart of the present case are the petitioners’ claims that, under the Korean government’s aggressive intercountry adoption policy, the petitioners—then infants and children—were falsely recorded as orphans or had their identities altered by adoption agencies authorized by the Ministry of Health and Social Affairs and by other state institutions. As a result, their original identities and information about their biological families were changed or lost, which had the effect of denying their right to know who they are. There are also claims of severe human rights violations, including cases of child abuse suffered by the petitioners as adoptees. The Truth and Reconciliation Commission concluded that this case falls within the scope of truth-finding under the Framework Act and, pursuant to Article 22, paragraph 1 thereof, voted to conduct the investigation in three rounds as outlined in Table 1.

## **3. Issues for investigation**

### **A. Flaws in the intercountry adoption process**

The petitioners argue that intercountry adoptions were carried out as a matter of state policy through government-authorized private adoption agencies, care facilities, administrative bodies, and the courts, with little regard for the will or best interests of the children involved. This makes it necessary to examine procedural flaws in past intercountry adoptions. Because adoption agencies were allowed to take custody of children from care facilities and arrange their placement abroad, the investigation must determine whether each stage of the process—from initial placement in a

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<sup>6</sup> At its 15<sup>th</sup> plenary session on August 26, 2021, the Commission, then in its second term, adopted the position that the “period of authoritarian rule” extended through February 24, 1993, the end of the Roh Tae-woo administration. At the same time, the Commission agreed that it could authorize investigations into later cases where warranted by its interpretation and consensus. In the investigation of human rights violations in the intercountry adoption process, five petitioners had been adopted abroad between 1993 and 1999. Because their cases showed no meaningful differences from those of the other petitioners, the Commission voted to include them in the investigation.

facility, the first step toward intercountry adoption, to acquisition of the receiving country's nationality and the termination of Korean nationality—was conducted properly for each petitioner.

### **B. Human rights violations in intercountry adoption**

The petitioners contend that many of them were falsely recorded as orphans without their birth parents' lawful consent or were adopted under the identity of another child already in the process of adoption. As a result, even when they later learned their true identity, they were unable to amend the record and remained separated from their birth families for decades, unable to restore those ties. They also describe cases in which multiple documents with falsified identities and backgrounds were produced, leaving them uncertain of who they truly are; where children found as missing or abandoned were sent abroad within a short time without any effort to locate their guardians, severing their connection to their origins forever; and where children were illegally adopted by individuals unfit to serve as parents or suffered severe abuse, including sexual violence, from prospective adoptive parents even before the adoption was finalized, without adequate protection and sometimes at risk to their lives. These accounts highlight the need to investigate whether human rights violations occurred during the intercountry adoption process, and if they did occur, to identify their nature and scope.

### **C. Establishing the existence of harm to the petitioners**

To confirm the facts, the investigation must cross-check the testimony from petitioners and witnesses with official and private documents created during the adoption process to determine, for each petitioner, whether harm occurred and to clarify its nature and extent.

## **4. Methods of investigation**

### **A. Field investigation in Denmark**

Of the 367 petitioners, 61.8 percent, or 227 petitioners, had been adopted to Denmark, where they formed the Danish Korean Rights Group (DKRG) and requested an official investigation into the intercountry adoption process with South Korea. In response, a field investigation was organized in Denmark from June 13 to June 22, 2023. During the visit, the investigation team met with Danish institutions involved in intercountry adoption to discuss cooperation, held an information session for petitioners residing in Denmark and neighboring countries, and collected testimonies from petitioners and witnesses. The main activities of the Denmark investigation are summarized in Table 2.

Table 2. Key activities during the field investigation in Denmark

Activity	Date and time	Location	In attendance	Description
Meeting with Rigsarkivet (National Archives)	June 15, 2023 09:00–10:30	Host institution	Standing Commissioner Sang-hun Lee; Director of Investigation Division 7; 1 investigator	Received a briefing on access to adoption-related records in Denmark and discussed future cooperation.
Meeting with Ankestyrelsen (Appeals Board, Ministry of Social Affairs and Housing)	June 15, 2023 11:00–13:00	Host institution	Standing Commissioner Sang-hun Lee; Director of Investigation Division 7; 1 investigator	Received a briefing on Denmark's adoption procedures before the 1990s and discussed ways to coordinate investigations between the two institutions.
Meeting with DIA (Danish International Adoption)	June 15, 2023 15:00–17:00	Host institution	Standing Commissioner Sang-hun Lee; Director of Investigation Division 7; 1 investigator	Discussed access to individual adoption records managed by DIA, which consolidated the archives of several former private Danish adoption agencies.
Information session for petitioners	June 17, 2023 09:00–16:30 (two sessions)	Embassy of the Republic of Korea in Denmark	Standing Commissioner Sang-hun Lee; Director of Investigation Division 7; 4 investigators	Introduced the Truth and Reconciliation Commission and provided an overview of the intercountry adoption investigation to petitioners with limited knowledge of the Commission's mandate due to living abroad (attended by 75 from Denmark, 5 from Norway, 2 from Sweden, 1 from Germany).
Collection of statements	June 15–20, 2023	Embassy of the Republic of Korea in Denmark	Director of Investigation Division 7; 4 investigators	Collected testimonies from 17 petitioners (13 from Denmark, 2 from Norway, 2 from the Netherlands) and 2 witnesses (both from Denmark).

## B. Document review in Korea

### 1) State institutions

- **National Archives**

- Ministry of Health and Social Affairs: Adoption program guidelines, Register of Overseas Emigration Permits, registers of international adoption petitions, Ministry business plans,

Cabinet agenda files, audit reports on adoption agencies, records on enactment of the Act on Special Cases concerning Orphan Adoption and the Act on Special Cases concerning Adoption, personnel files, records on the handling of abandoned children, commendation records for the first Adoption Day, and more (1965–1997)

- Adoption agencies: Corporate registers (Holt Children's Services, Korea Social Service, Korea Welfare Service, Eastern Child Welfare Service)
- Local governments: Records on domestic adoption (eight municipalities including Sinan County in Jeollanam-do, 1972–1990), operational guidelines for centers for missing and abandoned children (Gyeonggi-do, 1971)
- Ministry of Justice: Certificates of foreign nationality acquisition, audit findings and disposition orders, legal opinions on orphan adoption (1961–1984)

- **National Assembly**

- 2<sup>nd</sup> National Assembly: transcripts of the 10<sup>th</sup> session, 55<sup>th</sup> plenary meeting; 11<sup>th</sup> session, 63<sup>rd</sup> plenary meeting
- 6<sup>th</sup> National Assembly: transcripts of the 48<sup>th</sup> session, 1<sup>st</sup> and 5<sup>th</sup> Health and Social Affairs Committees; 53<sup>rd</sup> session, 15<sup>th</sup> Health and Social Affairs Committee; 54<sup>th</sup> session, 3<sup>rd</sup> Legislation and Judiciary Committee
- 9<sup>th</sup> National Assembly: transcripts of the 98<sup>th</sup> session, 8<sup>th</sup> Foreign Affairs Committee
- 11<sup>th</sup> National Assembly: transcripts of the 110<sup>th</sup> session, 1<sup>st</sup> and 4<sup>th</sup> Health and Social Affairs Committees
- 13<sup>th</sup> National Assembly: transcripts of the 144<sup>th</sup> session, 11<sup>th</sup> plenary meeting; 144<sup>th</sup> session, 11<sup>th</sup> Special Committee on Budget and Accounts; 145<sup>th</sup> session, 5<sup>th</sup> plenary meeting; 146<sup>th</sup> session, 4th plenary meeting; 147<sup>th</sup> session, National Audit of the Foreign Affairs and Unification Committee; 147<sup>th</sup> session, National Audit of the Administrative Committee; 151<sup>st</sup> session, National Audit of the Administrative Committee; 156<sup>th</sup> session, National Audit of the Health and Social Affairs Committee
- Supreme Council for National Reconstruction: transcripts of the 14<sup>th</sup>, 36<sup>th</sup>, 49<sup>th</sup>, and 81<sup>st</sup> meetings

- **Presidential Archives**

- Presidential instructions on orphan adoption; lists of recipients of letters of appreciation sent in reply to adoptive parents of Korean children (1954–1984)

- **Defense Counterintelligence Command**

- Records on the operations of Holt Children's Services (1954–1984)

- **Seoul Archives**

- Seoul municipal regulations and overseas adoption delegation registers (1954–1984)

- **National Center for the Rights of the Child**
  - *The History of Adoption in Photographs* (2020)
- **Diplomatic Archives**
  - Documents on the special envoys' tours of Nordic countries; materials related to requests to resume intercountry adoption (1958–1988)
- **Immigration Museum**
  - Catalog of the special exhibition *Another Migration: Intercountry Adoption* (2016)
- **National Institute of Korean History**
  - *From Custom to Professionalism in Midwifery: The Changing Culture of Childbirth in Korea* (2017)
  - *Medical Care and Diseases of Children in the 1960s and 1970s as Seen through the Seoul Municipal Children's Hospital in Sajik-dong* (2017)

## 2) Individual records

- **Adoption agencies**
  - Holt Children's Services, Korea Social Service, Korea Welfare Service, Eastern Child Welfare Service
- **Care facilities**
  - Gwangju Chunghyeonwon, Daegu Baekbaekhap Nursery, Seoul Municipal Children's Hospital, Incheon Star of the Sea Baby Home, Busan Namkwang Baby Home, Daejeon Bethelwon, Seondeok Nursery, Good Home, Peace Home, Southern Gyeonggi Temporary Care Center for Children, Gyeongdongwon, Dongcheon Home, Anyang Home
  - Chunghyeonwon in Gwangju, Baekbaekhap Orphanage in Daegu, Seoul Municipal Children's Hospital, Star of the Sea Baby Home in Incheon, Namkwang Baby Home in Busan, Bethelwon in Daejeon, Seondeok Orphanage, Good Home, House of Peace, Southern Gyeonggi Children's Shelter, Gyeongdongwon, Dongcheon Home, Anyang Home
- **National Center for the Rights of the Child**
  - Data from the Adoption Central Management System (ACMS) and records from closed agencies
- **Courts**
  - Applications for permission to create family names and origins; reports of foundling children (1996–1999)

- **Local governments**
  - Daegu Metropolitan City: Records on children admitted to and discharged from care facilities (1969–1984)
  - Chuncheon City: Child intake and discharge cards for children in need of protection; records on adopted children (1978)
  - Busan Metropolitan City: Approvals for discharge of children from facilities for overseas adoption; intake requests for children in need of protection (1982–1991)
  - Certified copies of deleted family registers, basic certificates, and family relationship certificates issued by local administrative welfare centers nationwide

### 3) Overseas institutional records

- **Reports from overseas investigative bodies**
  - Norway Provincial Adoption Office: Asia field mission report (1990)
  - Denmark Appeals Board: Intercountry adoptions from Korea to Denmark in the 1970s and 1980s (2024)
  - Netherlands Committee of Inquiry on Intercountry Adoption: Report (2021)
  - UNICEF Innocenti Research Center: Birth registration (2002)
- **Records from Danish adoption agencies**
  - Correspondence between Adoption Center and Korea Social Service (Denmark, 1971–1989)
  - Correspondence between DANAdopt and Holt Children’s Services (Denmark, 1970–1989)
  - Correspondence between Terre des Hommes and Holt Children’s Services (Denmark, 1963–1983)

### 4) Other private institutional records

- Adoption agencies: Annual lists of overseas adoption partner institutions; annual data on completed adoptions by country; annual data on registered children for adoption; nationality reports of adopted children; operational records of affiliated facilities such as infant temporary care centers; adoption business authorization records; agreements with overseas adoption partners
- DowGene: Genetic testing reports
- Newstapa: Real estate holdings of adoption agencies
- Major daily newspapers from 1950–1999 (*Kyunghyang Shinmun, Dong-A Ilbo, Maeil Business Newspaper, Minju Shinbo, Busan Ilbo, Seoul Shinmun, Yonhap Shinmun, Chosun Ilbo, Pyeonghwa Shinmun, The Hankyoreh*, among others)

## C. Collecting testimonies

### 1) Petitioners

Testimonies were gathered from 56 petitioners, including J. Park (Park ○●), focusing on human rights violations experienced during the intercountry adoption process and whether they had been reunited with their birth families. As most petitioners currently live overseas and were adopted as infants or very young children, making it difficult to recall events prior to leaving Korea, they submitted written statements, supplemented in some cases by in-person interviews.

### 2) Witnesses

Testimonies were also collected from 23 witnesses, including former officials from the Ministry of Health and Social Affairs and local governments, staff of adoption agencies and care facilities, and the petitioners' biological and adoptive family members. Table 3 provides an overview of these testimonies collected.

Table 3. Overview of witness statements collected

No.	Name	Date	Format	Notes
1	I.L.O.	2023-09-18	In-person interview	Adoptive family of petitioner 2-ra-14497
2	I.A.	2023-06-19	In-person interview	Adoptive family of petitioners 2-ra-14485 and 2-ra-14491
3	Lee ▽▷	2023-08-22	Recorded testimony	Birth family of petitioner 2-ra-14815
4	Yoo ▽▶	2023-08-25	Recorded testimony	Korean correspondent for KRO Netherlands; assisted in biological family reunion for petitioner 2-ra-17287
5	Jung ▽☆	2023-12-11	Recorded testimony	Birth family of petitioner 2-ra-16086
6	Lee ▽★	2023-12-12	Recorded testimony	Birth family of petitioner 2-ra-16086
7	Lim ▽♀	2024-04-11	Recorded testimony	Former staff member at Incheon City, Gyeonggi-do, and Eastern Child Welfare Service (head office, Pyeongtaek Infant Facility)
8	Lim ▽♀	2024-04-11	Recorded testimony	Birth family of petitioner 2-ra-14824 (confirmed through Commission investigation) <sup>7</sup>
9	Hong ▽♀	2024-06-12	Recorded testimony	Former staff member at Korea Welfare Service (Busan)

<sup>7</sup> At first glance, this case appeared to involve a child in a care facility, with no known guardian, who was adopted overseas after the creation of an orphan register. However, during its investigation the Commission uncovered the petitioner's original family records, along with documents from the institution that cared for the child before transfer to the adoption agency. By tracing these records and conducting genetic testing, the Commission identified the birth mother and confirmed that the adoption had been carried out illegally without her consent.

10	Song ▽♣	2024-06-13	Phone interview	Former staff member at Eastern Child Welfare Service (head office, Pyeongtaek Home for Unwed Mothers)
11	Hyun ▽☆	2023-06-19	Recorded testimony	Former staff member at Busan Metropolitan City
12	Lee ▽★	2024-06-20	Recorded testimony	Former staff member at Korea Welfare Service (head office)
13	Jung ▽○	2024-07-02	In-person interview	Former staff member at Seoul Metropolitan Government
14	Lee ▽●	2024-07-03	Phone interview	Former staff member at Eastern Child Welfare Service (Daegu)
15	Shin ▽◎	2024-07-04	Phone interview	Former staff member at Eastern Child Welfare Service (head office)
16	Lee ▽◊	2024-07-07	Recorded testimony	Former staff member at Eastern Child Welfare Service (head office)
17	Lee ▽◆	2024-06-20 2024-07-05	Recorded testimony	Former staff member at Holt Children's Services (head office, Busan)
18	Kim ▽□	2024-07-10	Recorded testimony	Former staff member at Eastern Child Welfare Service (head office)
19	Jung ▽■	2023-08-21	Recorded testimony	Former staff member at Ministry of Health and Social Affairs
20	Eom ▽△	2023-08-09	Recorded testimony	Former staff member at Pentecostal Nursery
21	Hong ▽▲	2023-09-10	Recorded testimony	Former staff member at Ministry of Health and Social Affairs
22	Go ▽▽	2023-09-11	Recorded testimony	Former staff member at Pentecostal Nursery
23	Lee ▽▼	2023-10-10	Recorded testimony	Former staff member at Ministry of Health and Social Affairs

## II. Findings

### 1. Background and development of the case

#### A. Background

Intercountry adoption emerged as a global practice in the aftermath of the Second World War, when Americans began adopting large numbers of refugee children from Europe. These early adoptions were largely humanitarian in nature and treated as emergency measures. By contrast, the wave of “cross-national and cross-racial” adoptions that emerged after the Korean War developed in a markedly different way. While adoptions between Europe and the United States typically involved locally stationed soldiers or civilian personnel completing the process themselves under the adoption laws of both countries, postwar Korea introduced a new model, i.e., the “proxy adoption,” in which specialized agencies handled the process on behalf of prospective parents. Early Korean intercountry adoptions primarily involved mixed-race children born during the Korean War. Strikingly, the scale of overseas adoptions grew even larger in the 1970s and 1980s, after postwar reconstruction had ended and the country had entered a period of rapid economic development.

#### 1) Adoption of mixed-race children after the Korean War

In the immediate postwar years, adoption policies focused on mixed-race children, who were seen as incompatible with Korea’s monoethnic identity. Even children living with their guardians were often labeled as orphans and described as needing to be adopted into “their father’s country” to be placed with a proper family.<sup>8</sup> At the time, Korean civil law permitted adoption only for the purpose of family line succession, but the Korean government, invoking the need for urgent relief, actively encouraged private intercountry adoption.<sup>9</sup>

On January 15, 1954, President Syngman Rhee instructed his Cabinet to “take measures to meet the wishes of foreign nationals who want to adopt Korean-born mixed-race boys and girls as

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<sup>8</sup> “The Ministry of Social Affairs [...] has stated that while plans for the care of mixed-race children after the war are still vague, one thing is clear: if opportunities for overseas emigration arise, they will be given priority. If emigration cannot be arranged due to age restrictions, a special institution will be established for mixed-race children to ensure that ‘the nation’s bloodline is not diluted.’” (*Pyeonghwa Shinmun*, “Ministry of Social Affairs Drafts Policy for Mixed-Race Children,” February 10, 1953).

- “In its survey of mixed-race children, the Ministry of Social Affairs, which is set to conclude its investigation on the 15th, expects the number to have risen to about 700 compared to last year’s 300. Based on the results, the Ministry plans to consult with U.S. authorities on how to care for these children. The options under discussion include raising them as adoptees or arranging for their collective care in the United States.” (*Minju Shinbo*, “Ministry of Social Affairs Surveys Mixed-Race Children,” April 15, 1953).

<sup>9</sup> Meanwhile, Article 4 of the Guidelines for the Operation of Welfare Facilities, issued as a directive by the Ministry of Health and Social Affairs in October 1952, stated that “children housed in welfare facilities may be entrusted to individuals for care following prescribed procedures.” This provision became the basis for a new form of adoption (Gu Ja-heon, *Social Welfare History of Korea* (Seoul: Hongikjae, 1970), 203).

their own.”<sup>10</sup> On March 23, 1956, without passing new legislation, the Cabinet approved a resolution titled “Promotion of Proxy Adoption for Mixed-Race Children Overseas,” which simplified the existing adoption procedure. Until then, foreigners wishing to adopt a Korean-born orphan had to obtain approval from the receiving country’s government via the International Social Service and then seek a second approval from the Korean government. The new policy allowed U.S. social service agencies to handle the entire process directly, replacing the previous two-step system with a simplified procedure.<sup>11</sup> This aligned Korean practice with the U.S. Refugee Relief Act of 1953, which permitted proxy adoptions. When the Refugee Relief Act was set to expire on December 31, 1956, the U.S.-based Holt Adoption Program lobbied Congress, leading to passage of the Orphan Act on August 28, 1957, which allowed proxy adoptions to continue. Holt subsequently increased the scale of adoptions from Korea at astonishing velocity, from just eight mixed-race children in 1955, to 191 in 1956, 287 in 1957, and 598 in 1958.<sup>12</sup>

In 1961, an amendment to the U.S. Immigration and Nationality Act required adoptive parents and the child to meet in person before or during the adoption process, effectively ending proxy adoption. However, Holt secured an interpretation from the U.S. Immigration and Naturalization Service permitting adoptions to proceed without prior face-to-face contact if the adoptive parents’ home state approved the placement and the parents signed a written commitment to finalize the adoption once the child arrived.<sup>13</sup> As Korea began sending children not only to the United States but also to several European countries, the total number of intercountry adoptions rose sharply.

## **2) Enactment of the Act on Special Cases concerning Orphan Adoption and the rise of adoption agencies**

Following President Syngman Rhee’s directive in a State Council meeting regarding mixed-race children, the Ministry of Health and Social Affairs established Korea Foster Care Service under its Child Welfare Division on January 20, 1954. This agency was tasked with overseeing intercountry adoptions, particularly of mixed-race children. In 1961, the organization was restructured into Child Placement Services (CPS), with Paik Kun-chil appointed as its president. It operated branch offices in every province and metropolitan city, with each provincial or metropolitan director of health and social affairs concurrently serving as the branch director.<sup>14</sup> In

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<sup>10</sup> Ministry of Health and Welfare, *Seventy Years of Health and Welfare – Vol. 3: Social Welfare*, (Seoul: Ministry of Health and Welfare, 2015), 154.

<sup>11</sup> *Dong-A Ilbo*, “Wider Doors Open for Foreign Adoption,” March 25, 1956; *Kyunghyang Shinmun*, “Proxy Adoption System Adopted,” March 26, 1956.

<sup>12</sup> Holt Children’s Services, *Fifty Years of Holt Children’s Services* (2005), 124–126, 570.

<sup>13</sup> *Ibid.*, 127.

<sup>14</sup> Paik served at the Incheon Branch of the Gyeongseong Juvenile Court from 1943 until Korea’s liberation. After liberation, he held key posts in government-run child welfare institutions for vagrant youth, first as deputy director of the Mokpo Academy (October 1946–March 1948), and then as director of Seongam Academy (March 1948–July 1954). He later worked as an advisor in the Child Welfare Division of the Korea-America Foundation, before studying at the University of Minnesota’s graduate program in social work beginning in 1955. Upon his return, he assumed the presidency of CPS, a role he held until 1964. (Park Gyeong-hyeon, *The Life and Thought of Paik Kun-chil*, Mirae Bokji Gyeongyeong, 2023; Gong Im-sun, “Kim Hak-muk as an Agency: U.S. Aid Circuits and the Establishment of

1971, it was incorporated as a nonprofit and renamed the Korea Social Welfare Society.<sup>15</sup> Other foreign-sponsored agencies soon followed, such as Catholic Relief Services (1955), the Seventh-day Adventist Social Welfare Agency (1955), Holt Adoption Program (1956), and International Social Service Korea Branch (1957), all launching intercountry adoption programs for mixed-race children and orphans affected by the war.

On September 20, 1961, the government enacted the Act on Special Cases concerning Orphan Adoption (hereinafter the “Act on Orphan Adoption”) to address the country’s inadequate child welfare system by expanding intercountry adoption. The law was designed specifically to add provisions to the Civil Act regarding the requirements for a foreign national to adopt a Korean orphan and to allow for simplified procedures—in short, for the sole purpose of facilitating intercountry adoption.

The law laid the foundation for intercountry adoption in the 1960s when Korea’s child welfare system remained severely underdeveloped. That same year, the government passed the Child Welfare Act (December 30, 1961), creating a legal basis for supporting children in need of care. At the same time, it began shutting down corrupt orphanages accused of embezzling foreign aid, declaring a policy shift from institutional care to home care.<sup>16</sup> However, the implementation fell short. In 1962, the number of children supported under home care stood at 6,897, but the following year’s plan aimed for just 3,800—barely 55 percent of the previous year’s total.<sup>17</sup> The government also capped the national home care program at 283,000 beneficiaries annually from 1963 to 1974, leaving 100,000 to 180,000 eligible children without assistance each year, based on local government estimates.<sup>18</sup> This gap in care coincided with a sharp decline in foreign aid to child welfare facilities beginning in the 1960s. The Korean government thus began actively promoting intercountry adoption as a way to care for children in need without allocating additional public funds.

The Act on Orphan Adoption was amended in 1966, just five years after its enactment. A key provision in the revised law (Article 5) restricted adoption services to agencies that had received formal approval from the Minister of Health and Social Affairs. As a result, several

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the Department of Social Work at Seoul National University,” *Korean Studies Review* 47, Inha University Institute for Korean Studies, 2017).

<sup>15</sup> Ministry of Health and Welfare, *Seventy Years*, 158.

<sup>16</sup> *Kyunghyang Shinmun*, “New hope for abused orphans,” February 14, 1962.

<sup>17</sup> *Kyunghyang Shinmun*, “Ten thousand orphans adopted,” January 9, 1963.

<sup>18</sup> The table below shows the annual gap between the number of children identified by local governments as needing at-home assistance and the number actually approved for support under the central budget.

	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973
Aid requests before budget approval ①	391,277	402,946	420,193	440,401	463,339	424,070	427,600	428,000	419,906	388,520
Aid requests approved in budget ②	283,000	283,000	283,000	283,000	283,000	283,000	283,000	283,000	283,000	283,000
Denied aid	108,277	119,946	137,193	157,401	180,339	141,070	146,000	145,000	136,906	105,520

※ Sources: *White Paper of the Ministry of Health and Social Affairs* (for the years 1964 through 1970); Minutes of the National Assembly Health and Social Affairs Committee and data submitted by the Ministry of Health and Social Affairs (for the years 1971 to 1973); and annual budget records from the Ministry of Health and Social Affairs for all the years (as quoted in Kim Jo-seol, *The History of Welfare Policy Formation in Korea* (Seoul: Humans and Welfare, 2017, 70–74).

existing agencies were phased out, leaving only four organizations granted exclusive authorization to carry out intercountry adoption services by 1975: namely, Holt Children's Services (hereinafter "Holt"), Korea Welfare Service (KWS), Korea Social Service (KSS), and Eastern Child Welfare Service (ECWS).

### 3) Exposure of problems in the intercountry adoption process and temporary restrictions

Shortly after the Act on Orphan Adoption was enacted, Kim Jin, a law professor at Seoul National University, expressed concern in a *Chosun Ilbo* editorial published on September 7, 1962. He warned that the Act's explicit legalization of "absence adoption" (부재입양), also known as proxy adoption, would allow adoptive relationships to be formed mechanically and hastily without verifying whether the adoptive parents were suitable caregivers. If it later turned out that the adoptive parents were unfit, he wrote, the result for the child would be "deeply tragic."<sup>19</sup> In practice, following the Act's implementation, numerous troubling cases emerged. Children who were neither orphans nor relinquished by their legal guardians—including children who had simply gone missing or were abducted—were placed for intercountry adoption without proper identification. Children from impoverished families were also forcibly sent abroad.<sup>20</sup> In one particularly egregious case, over 100 children were found to have been placed for adoption by U.S. military personnel stationed in Okinawa, using fabricated relinquishment documents.<sup>21</sup>

These abuses came under international scrutiny when the BBC aired an episode titled "A Traffic in Babies" for its current affairs program *Panorama* on March 15, 1976. The program examined intercountry adoption practices in Bangladesh, Thailand, and Korea. In Korea's case, the BBC highlighted that between 5,000 and 6,000 children were sent abroad each year, and warned that if Korea continued to prioritize intercountry adoption without adequate welfare policies, it would face mounting social and cultural challenges, adding, rather pointedly: "Unfortunate women in Seoul need only leave their babies at the door of a police station, and within two months, the child finds refuge in a luxury apartment in Brussels or Boston."<sup>22</sup>

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<sup>19</sup> *Chosun Ilbo*, "Are We Giving Them Away like Puppies?", September 7, 1962.

<sup>20</sup> *Dong-A Ilbo*, "Give Me Back My Daughter," December 2, 1966; *Dong-A Ilbo*, "Three Sisters Entrusted to a Landlord Due to Debt Were Falsely Registered as Orphans and Sent Abroad," March 17, 1970; *Chosun Ilbo*, "A Woman Who Was Turned Down by Her Man Abducted Another's Child and Passed Her Off as Her Own," December 22, 1972; *Kyunghyang Shinmun*, "Housemaid Who Abandoned Employer's Baby at Dock Caught after Fleeing," October 13, 1973; *Chosun Ilbo*, "Housemaid Who Kidnapped Employer's Daughter Caught after Two Years; Infant Adopted to Canada," November 15, 1974; *Dong-A Ilbo*, "Child Missing for Eight Months Discovered Adopted to Sweden," October 6, 1975; *Dong-A Ilbo*, "Abducted Daughter Traced for 15 Months, Already Adopted to U.S. Due to Adults' Negligence," May 16, 1979; *Chosun Ilbo*, "Please Return My Son," July 17, 1984; *Dong-A Ilbo*, "Korean-American Grandmother Who Lost Her Grandson During Homeland Visit Finds Him Adopted into U.S. Family," September 24, 1986.

<sup>21</sup> *Dong-A Ilbo*, "104 Children Adopted Abroad Illegally," April 5, 1977.

<sup>22</sup> *Dong-A Ilbo*, "Korean Babies at Center of Adoption Controversy in the UK Should Have Been Matched with Korean Parents," March 30, 1976; Korean Ambassador to the United Kingdom, "Arriving Telegram (March 17, 1976)," *Overseas Adoption of Orphans (Northern Hemisphere), 1974-81* (Seoul: Diplomatic Archives).

The first time the Korean government seriously considered reducing intercountry adoption was in response not to such broadcasts, but to North Korea's counterpropaganda on the international stage. As more and more South Korean children were adopted into Europe—particularly to neutral countries like those in Scandinavia with which the communist country was engaged in active diplomacy—North Korea actively denounced the practice as child trafficking, accusing the South of exporting its orphans.

In response to growing international criticism, the Korean government imposed and lifted several adoption bans targeting Northern Europe. On December 1, 1970, it temporarily halted intercountry adoptions to six neutral countries, i.e., Sweden, Norway, Denmark, Switzerland, Belgium, and the Netherlands. However, a flood of petitions from prospective adoptive parents and rising diplomatic tensions led the government to lift the ban on March 1, 1971. Then again, based on reports from touring Korean diplomats warning of renewed North Korean propaganda efforts, the government imposed a second suspension on November 20, 1974, albeit more limited in scope than the first ban. It still permitted adoptions for the 543 children already matched with adoptive families, and prospective adoptive parents were allowed to proceed with adoption if they traveled to Korea and completed the process in person.<sup>23</sup>

The inconsistent nature of these decisions suggests that the Korean government viewed adoption not through the lens of child welfare or human rights, but purely in terms of diplomatic gain. On November 9, 1974, the Korean Embassy in Denmark reported that intercountry adoption was contributing to a negative international image of South Korea as a poor country unable to care for its own children. The report also noted that adoptive families tended to sever the child's ties to Korea entirely, making it difficult to cultivate pro-Korean sentiment. This concern was compounded by what the embassy described as Denmark's increasing leftward political shift.<sup>24</sup> When Sweden, Denmark, and Norway later submitted formal requests to resume adoptions in light of surging demand and petitions from adoptive families, the Korean government relented once more. In October 1975, it lifted the suspension again, this time with a commitment to reduce the number of intercountry adoptions and to strengthen post-adoption monitoring.<sup>25</sup>

#### **4) Enactment of the Adoption Act and intensifying competition over child placement abroad**

As South Korea's intercountry adoption practices continued to draw international criticism, President Park Chung Hee publicly ordered, on February 16, 1975, the gradual reduction of intercountry adoptions and a shift toward domestic adoptions.<sup>26</sup> His government responded by

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<sup>23</sup> Ministry of Health and Social Affairs, "Report on the Resumption of Intercountry Adoption to Three Nordic Countries (October 1975)," *State Council Agenda Files* (National Archives, BA0084782).

<sup>24</sup> Embassy of the Republic of Korea in Denmark, "Current Situation and Problems Relating to Korean Orphans (November 9, 1974)," *Overseas Adoption of Orphans (Nordic Countries)*.

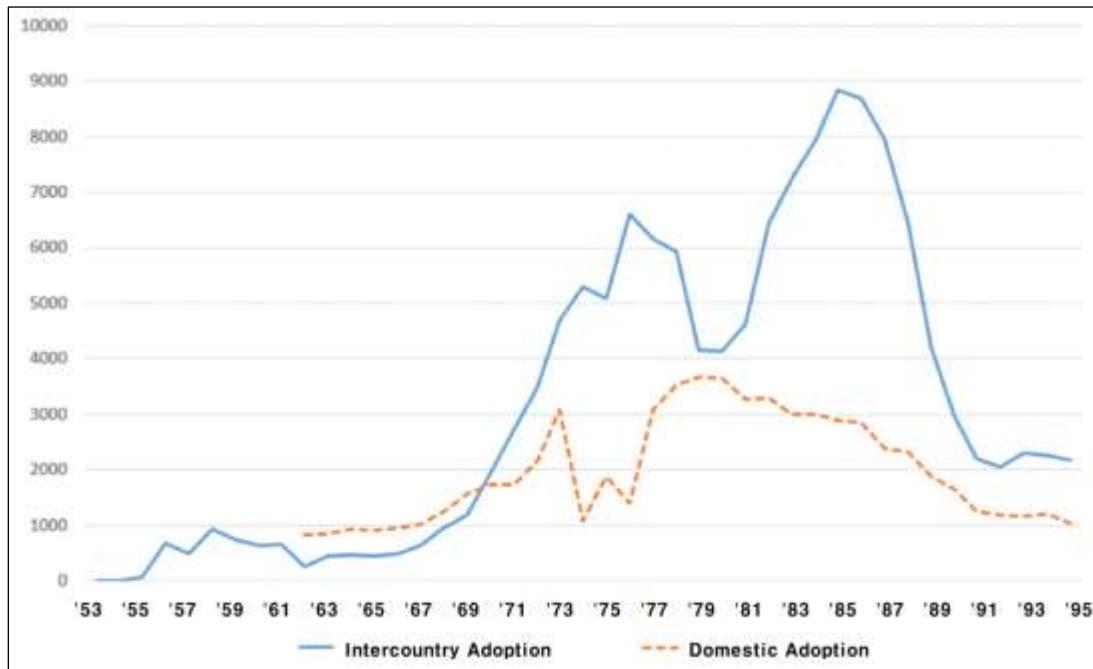
<sup>25</sup> Ministry of Health and Social Affairs, "Report on the Resumption of Intercountry Adoption."

<sup>26</sup> The sentiments expressed in the order were: "Research and find more ways to place orphans in Korean families"; "Sending children overseas in large groups leads to numerous side effects and problems"; and "While responsible foreigners adopting children individually is acceptable, mass overseas adoptions could provoke hostile propaganda

announcing a plan to reduce the number of intercountry adoptions by 10 percent each year starting in 1977, with the goal of phasing them out completely by 1985.<sup>27</sup> The government also repealed the Act on Orphan Adoption, which had been intended solely to facilitate intercountry adoption, and replaced it with the Act on Special Cases concerning Adoption (hereinafter “the Adoption Act”), enacted on December 31, 1976, to include domestic adoption as well. The stated purpose of the new law was “to simplify the adoption process for underprivileged children in care facilities, and to establish special provisions to the Civil Code, such as those allowing the adopted child to take on the adoptive parents’ family name and origin.” The government thus intended to present domestic adoption as an alternative to institutional care for children in need of protection.

Yet the Korean government refused to provide any meaningful support for domestic adoption. As of the end of December 1980, the total budget allocated for children in institutional care—both national and local funds—exceeded KRW 10.4 billion, while support for domestic adoption amounted to only KRW 82 million.<sup>28</sup> As Figure 3 illustrates, the number of domestic adoptions temporarily rose following enactment of the Adoption Act, but began to decline again in the 1980s. In contrast, intercountry adoption numbers dropped temporarily after the law’s enactment but began to climb again around 1980, eventually reaching an all-time high in 1986.<sup>29</sup>

Figure 3. Annual number of children adopted, by year



from North Korea. Intercountry adoption must therefore be approached with caution.” (*Dong-A Ilbo*, “President Park Orders Domestic Placement of Orphans, Warning of Overseas Adoption Risks,” February 17, 1975.)

<sup>27</sup> Ministry of Health and Social Affairs, “Study on Intercountry Adoption” (May 1978), and “Cabinet Report on Measures to Improve the Adoption Program” (February 21, 1981), in *Guidelines on the Adoption Program* (National Archives, DA0872941).

<sup>28</sup> Ministry of Health and Social Affairs, “Cabinet Report”.

<sup>29</sup> Overseas Koreans Foundation, *White Paper on Overseas Adoptees* (2006), 616–17.

In fact, the Korean government briefly pursued a policy to reduce intercountry adoptions in the late 1970s, only to lift the annual adoption quotas at the State Council meeting on February 21, 1981.<sup>30</sup> It argued that widespread aversion to non-biological family ties made it difficult to promote domestic adoption in Korea and warned that curbing intercountry adoption could result in an increase in the number of children requiring institutional care. However, the number of children in institutions had already begun to decline, from 39,844 in 1976 to 33,098 in 1980.<sup>31</sup> This suggests a lack of evidence that the government was correct in its prediction of a rise in institutionalized children due to the limit on intercountry adoption. Although the government claimed at the time to be prioritizing domestic adoption, it also presented a contradictory plan that called for “lifting restrictions on the number and destinations of intercountry adoptions to encourage home care for children excluded from overseas adoption.”<sup>32</sup>

Following this stance, on January 20, 1982, at a meeting of adoption agency directors, the director of the Family Welfare Bureau at the Ministry of Health and Social Affairs is known to have remarked: “The current level of adoption does not keep pace with the number of abandoned children, so we should send out as many as possible.” This effectively confirmed that the Korean government prioritized intercountry adoption as the main way to deal with children in need of protection.<sup>33</sup> In response, *Dong-A Ilbo* expressed concern that approximately 50 percent of intercountry adoptions involved children whose parents had relinquished custody due to financial hardship, and that opening the door wider to overseas adoption would lead to further abuse of the system. The paper warned that, as adoption agencies competed to adopt out children, many infants and missing children not originally intended for adoption could end up being sent abroad.<sup>34</sup>

These adoption practices became a topic of revision only after *The New York Times* ran a major exposé on Korea’s child export problem in the lead-up to the 1988 Seoul Olympics.<sup>35</sup> In March 1989, the Ministry of Health and Social Affairs conducted a month-long audit of adoption agencies, uncovering a number of issues. Among these were excessive competition for children (as evidenced, in part, by the financial incentives such as covering delivery costs for illegitimate births at clinics and providing child-rearing subsidies for institutional transfers that these agencies paid), inflated promotional and administrative budgets to secure adoptable children, lack of qualified counselors despite a proliferation of child counseling centers, and the group transport of

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<sup>30</sup> Ministry of Health and Social Affairs, “Cabinet Report.”

<sup>31</sup> Overseas Koreans Foundation, *White Paper*, 617.

<sup>32</sup> Ministry of Health and Social Affairs, “Cabinet Report.”

<sup>33</sup> “Summary of the Meeting of Adoption Agency Directors (January 20, 1982),” *Adoption Program Guidelines* (National Archives, DA0872941).

<sup>34</sup> *Dong-A Ilbo*, “From ‘Abolition by 1985’ to Quiet Reversal: From Curbing Intercountry Adoption to Full Reopening,” March 8, 1982; “The Problem with Intercountry Adoption is the Competition Between Agencies,” March 9, 1982.

<sup>35</sup> “Under quiet encouragement from the government, approximately 6,000 Korean children continue to be adopted by U.S. families each year, a practice of ‘baby export’ that is causing serious social problems and controversy, *The New York Times* reported on April 21 from Seoul [...] According to U.S. State Department immigration statistics, 5,742 Korean children were adopted by U.S. families last year, and 6,150 in 1986, accounting for 59 percent of all foreign children adopted in the United States.” *Busan Ilbo*, “Around the globe,” April 22, 1988.

10 to 16 children on the same flight.<sup>36</sup> The government subsequently adopted a plan to limit the number of intercountry adoptions to around 1,700 per year by 1995.<sup>37</sup> Despite these plans, the number of overseas adoptions remained above 2,000 until 2005. While the figure has gradually declined since then, as recently as 2023, Korea was still sending 79 children abroad for adoption, maintaining its status as an exporter of children.

## **B. Development**

### **1. Investigations conducted by foreign committees**

#### **a) Report of the Dutch Commission of Inquiry on Intercountry Adoption<sup>38</sup>**

In 2017, while reviewing a freedom of information request submitted by an adoptee from Brazil concerning an unlawful adoption process, the Dutch Ministry of Justice discovered documents indicating that numerous Dutch government officials had been involved in illegal intercountry adoptions during the 1970s and 1980s. Following this discovery, 14 additional requests for information were filed, and news coverage on the issue intensified. In response, the Dutch government established an independent committee, the Committee of Inquiry on Intercountry Adoption (Commissie onderzoek interlandelijke adoptie), on April 18, 2019, to comprehensively investigate allegations of abuse and the government's involvement in intercountry adoptions. The committee published its report in February 2021. The adoptees who initiated the investigation included not only individuals from Brazil, but also from Bangladesh, Colombia, Indonesia, and Sri Lanka. Accordingly, the report focused on the child-sending practices between these five countries and the Netherlands. Although Korea was the largest source of intercountry adoptees to the Netherlands between 1970 and 1979, it was excluded from the main scope of analysis because no Korean adoptees had filed a request for investigation.

Nevertheless, the report provides one major takeaway for Koreans—namely, its conclusion, based on interviews with 190 adoptees, practitioners, and experts, along with survey responses from 3,454 adoptees, that serious systemic abuse had occurred in all the countries involved in intercountry adoption, and that both governments and adoption agencies were aware of these abuses yet failed to take meaningful action.

The report found that many adopted children were not true orphans but had living birth parents. It raised concerns about document falsification, which has made it difficult for adoptees to trace their origins. In particular, it noted that in most sending countries, extramarital births were socially unacceptable, and unwed mothers faced strong societal pressure to relinquish their

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<sup>36</sup> Ministry of Health and Social Affairs, “Summary of Policy Audit of Intercountry Adoption Agencies (March 6–30, 1989),” *Adoption Program Guidelines 2* (National Archives, DA0872951).

<sup>37</sup> Ministry of Health and Social Affairs, “Revised Guidelines for The Adoption Program (September 1989),” *Adoption Program Guidelines 2* (National Archives, DA0872951).

<sup>38</sup> Committee of Inquiry on Intercountry Adoption, *Report*, 2021.

children. As a result, even if a birth mother signed consent forms, it is questionable whether the decision could be considered truly voluntary.

The report also pointed out that intercountry adoption entails a complete severance of the legal family relationship between the child and their birth parents. Adopted children are given a new identity, nationality, and family name within their adoptive families. Although this may be in accordance with the domestic law of the receiver countries, the report argued that such practices hinder adoptee efforts to recover their origins and identity, and are inconsistent with international law and human rights conventions.

Another important issue the report raises is that intercountry adoption operated on a “supply-and-demand” model in which children were assigned according to adoptive parents’ preferences for age, country of origin, health, sex, and skin color, and which effectively treated children as tradable commodities in a manner that could itself constitute abuse. Despite this, intercountry adoption was routinely justified under the pretext of serving “the best interests of the child,” which, in turn, allowed cases of abuse to go unaddressed by authorities and left responsible parties unpunished.

Based on the evidence uncovered during the investigation, the committee also examined whether abuse had occurred in the adoption processes of 18 countries beyond the five primary case countries. Regarding Korea, the committee found structural evidence of “loss of personal records and documentation,” “document forgery,” “administrative errors,” and “fraud and corruption.” However, it could not find evidence of “identity concealment,” “child abduction,” “child trafficking,” or “baby farms.”

Concluding that the presence of private actors such as adoption agencies and the failure of public regulatory efforts had resulted in human rights violations, the committee recommended a moratorium on intercountry adoptions. In response, the Dutch government implemented a provisional suspension until November 2022 and, in May 2024, officially announced a permanent halt to all intercountry adoptions.<sup>39</sup>

### **b) Report by the Danish Appeals Board<sup>40</sup>**

In the fall of 2022, the Danish Appeals Board received a petition for investigation from the Danish Korean Rights Group (DKRG), requesting an inquiry into human rights violations in the intercountry adoption process between Korea and Denmark. In January 2023, the Board decided to investigate the cooperation between adoption agencies in the two countries during the period from 1970 to 1989. This time frame was chosen because, of the 8,782 children adopted from Korea to Denmark between 1970 and 2022, 7,220—roughly 82 percent—were adopted between 1970

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<sup>39</sup> *Kyunghyang Shinmun*, “Netherlands Announces Full Suspension of Intercountry Adoption amid Child Trafficking and Document Forgery Allegations,” May 22, 2024.

<sup>40</sup> Appeals Board, *Adoptions from South Korea to Denmark in the 1970s and 1980s (Adoptionsformidlingen fra Sydkorea til Danmark i 1970’erne og 1980’erne)*, January 2024. The Appeals Board (Ankestyrelsen) is an independent investigative body under the Danish Ministry of Social Affairs and Housing that handles complaints in the areas of social affairs and employment and conducts related research.

and 1989.<sup>41</sup> The Danish adoption agencies investigated were Adoption Center, DanAdopt, and Terre des Hommes. Adoption Center had partnered with KSS, while DanAdopt and Terre des Hommes had worked with Holt.

In its report released in January 2024, the Appeals Board concluded: “Intercountry adoption from Korea to Denmark was characterized by an unregulated system of intermediaries and an unfortunate incentive structure involving large financial transfers.” It noted that due to inadequacies in the intercountry adoption system and the problems in Korea’s family register regulations, Korean adoption agencies had room to alter adoptee identities and birth information in the documents sent to Denmark—a practice Danish agencies were aware of.

The Board also found that Danish agencies had provided substantial financial support to their Korean partners and repeatedly requested children who matched specific age and health profiles. These actions played a central role in creating a “financial incentive structure,” which “from a modern perspective, posed risks and violated international norms in the field.”

The stated aim of the investigation was “to provide general knowledge about the Korean adoption system during the period in question, thereby offering Korean adoptees an opportunity to gain broader and deeper insight into the context and mechanisms surrounding their adoptions.” As such, the report did not include any recommendations or demands directed at the government. Nevertheless, shortly after the report’s release, Denmark’s sole intercountry adoption agency, Danish International Adoption (DIA), announced it would cease operations. In November 2024, the Appeals Board decided to assume DIA’s responsibilities moving forward.<sup>42</sup>

## **2) Damages lawsuits against adoption agencies and the Korean state<sup>43</sup>**

An adoptee with the Korean name, Shin ◁▼, was placed in an orphanage with his older sister around 1978. The head of the orphanage recommended intercountry adoption to their birth mother, and he was subsequently adopted to the United States through Holt.<sup>44</sup> During the process, Holt reported Shin to the Mapo-gu Office as a “foundling,” and the Mapo district chief used this to draft a foundling discovery report and obtain a court order from the Seoul Family Court to establish a family name and origin necessary for the child’s adoption. On December 11, 1978, Shin was given a newly created orphan register. On December 19, 1978, the president of Holt appointed himself as the child’s legal guardian and the next day submitted a “Guardian Statement” to the Michigan Department of Social Services, transferring to it “all legal rights concerning the child, including the authority to consent to the child’s medical and surgical treatment, the right to place the child in an adoptive home, and the authority to consent to the adoption.” Under Article 9 of the Adoption

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<sup>41</sup> Since the 1960s, approximately 23,000 foreign children have been adopted into Denmark, with Korean adoptees accounting for around 9,000, or 40 percent of the total.

<sup>42</sup> DIA was formed in 2015 through the merger of Adoption Center and DanAdopt.

<sup>43</sup> Seoul Central District Court, Decision 2019-Gahap-502520, May 16, 2023; Seoul High Court, Decision 2023-Na-2021960, January 8, 2025.

<sup>44</sup> This case was not submitted as a petition for truth investigation to the Commission.

Act, Shin departed for the United States on March 8, 1979, with an IR-4 visa through proxy adoption procedures.<sup>45</sup>

Upon arrival, Shin was immediately placed with prospective adoptive parents, and on March 9, 1981, he received a formal adoption order from the Wayne County Probate Court in Michigan. Since he had entered the United States with an IR-4 visa, he, now given an American name initialized as “A.C.,” needed to undergo a separate process to obtain citizenship after the adoption was finalized. However, his adoptive parents never completed the naturalization process. On February 21, 1986, they submitted a document relinquishing custody to the Child Welfare Division of the Oregon Department of Human Services. Thereafter, Shin, still without U.S. citizenship, cycled through foster care and group homes. In 1989, he was adopted by another couple but was later re-abandoned. In 1995, when he returned to his former adoptive parents’ home to retrieve personal belongings, he was charged with residential burglary and sentenced to 25 months in prison. Around 2012, Shin applied to renew his expired green card, but U.S. immigration authorities initiated deportation proceedings citing his criminal record, forcibly removing him to Korea on November 17, 2016.

Finding the root cause of his deportation in the failure of the adoption agency and the Korean government to fulfill their responsibilities during the adoption process, Shin filed a lawsuit, on January 24, 2019, in the Seoul Central District Court seeking damages from Holt and the Korean government. His claims against Holt included: (1) falsely registering him as stateless and as a founder of a new family register; (2) neglecting its duty of protection as guardian; (3) failing to conduct a proper home study into the prospective parents; (4) breaching its post-adoption supervisory duty; (5) neglecting its obligation to verify and ensure his acquisition of nationality; and (6) profiting unjustly through excessive adoption fees. His claims against the Korean government included: (1) failure to fulfill its protective duty toward him, who was a minor at the time of adoption; (2) failure to oversee Holt, a private agent tasked with guardianship duties by the state; and (3) failing to conduct substantive reviews during the overseas emigration approval process.

In its May 16, 2023 first-instance ruling, the Seoul Central District Court held Holt responsible for violating its duty of protection as a guardian and its obligation to confirm and report the plaintiff’s acquisition of nationality, ordering the defendant to pay KRW 100 million in damages to the plaintiff. The court interpreted Article 12 of the Adoption Act as defining the guardianship period as beginning on the day the child is transferred from the institution to the adoptive agency and ending when the adoption is finalized, in this case, two years after the child was entrusted to the initial adoptive parents. Therefore, Holt had the duty to ensure that the adoptive parents proceeded with the U.S. naturalization process immediately following the adoption judgment. However, the court found that Holt failed to fulfill any guardianship duties after the child departed for the United States on March 8, 1979, having effectively delegated all

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<sup>45</sup> An IR-3 visa is issued when an adoption is finalized in the child’s country of origin and a legal parent-child relationship is established prior to entry into the United States. In contrast, an IR-4 visa is issued when the adoption has not been finalized in the country of origin, and the child enters the United States with the intention of finalizing the adoption through a court proceeding there.

responsibilities to the Michigan Department of Social Services. The court further ruled that Article 9(4) of the Adoption Act imposes not merely a passive duty to report the child's acquisition of a foreign nationality to the Minister of Justice, but an active obligation to verify that such acquisition took place. Holt had no internal procedures in place to meet this obligation and failed to recognize that the child had not obtained U.S. citizenship, consequently neglecting to report this to the Ministry. However, the court ruled that Holt's duties did not extend to taking active measures to secure the child's acquisition of foreign nationality.

The court rejected the plaintiff's remaining claims against Holt—i.e., the allegations of fabricating the child's origin or registration, failing to investigate the adoptive home, neglecting post-adoption monitoring, and unjust enrichment through excessive adoption fees—stating that the submitted evidence was insufficient. It also dismissed claims against the Korean government for failure to fulfill protective obligations, holding that although Korea should endeavor to incorporate international conventions such as the Hague Adoption Convention and the UN Convention on the Rights of the Child into its domestic legal framework, these conventions are hortatory and cannot serve as binding legal standards in domestic litigation. The court also determined that Holt's guardianship duties were based on the Civil Act and therefore could not be considered “public duties” warranting classification as a state-commissioned agency subject to public scrutiny.

However, in the appellate ruling on January 8, 2025, the Seoul High Court reversed the decision against the favor of the plaintiff and dismissed the case. While acknowledging Holt's responsibility for the failure to help him secure citizenship, the court held that since the plaintiff had reached adulthood, he could have independently applied for naturalization, and absent a criminal record, could have permanently resided in the United States as a green card holder. The court thus found no legal grounds to hold Holt liable for the plaintiff's deportation. Moreover, since Holt's obligations ended when the plaintiff reached adulthood, the court determined that the statute of limitations (10 years from the date of injury or three years from the date the plaintiff became aware of the harm) had expired, either as of 1996 (when the plaintiff reached adulthood) or 2011 (when he became aware of the lack of citizenship).

## **2. Legal framework of intercountry adoption**

### **A. Legal definition**

The Act on Orphan Adoption, which entered into force on September 30, 1961, was the first statute in Korea to regulate intercountry adoption. It required that any orphan holding Korean nationality who was to be adopted by a foreign national obtain approval from the district court having jurisdiction over the orphan's place of residence. Later, the Adoption Act was enacted on December 31, 1976, and came into effect on January 31, 1977, replacing the 1961 statute. This Act distinguished between “intercountry adoption from Korea” and “intercountry adoption abroad.” The former applies to foreign nationals seeking to adopt a Korean child through legal procedures

conducted and completed within Korea. Because the act of adoption takes place in Korea, the prospective adoptive parent must apply to a Korean family court for approval. The latter applies to foreign nationals who do not travel to Korea but instead adopt a Korean child by having the child enter the receiving country through an adoption agency, after which the adoption is finalized under the domestic law of the adoptive parent's country. Since the legal proceedings find completion in the receiving country, the applicable law is determined in accordance with Korea's conflict-of-laws rules, and the procedures must conform to the laws of the receiving country. This method is commonly referred to as *proxy adoption*, and the vast majority of petitioners in the present case were adopted through this process.

## **B. Legal framework**

### **1) Parties involved**

#### **a) Adoptee**

A child who holds Korean nationality may be adopted by a foreign national if certain legal conditions are met. In the 1950s, adoptees eligible for intercountry adoption were primarily war orphans and mixed-race children.<sup>46</sup> At that time, intercountry adoption operated without any formal legal basis in Korean law. The term *goa* (고아), usually translated as *orphans*, meant, before the enactment of adoption legislation, children whose birth registration status was unclear and who had no known parents, guardians, or caretakers; or children who had a registered family relation but were effectively without parents, guardians, or caretakers; or children under the age of 10 who had lost at least one parent.<sup>47</sup>

The Act on Orphan Adoption, enacted and enforced on September 30, 1961, defined an orphan eligible for intercountry adoption as either (i) a person under the age of 18 whose legal guardian or provider was unknown, or (ii) a person under the age of 18 who had obtained the consent of their legal guardian or provider.

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<sup>46</sup> In accordance with a presidential directive issued by the 3<sup>rd</sup> State Council meeting on January 15, 1954, the intercountry adoption of “mixed-race children” began to be promoted. Although this term was never formally defined, expressions used in the media at the time suggest that it referred exclusively to children born to Korean women and foreign men. See *Seoul Shinmun*, “Mixed-race Children Emerge as a New Social Issue,” October 26, 1952; *Pyeonghwa Shinmun*, “Ministry of Social Affairs Establishes Policy for Mixed-Race Children,” February 10, 1953; *Yonhap Shinmun*, “Urgent Need for Protection Measures for Mixed-Race Orphans,” February 16, 1953; *Kyunghyang Shinmun*, “Children’s Hearts in Neglect,” August 12, 1955.

<sup>47</sup> The Refugee Relief Act of 1953, Sec. 5(b)(1), allowed the issuance of up to 4,000 special non-quota immigrant visas to eligible orphans under the age of 10. Eligible orphans included children whose both parents were deceased or missing; children who had been abandoned or relinquished by both parents; and children with only one surviving parent due to the other’s death, disappearance, abandonment, or relinquishment, where the remaining parent was unable to care for the child and had given irrevocable written consent for the child’s immigration and adoption. This statute provided the legal basis for foreign aid agencies to bring Korean children to the United States between 1954 and 1956.

The Adoption Act, enacted and enforced on January 31, 1977, was established with the goal of promoting the adoption of children housed in protective institutions. Under this law, a child eligible for adoption was defined as someone under the age of 18 who resided in a child welfare facility under the Child Welfare Act or in a protective institution under the Livelihood Protection Act, and who met one of the following criteria: (i) a child whose guardian could not be identified and who was thus referred for protection by the Mayor of Seoul or Busan, or by a provincial governor; (ii) a child whose parent or guardian had consented to the adoption and was accordingly referred for protection; (iii) a child whose parent had lost custody by court order and was referred for protection by the provincial governor; or (iv) a child whose legal guardian or provider was otherwise unknown. These criteria remained intact in the Act on Special Cases concerning the Promotion and Procedure of Adoption, which took effect on January 6, 1996.

### **b) Parents**

A child's parents may consent to adoption. Under Korean law, the term "parents" with legal authority to consent refers not to the biological parents but to those listed in the family register.

In domestic adoptions, which were traditionally practiced to preserve family lineage, consent or approval (in the case of children under the age of 15) was required from the parents. Only when the parents were absent, deceased, or otherwise unable to provide consent could a guardian, with the consent of the family council, approve the adoption. In contrast, intercountry adoption generally involved orphans or children placed in care facilities, and thus allowed for consent to be given by persons other than the parents, such as legal guardians, caretakers, or others with custody responsibilities.

It was not until full revision of the Adoption Act in 2012 that parents or guardians could withdraw their consent to the intercountry adoption of their children.

### **c) Adoptive parents**

Before enactment of the Act on Orphan Adoption, there were no specific legal requirements under Korean law for foreign nationals wishing to adopt Korean children.

After the law went into effect on September 30, 1961, it established five requirements for foreigners to qualify as adoptive parents. These included eligibility to adopt under the laws of their home country and sufficient financial means to support the child. Until a partial amendment on April 24, 1966, the law also required adoptive parents to submit a written pledge to the Korean government affirming that they would not exploit the child in a profession involving human rights concerns and that they would comply with any requests for report from the Korean government regarding the child's education and care. This pledge requirement was removed in the 1966 amendment.

The Adoption Act, enacted and enforced on January 31, 1977, maintained a similar framework but loosened the requirements compared to the earlier law. It eliminated both the pledge

regarding the child's treatment and the requirement for a written guarantee from a public institution or its designee in the adoptive parents' home country.

While the earlier law contained no specific provision regarding responsibility for verifying whether prospective adoptive parents met legal requirements, the latter act designated the head of the adoption agency as responsible for such investigation (Article 11). However, in cases of intercountry adoption carried out abroad, pursuant to Article 9 of the Act, a home study conducted by the government or an authorized adoption agency in the receiving country could be performed in lieu of an investigation by the Korean agency.

Table 4. Changes in legal requirements for adoptive parents under Korean adoption law

Orphan Adoption Act (effective Sept. 30, 1961)	Orphan Adoption Act (amended Apr. 24, 1966)	Adoption Act (effective Jan. 31, 1977)
<p><b>Article 3 (Adoptive parent qualifications)</b></p> <p>(1) A foreign national who meets the following conditions may adopt an orphan under the laws of his or her home country:</p> <ol style="list-style-type: none"> <li>1. Is eligible to adopt under the laws of his or her home country.</li> <li>2. Has sufficient financial means to support the adoptee.</li> <li>3. Is of decent conduct and non-malicious character.</li> <li>4. Will not buy or use the adoptee for stigmatizing or hard work or other jobs involving human rights concerns.</li> <li>5. Will pledge, in writing and accompanied by a guarantee from a public institution or its designated representative in the adopter's country, to respect the adoptee's freedom of religion and to ensure that the adoptee receive appropriate care and education as a recognized member of the local community.</li> </ol> <p>(2) In cases related to the situations described in Articles 4 and 5, the adopter must submit a pledge to comply with any reporting requests from the Korean government.</p>	<p><b>Article 3 (Adoptive parent qualifications)</b></p> <p>(1) A foreign national who meets the following conditions may adopt an orphan under this law:</p> <ol style="list-style-type: none"> <li>1. Is eligible to adopt under the laws of his or her home country.</li> <li>2. Has sufficient financial means to support the adoptee.</li> <li>3. Is of decent conduct and non-malicious character.</li> <li>4. Will not use the adoptee for work involving stigmatizing or hard work or other jobs involving human rights concerns.</li> <li>5. Will pledge, in writing and accompanied by a guarantee from a public institution or its designated representative in the adopter's country, to respect the adoptee's freedom of religion and to ensure that the adoptee receive appropriate care and education as a recognized member of the local community.</li> </ol> <p>(2) (Deleted)</p>	<p><b>Article 3 (Adoptive parent qualifications)</b></p> <p>To be eligible to adopt under this law, the prospective adoptive parent must satisfy the following:</p> <ol style="list-style-type: none"> <li>1. Is eligible to adopt under the laws of his or her home country.</li> <li>2. Has sufficient financial means to support the adoptee.</li> <li>3. Must not use the adoptee for stigmatizing or hard work or other jobs involving human rights concerns.</li> <li>4. Respects the adoptee's freedom of religion and ensure that the adoptee receive appropriate care and education as a recognized member of the local community.</li> </ol>

### c) Adoption agencies

Adoption agencies are intermediaries authorized to carry out certain procedures on behalf of prospective adoptive parents seeking to adopt Korean children.

In the 1950s, several private foreign aid organizations established under the Ministry of Health and Social Affairs facilitated intercountry adoptions of mixed-race orphans and other children. These included Child Placement Services (CPS), Catholic Relief Services, Seventh-Day Adventist Adoption Services, Holt Adoption Program, and International Social Service. The Act on Orphan Adoption, enacted in 1961, stipulated that “a foreign national may appoint an agency prescribed by Presidential Decree to perform part of the adoption procedures.” In a 1966 amendment, the Act was revised to allow only adoption agencies authorized by the Minister of Health and Social Affairs to engage in adoption services. The Ministry explained that authorizing only approved agencies was intended to prevent the loss of credibility among foreign nationals by preventing adoptions handled by unapproved organizations.<sup>48</sup> As of 1967, five organizations had been officially authorized: Child Placement Service,<sup>49</sup> Seongyugwon, the Immigration Department of Catholic Relief Services Korea Chapter, Korea Social Service,<sup>50</sup> and the Holt Adoption Program.<sup>51</sup> In 1972, Korea Christian Crusade was added to the list.<sup>52</sup>

The Adoption Act, enacted and enforced on January 31, 1977, restricted the eligibility to apply for adoption agency authorization to legal entities that operated residential care facilities and prohibited foreign nationals from serving as heads of these institutions. As a result, previously authorized foreign organizations were phased out, and four agencies—Korea Welfare Service, Korea Social Service, Eastern Child Welfare Service, and Holt Children’s Services—were granted exclusive authority to carry out intercountry adoption services.

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<sup>48</sup> Ministry of Health and Social Affairs officials who proposed the revised legislation explained that the new clause was intended to ensure the integrity of adoption procedures by mandating that only credible institutions handle intercountry adoptions and preventing unauthorized brokerage. They cited examples of private organizations that had independently selected adoptive parents abroad, received payments, and then failed to carry out the adoptions. (See *Minutes of the 48th Session of the National Assembly Health and Social Affairs Committee*, No. 1, March 3, 1965, remarks by Minister Oh Won-seon and Vice Minister Son Jeong-seon of the Ministry of Health and Social Affairs.)

<sup>49</sup> Ministry of Public Information, “Ministry of Health and Social Affairs Notice No. 116,” *Official Gazette*, No. 4794, November 10, 1967.

<sup>50</sup> Ministry of Public Information, “Ministry of Health and Social Affairs Notices No. 119–121,” *Official Gazette*, No. 4798, November 15, 1967.

<sup>51</sup> Ministry of Public Information, “Ministry of Health and Social Affairs Notice No. 124,” *Official Gazette*, No. 4798, November 24, 1967.

<sup>52</sup> Ministry of Public Information, “Ministry of Health and Social Affairs Notice No. 38,” *Official Gazette*, No. 6220, August 3, 1972.

Table 5. Adoption agencies authorized by the Ministry of Health and Social Affairs

Agency		Remark (name change)
Initially authorized as	Later as (after 1977)	
Child Placement Services	Korea Welfare Service	Korea Foster Care Service → Child Placement Services → KWS
Korea Social Service	Korea Social Service	n/a
Holt Adoption Program	Holt Children's Services	Holt Adoption Program → Holt Children's Services
Korea Christian Crusade	Eastern Child Welfare Service	Korea Christian Crusade → Eastern Child Welfare Service → Eastern Welfare Service
Seongyugwon	n/a	
Catholic Relief Society Korea Chapter (Immigration Dept.)	n/a	

Adoption placement involves a range of services that include counseling and screening of both children eligible for adoption and prospective adoptive families, managing the procedures related to adoption, and providing post-adoption supervision for the child and adoptive family.<sup>53</sup> Given that licensing requirements for adoption agencies included employing a physician (including those under contract) and a nurse, as well as operating temporary childcare facilities equivalent to legally recognized child welfare institutions, it can be inferred that caring for and managing the health of children placed for adoption prior to their transfer to adoptive parents was also part of the agencies' responsibilities. In cases of intercountry adoption from abroad, if the child to be adopted had no registered status (*mujeokja*), the agency could initiate procedures to register the child or establish a family name and origin.<sup>54</sup>

Once a child placed through an adoption agency had immigrated and been adopted by foreign parents, it became the agency's duty to confirm that the child had acquired the nationality of the adoptive country and to report this to the Minister of Justice.<sup>55</sup> Although the explicit legal obligation to continuously monitor the status of adopted children was removed under the 1977

<sup>53</sup> Enforcement Decree of the Act on Orphan Adoption (Presidential Decree No. 3130, enacted June 29, 1967), Article 5(2) (duties of child counselors).

<sup>54</sup> Act on Orphan Adoption (Act No. 2977, enacted December 31, 1976), Article 13 (registration of unregistered children). Under Article 9(1), if the child to be adopted had not been registered into any family register, the head of the adoption agency entrusted with the case may carry out the procedures for the registration or establishment of a family name and origin for the child.

<sup>55</sup> Act on Orphan Adoption (Act No. 1745, partially amended February 23, 1966), Article 5 (adoption agencies), paragraph 4: An adoption agency must continuously monitor the status of a child it has placed for adoption by a foreigner, and upon confirmation that the child has acquired foreign nationality, must promptly report to the Minister of Justice.

- Enforcement Decree of the Act on Orphan Adoption, Article 6 (reporting of nationality acquisition): Upon confirmation that a child adopted abroad has acquired the nationality of the adoptive country, the agency head must submit a report using Form No. 2, along with relevant documentation, to the Minister of Justice in accordance with Article 5(4) of the Act.

Adoption Act, the responsibility to report the acquisition of nationality was in fact strengthened by requiring prompt reporting.<sup>56</sup> In particular, Article 12 of the newly introduced provision on guardianship under the Adoption Act stipulated that the head of an adoption agency, upon receiving a child from the head of a childcare facility for the purpose of adoption, must serve as the child's guardian from the date of transfer until the adoption is finalized.

#### **d) Administrative and judicial authorities**

When a Korean child is adopted by a foreign national, it results in fundamental changes to the child's identity, family ties, and nationality. Korea's administrative and judicial authorities are key actors involved in this process, from registering the child's legal status, to verifying the eligibility of both the child and the prospective adoptive parents, to approving the child's emigration, and ultimately to facilitating the loss of Korean nationality.

##### **(1) Ministry of Health and Social Affairs**

The Ministry of Health and Social Affairs, responsible for legislation related to child welfare and adoption, oversees the protection of at-risk children and manages all matters related to intercountry adoption. It holds the authority to license, revoke licenses, and supervise adoption agencies. The Ministry is also responsible for granting emigration approval for children leaving the country to be adopted and notifying both the applicant and the Minister of Foreign Affairs once the approval is granted. Following enactment of the Adoption Act, an application for emigration for adoption must include documentation demonstrating (1) that the child's situation meets the legal requirements for adoption, (2) that consent to the adoption has been granted by an authorized individual, and (3) that the prospective adoptive parents have an appropriate home environment. When the Ministry receives an emigration application for adoption purposes, it reviews the case through the Emigration Review Committee in accordance with the law. In other words, the Ministry bears final responsibility for verifying the eligibility of both the child and the adoptive parents, as well as ensuring that consent to the adoption has been legally obtained, particularly in cases of "intercountry adoption abroad" carried out through an adoption agency.

##### **(2) Regional and local governments**

Regional governments such as the Seoul Metropolitan Government and provincial governments are authorized to take protective action for at-risk children within their jurisdictions. These include providing parental guidance and support to enable children to be raised at home, or, when such

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<sup>56</sup> Act on Adoption (Act No. 2977, enacted December 31, 1976), Article 9 (intercountry adoption outside Korea), paragraph (4): When a child departs Korea with emigration approval and subsequently acquires the nationality of the adoptive country, the head of the adoption agency must report this promptly to the Minister of Justice. The Minister shall then notify the competent family court to remove the child's Korean nationality from the family register.

- Enforcement Decree of the Adoption Act (Presidential Decree No. 8509, enacted March 18, 1977), Article 5 (reporting of nationality acquisition): Reports made by adoption agency heads under Article 9(4) must be submitted using Form No. 2 and include documentation proving the acquisition of foreign nationality.

measures are deemed inadequate, placing the children in child welfare facilities. Admission to or discharge from such facilities requires approval from the head of the regional government (i.e., the Mayor of Seoul or a provincial governor). Under the Act on the Guardianship of Orphans in Protective Facilities (hereinafter the “Act on Guardianship”), these authorities must appoint guardians to act on behalf of minors in private protective facilities within their jurisdiction.

Local governments at the city, county, and borough level used to be, under the Child Welfare Act, responsible for providing temporary protection to at-risk children in their jurisdictions and for reporting these cases to the competent regional government. These reports were to include the child’s name, gender, date of birth, registered domicile, address, personal background, family circumstances, behavior, and health.<sup>57</sup> Accordingly, primary responsibility for identifying and documenting the personal details and condition of at-risk children rested with these local governments. After the Adoption Act came into effect in 1977, the heads of municipal governments were required, within 20 days of the designation of a guardian for a child by the head of a child welfare facility, to post a Public Notice of ascertainment of Support Provider in search for a next-of-kin person liable for supporting the child. The notice had to be posted without delay for a period of 15 days.<sup>58</sup> Once the announcement period had ended, the local government was responsible for verifying the information in the Certificate of Confirmation for Adoption-Eligible Children, which was submitted by the head of the welfare facility using Form No. 1 required under the Enforcement Rules of the Adoption Act. Subsequently, the head of the local government was required to receive a report from the welfare facility (1) when the director of an adoption agency assumed custody of the child for the purpose of adoption; (2) when an adoption was reported or approved by a court and the child was transferred from the welfare facility to the prospective adoptive parents; or (3) when a child granted emigration approval was transferred from the welfare facility to the adoptive parents by the adoption agency.<sup>59</sup>

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<sup>57</sup> Enforcement Decree of the Child Welfare Act (Presidential Decree No. 594, enacted March 27, 1962), Article 10.

<sup>58</sup> At the time, local governments were instructed to collect four copies of the public notice from the head of the child welfare facility. One copy was to be posted publicly, another retained by the local government, and two sent to the provincial governor. The governor was then responsible for forwarding one of those copies to the Minister of Health and Social Affairs, ensuring that members of the public could request access to the relevant records. (See Ministry of Health and Social Affairs, “Thorough Implementation of Guardianship Duties for Children in Child Welfare Facilities,” March 29, 1977, and the accompanying “Guidelines on the Execution of Guardianship Duties for Children in Child Welfare Facilities,” March 1977, in *Regulations on Child Welfare Matters (pre-1977)*, Seoul Archives.

<sup>59</sup> Article 6 of the Adoption Act (Ministry of Health and Social Affairs Ordinance No. 558, enacted April 8, 1977), further required:

- (1) When an adoption was reported under Article 6 or approved by a court under Article 8, the head of the facility housing the child was to immediately transfer the child, along with all associated records and personal belongings, to the adoptive parents.
- (2) When a child who had received emigration approval under Article 9(3) was scheduled to leave the country, the head of the adoption agency handling the adoption was required to collect the child from the facility and deliver him or her to the adoptive parents.
- (3) In either case, the head of the facility was required to report the child’s transfer without delay to the mayor, county governor, or borough office chief with jurisdiction over the facility’s location. The same reporting obligation applied when a child was transferred to an adoption agency for the purpose of adoption under Article 12 of the Act.

### (3) Ministry of Foreign Affairs

The Ministry of Foreign Affairs is responsible for issuing passports to children leaving the country for intercountry adoption.<sup>60</sup> According to the *Enforcement Decree of the Passport Act*, passport issuance requires submission of an application form along with a certified copy of the child's family register, medical certificate, documentation verifying the purpose for travel and sufficient funds from the receiving country, and a photograph that includes the child's name and date of birth. The issuing authority may confiscate a passport if it was obtained through false or fraudulent means or used under another person's name.

Outside Korea, Korean missions process matters under the Ministry's jurisdiction, with consular offices responsible for protecting and assisting Korean nationals.<sup>61</sup> Until a child adopted abroad acquires the nationality of the receiving country, they are treated as a Korean national (*gyomin*) abroad.

### (4) Ministry of Justice

The Ministry of Justice oversees the cancellation of Korean nationality for children adopted by foreign nationals. Upon receiving notification from an adoption agency that a Korean child has acquired a foreign nationality, the Minister of Justice is required to notify the competent Korean court to formally remove the child from the Korean family register.

### (5) Courts

Family courts oversee matters related to the family register and delegate these responsibilities to the heads of cities (boroughs) and sub-municipal administrative units (*eup* and *myeon*). According to the Civil Act, Family Register Act, and judicial precedents, when a report is filed under Article 57 of the Family Register Act regarding a foundling, the local government office prepares a written report of the discovery. Under Article 781(3) of the Civil Act, it must then obtain the court's approval to establish the child's family name and origin. After determining the child's given name and registered domicile, this information is recorded in the family register. For orphans, the director of the care facility acting as guardian applies for court approval to establish their family name and origin, and the family court grants it. Once the court's written decision and certified copy of the ruling are submitted, the local government office processes the registration. This procedure resulted in the "orphan registers" found in the cases of most petitioners in this investigation.

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<sup>60</sup> Article 10 of the Enforcement Decree of the Passport Act (Presidential Decree No. 427, enacted February 9, 1962) states that a travel certificate (TC) may be issued by the Ministry of Foreign Affairs in lieu of a passport, and is valid for a single journey only.

<sup>61</sup> Article 12(2) of the Act on the Establishment of Overseas Diplomatic Missions of the Republic of Korea (Presidential Decree No. 1389, enacted September 10, 1958) originally mandated that diplomatic missions provide "protection and guidance for Koreans residing in the host country." This was later revised under Presidential Decree No. 165 (enacted September 2, 1961) to "protection and guidance for overseas Korean nationals." Under the current Framework Act on Overseas Koreans, *gyopo* (교포) refers to foreign nationals of Korean descent who previously held Korean citizenship by birth, while *gyomin* (교민) refers to Korean nationals who reside abroad long-term or have acquired permanent residency overseas.

In intercountry adoptions, courts also handle adoption approvals and, after the child acquires the nationality of the receiving country, the removal of the child's Korean nationality from the family register. Under the Act on Orphan Adoption, a foreign adoptive parent had to apply to the district court with jurisdiction over the orphan's place of residence for an adoption order.<sup>62</sup> If the prospective adoptee had no one identified as responsible for supporting them, the court was required to publicly announce the search for a support provider, twice in a newspaper and on the court bulletin board at 20-day intervals, before issuing an adoption order through a panel decision.<sup>63</sup> Following enactment of the Adoption Act in 1977, court approval was required only in cases of intercountry adoption to be completed within Korea. In adoptions to be completed overseas, an emigration permit took the place of a court adoption order. While the earlier law required the court itself to issue each Public Notice of ascertainment of Support Provider, the 1977 Act allowed this responsibility to be fulfilled through documentation from local governments (cities, counties, or districts) confirming that such notices had been posted. Based on these submissions, the court assessed whether the legal requirements for adoption had been satisfied.

Initially, under the Act on Orphan Adoption, the court was required to delete a child's Korean nationality *ex officio* once the child was adopted by a foreigner under the Act. Later, however, this responsibility was transferred to the Ministry of Justice, with the court acting upon official notification from the Ministry. After enactment of the Adoption Act, once a child received an emigration permit, left the country and acquired foreign nationality, the Minister of Justice notified the family court with jurisdiction over the child's registered domicile to delete the child's Korean nationality from the register.<sup>64</sup>

## 2) Adoption process

When the Act on Orphan Adoption first entered into force, the district court with jurisdiction over the child's place of residence had authority to approve an adoption. Following the replacement

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<sup>62</sup> Enforcement Decree of the Act on Orphan Adoption, Article 2:

- (1) Anyone seeking an adoption order under Article 4(1) of the Act must submit an application using the prescribed form, along with the orphan's family register, the adoption and home study report from the adoption agency, the documents required under Article 3, and the following materials to the district court with jurisdiction over the orphan's domicile or current residence:
  1. In cases under Article 2(1)(1), a letter of guardian appointment and the guardian's consent to the adoption;
  2. In cases under Article 2(1)(2), documentation verifying the status of legal guardian and the guardian's written consent (if this status can be verified via the family register, the documentation may be omitted).
- (2) Where the head of the adoption agency applies for the adoption order directly, the adoption and home study report and the documents under Article 3 may be omitted.

<sup>63</sup> Act on Orphan Adoption, Article 4(2): When the court receives an adoption application and the existence of a person liable for supporting the child cannot be located as required under Article 2(1), the court must issue public notices—twice at 15-day intervals—via a newspaper and on the court bulletin board, summoning anyone related to the child and willing to support him or her to come forward.

<sup>64</sup> Adoption Act, Article 9(4): When a prospective adoptee leaves the country with an emigration permit and subsequently acquires the nationality of the receiving country, the head of the adoption agency shall promptly report this to the Minister of Justice. Upon receiving said report, the Minister shall notify the family court with jurisdiction over the child's registered domicile so the court may strike the child's Korean nationality from the family register.

enactment of the Adoption Act on 31 January 1977, a foreign national residing abroad who wished to adopt a Korean child had to obtain permission for overseas emigration from the Minister of Health and Social Affairs via an adoption agency. Although the competent authority for intercountry adoption changed, the documentation required for approval remained largely the same. The documents to be submitted when applying for intercountry adoption are as follows.

Table 6. Required documents for intercountry adoption and approval applications

Act on Orphan Adoption	Adoption Act	Remarks
Certified copy of the family register of the child to be adopted	Certified copy of the family register of the child to be adopted (requirement added in amendment on February 28, 1984)	
Document verifying the person liable for supporting the child (i.e., support provider), together with either that support provider's written consent to the adoption or letter designating a guardian and the guardian's written consent to the adoption	Written consent to the adoption prepared by the parent, lineal ascendant, guardian, or other person giving consent, along with documentation proving the relationship between the consenting party and the child	
After receiving an application for permission to adopt an orphan, the court issues a Public Notice of ascertainment of Support Provider	Certificate verifying that a Public Notice of ascertainment of Support Provider had been posted	Incorporated into the guardian appointment procedure as of 1977. <sup>65</sup>
Child and home study report prepared by the adoption agency, along with affidavits, written oaths, guarantees, and other documents relating to eligibility for adoption	Home study report conducted by the government of the adoptee's home country or by an adoption agency in that country	Under the Act on Orphan Adoption, adoption agencies were exempt from applying to the court.
-	Certificate confirming the child to be adopted	Prepared by the director of the protective facility and certified by the head of local government with jurisdiction.

<sup>65</sup> Enforcement Decree of the Act on Guardianship (Presidential Decree No. 8510, enacted March 18, 1977), Article 3-2 (public notice to ascertain support provider):

1. When a guardian has been appointed under Article 2 or Article 3 of the Act, the director of the protective facility shall, within twenty days of the appointment, submit four copies of the notice in Form 4 to the mayor, county head, or district head with jurisdiction over the facility's location (limited to the Cities of Seoul and Busan; hereinafter the same) to request the posting of a public notice confirming the existence of any person liable for support. This requirement does not apply to a child for whom such notice was already posted while accommodated in another protective facility.
2. Upon receiving the request under paragraph 1, the head of the responsible city, county or district shall immediately post the notice on the city, county, or district bulletin board for fifteen days and, without delay, forward two copies of the notice to the governor. The governor shall then transmit one of those copies to the Minister of Health and Social Affairs.
3. The Minister of Health and Social Affairs and the governor shall make the notice received under paragraph 2 available for public inspection.

The first document required is a certified copy of the family register for the child to be adopted. The family register forms the basis of the Korean legal framework for recording and certifying an individual's personal status in an official ledger known as the *hoeokbu* (호적부) maintained according to procedures prescribed by law. Within each city (or district) or sub-municipal area of *eup* (읍) or *myeon* (면) persons who held registered domiciles were organized by household, with the head of the household (호주) as the reference point. This structure allowed for the tracking of vital events in each household member's life, from birth to death, and for determining the relationships between the head of household, family members, and other relatives. Entries typically included the male head of household, the previous head (generally the father of the current head), the head's mother, wife, unmarried siblings, children, and grandchildren. The mayor or the head of the *eup* or the *myeon* was responsible for administering family register affairs, under supervision of the chief judge of the family court. In 2008, the family register system was abolished and replaced by the family relationship register.

Ordinarily, a Korean child was entered into the family register of his or her biological father, the head of household, thereby indicating the child's family relationships. Foundlings or *gia* (기아), however, were entered, under Article 57 of the Family Register Act, into a register in which they themselves were designated as the head of household.<sup>66</sup> Anyone who discovered a foundling was required to report it to the mayor (district head) or the head of the *eup* or *myeon* with jurisdiction, who would then prepare a foundling discovery report detailing the circumstances. The court, in accordance with the Civil Act, would create the child's family name and family origin, known as *bon* (본), after which the child would be entered into a family register as head of his or her own household. While Article 57 of the Family Register Act limited the creation of a new household to foundlings, the Adoption Act provided only that "a child to be adopted has no family register." This meant that the head of an adoption agency could apply to the district office for the creation of a family name, origin or register for any child without one, regardless of whether the child was a foundling or an orphan.<sup>67</sup> Adoptees often refer to family registers created during the intercountry adoption process as "orphan registers." The process for creating an orphan register is shown in Figure 4.

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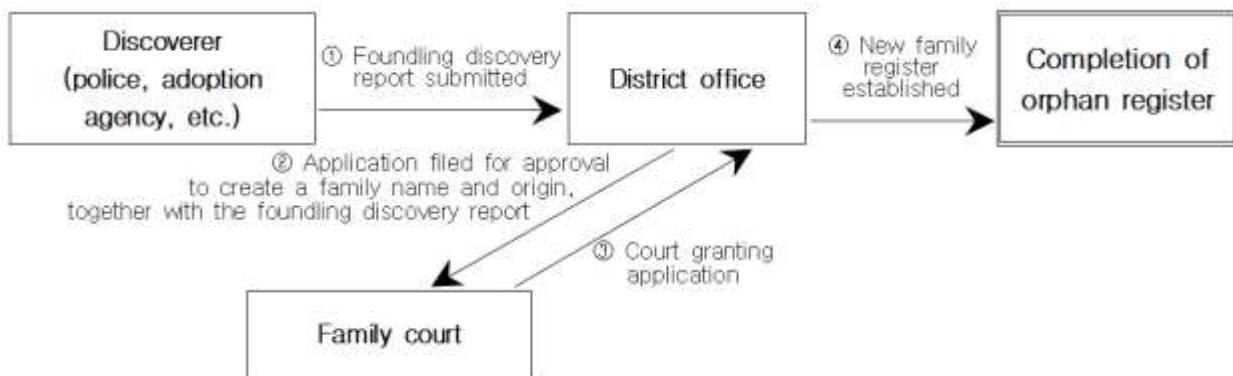
<sup>66</sup> Family Register Act (Act No. 535, enacted January 1 1960), Article 57 (foundlings):

- (1) Any person who discovers a foundling, or any police officer who receives notification of such a discovery, shall report the matter to the head of the city, *eup*, or *myeon* within twenty-four hours.
- (2) Upon receiving such a report, the head of the city, town, or township shall prepare a written record noting the foundling's belongings, place of discovery, date and time of discovery, other relevant circumstances, sex, and estimated date of birth. This record shall serve as the official report.
- (3) In accordance with Article 781(3) of the Civil Act, the head of the city, *eup* or *myeon* shall create the foundling's family name and origin, decide the given name and registered domicile, and enter this information into the family register.

<sup>67</sup> Act on Orphan Adoption, Article 13 (registration of a child without a family register):

Where the head of an adoption agency has been entrusted with arranging an adoption under Article 9(1), and the child to be adopted has no family register, the head of the agency may undertake the procedures for the child's registration or the establishment of a new family register.

Figure 4. Process for creating an orphan register



The next document to be submitted is either a written consent to adoption or a letter of agreement to adoption, accompanied by documentation proving the legal authority of the person granting such consent or agreement. If a person liable for supporting the child or *buyang-euimuja* (부양의무자), such as a parent or lineal ascendant, exists, their written consent to the adoption must be provided together with documents verifying the family relationship. If no person liable for support is known, the director of the protective facility may, under the Act on Guardianship, be appointed as the child's legal guardian.

During the period when the Act on Orphan Adoption was in effect, the Public Notice of ascertainment of Support Provider or *buyang-euimuja-hwagingonggo* (부양의무자확인공고) for a given foundling was posted on the court's bulletin board. When the Adoption Act came into force in 1977, this provision was removed. Instead, under the Enforcement Decree of the Act on Guardianship, once the director of a protective facility was appointed as guardian, he or she was required to request the district office with jurisdiction over the facility's location to post the notice ascertaining the support provider.<sup>68</sup> Once these procedures were completed, the adoption agency could obtain from the district head a certificate verifying that the guardian had been appointed and the Public Notice of ascertainment of Support Provider had been posted.

If the child to be adopted received the Minister of Health and Social Affairs' approval for overseas emigration, departed Korea, and acquired the nationality of the receiving country, the head of the adoption agency was required to report this without delay to the Minister of Justice. The Minister of Justice would then notify the family court with jurisdiction over the child's family register to remove the child's Republic of Korea nationality from the family register ex officio.

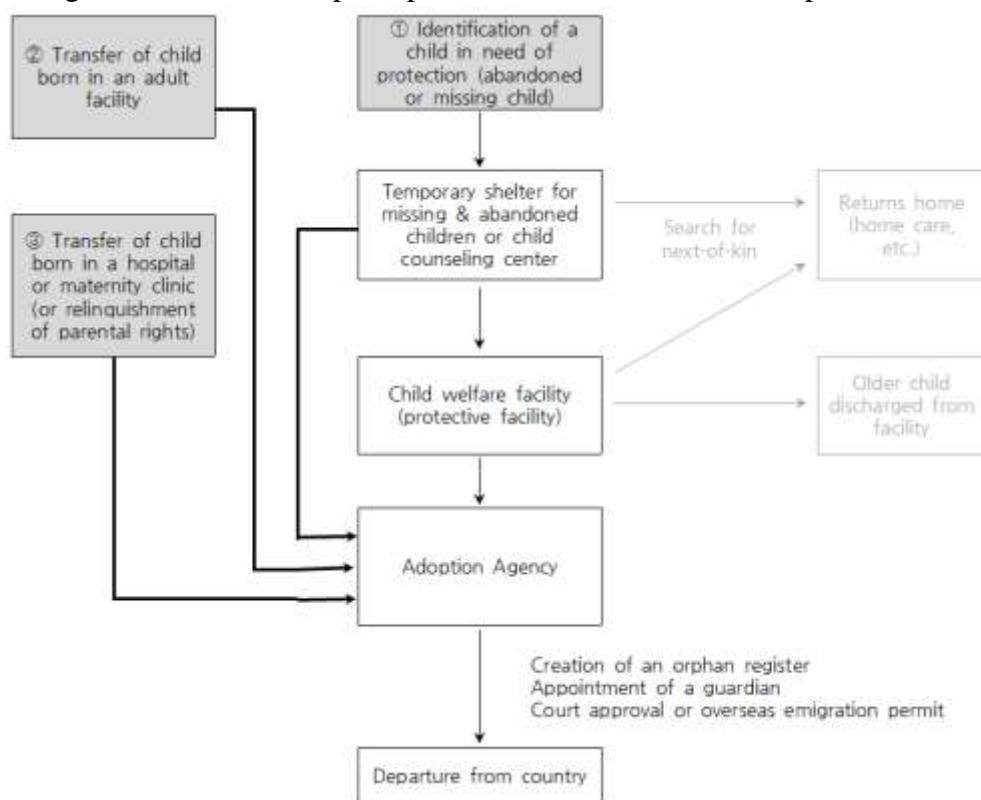
### 3. Problems in the intercountry adoption process

<sup>68</sup> Enforcement Decree of the Act on Guardianship, Article 3-2.

## A. Sourcing children for adoption

A child is considered eligible for adoption if they reside in a protective facility and either their support provider cannot be ascertained or their support provider or legal guardian has consented to the adoption. These children in need of protection were referred to as *yoboho-adong* (요보호아동). Once an adoption agency assumes custody of a child from a protective facility, that child is then considered a prospective adoptee and falls under the jurisdiction of adoption laws rather than child welfare legislation. The table below outlines the standard procedure for such a child, from their transfer to an adoption agency until their ultimate departure from the country.

Figure 5. Overseas adoption process for children in need of protection<sup>69</sup>



However, child welfare facilities were not the only channel through which adoption agencies acquired prospective adoptees. Agencies also took custody of children born to inmates in adult detention facilities or illicitly acquired newborns from medical institutions such as obstetrics and maternity clinics. Children born out of wedlock, particularly unregistered infants of unmarried mothers, were considered ideal candidates to be quickly processed as foundlings and sent overseas. Under the guise of counseling for parental rights or unmarried parents, adoption agencies and child

<sup>69</sup> The term “extended care child” (연장아동) refers to a child who entered a child welfare facility before the age of 18 and continues to reside there after reaching adulthood.

counseling centers also secured children by encouraging the birth parents to relinquish their custody, sometimes subsidizing delivery costs as an incentive.<sup>70</sup> Consequently, while children of unmarried mothers made up 10 percent (227 of 2,209) of intercountry adoptions from 1958 to 1960, this figure rose sharply to 17.5 percent (1,304 of 7,460) between 1961 and 1970, and to 36.5 percent (17,627 of 48,247) between 1971 and 1980.<sup>71</sup>

This domestic situation in Korea coincided with rising demand from overseas receiving countries. In the post-war era, Western nations, including the United States, began establishing welfare systems centered on the nuclear family, which sparked a surge in demand for children among infertile, middle-class couples. Furthermore, as racial issues began to emerge as major topics of social discourse within these countries from the 1970s onward, a moral stigma emerged around adopting children from their own indigenous or ethnic minority groups. Consequently, Korean children became preferred candidates for intercountry adoption. Not only was the adoption process in Korea considered highly streamlined compared to that of other countries, but there was also a perception that these children had little chance of ever returning to their birth parents.<sup>72</sup>

### **1) Transfer of children from child protection facilities**

When a child in need of protection was identified, the head of a local municipality, in accordance with applicable laws, was to request temporary protection for that child from a protective facility, temporary shelter, or child counseling center within their jurisdiction. The head of the corresponding regional (metropolitan or provincial) government was then tasked with taking protective measures, such as placing the child with a guardian or next-of-kin, or formally admitting

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<sup>70</sup> A 1973 study on the problems related to expanding intercountry adoption through counseling for unwed mothers noted: “As the term ‘custody relinquishment counselling’ suggests, the process focuses on the act of relinquishing custody, with little attention given to the welfare of unwed parents. The decision reached through counseling is simply whether the child can be accepted as a prospective adoptee—whether the family register is clear and whether there is no risk of the child being reclaimed. Many adoption agencies, without providing facilities for unwed mothers, organize these counseling sessions solely for the purpose of securing children to be sent abroad.” (Heo Nam-sun, “A Study on the Analysis of the Current State of Domestic Adoption Programs: Focusing on the Christian Adoption Program in Korea,” [master’s thesis, Ewha Womans University, 1973].)

<sup>71</sup> Statistics from the Korea Central Adoption Agency and the Ministry of Health, Welfare and Family Affairs, cited in Kwon Hee-jung, *The Birth of the Unwed Mother: An Expelled History of Mothers* (Seoul: Antonius, 2019), 29.

<sup>72</sup> Tobias Hübinette, *Overseas Adoption and Korean Nationalism*, trans. Koroot (Sonamu, 2008), 95; Youngeun Koo, “The Question of Adoption: ‘Divided’ Korea, ‘Neutral’ Sweden, and Cold War Geopolitics, 1964–75,” *The Journal of Asian Studies* 80, no. 3 (2021): 563–585.

the child to a protective facility.<sup>73,74</sup> If no next-of-kin could be found during this transition period, most children were admitted to a protective facility. A child would be sent home if a relative later appeared while they were residing in the facility. Between 1970 and 1987, out of 210,474 children identified as needing protection, only 49,625, or 23.6 percent, were sent home or placed with relatives.<sup>75</sup> Children who were not sent home could either remain in the facility until age 18 or be transferred to an adoption agency after being designated as a child for whom a person liable for support could not be identified.

The decision to transfer a child from a facility to an adoption agency rested with the facility's director. Under the Act on Guardianship and the Guidelines on the Execution of Guardianship Duties for Children Housed in Child Welfare Facilities (effective March 1977), the director of a child's facility was authorized to become their legal guardian and consent to their adoption, with some variation depending on whether the facility was public or private.<sup>76</sup> Agency staff would visit the facility to see a child in person or receive information from facility personnel. Once the agency formally took custody of the child, they were reclassified as a prospective adoptee.

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<sup>73</sup> Child Welfare Act (Act No. 912, enacted December 30, 1961), Article 9 (measures to be taken by the mayor of Seoul Special City or a governor): Within ten days from the date of a report made under the preceding Article concerning a child or pregnant woman in need of protection, the Mayor of Seoul Special City or a governor shall take one of the following measures:

- (1) Issue a disposition concerning the child and his or her guardian, or require the submission of a written oath;
- (2) Assign a child welfare officer or child committee member to provide guidance to the child or guardian;
- (3) Entrust the child to a person willing to provide protection;
- (4) Place the child in a childcare facility, maternity facility, facility for children with intellectual disabilities, facility for blind, deaf, or mute children, facility for children with physical weakness, facility for children with physical disabilities, mother-and-child facility, daycare centre, juvenile training facility, or facility for vagrant children.

<sup>74</sup> Child Welfare Act (Act No. 3438, fully amended 13 April 1981), Article 11 (protective measures):

- (1) When a governor, mayor, county head, or district head discovers a child or pregnant woman in need of protection within his or her jurisdiction, the official shall, in accordance with Presidential Decree, take one of the following measures:
  1. Admonish the child or guardian, or require the submission of a written oath;
  2. Assign a child welfare officer or child committee member to provide guidance to the child or guardian;
  3. Where a guardian or relative is willing to provide care, take necessary steps to enable the child to be protected and raised in that home;
  4. Entrust the child to a person willing to provide protection;
  5. Admit a child or pregnant woman in need of special treatment or recuperation to a hospital or nursing facility;
  6. Refer a child with behavioural or character disorders to another corrective institution.

- (2) Where deemed necessary, a governor, mayor, county head, or district head may, until measures under paragraph 1(4) through (6) or Article 12 are implemented, temporarily entrust the child or pregnant woman to an appropriate person for protection.

<sup>75</sup> Data based on Ministry of Health and Social Affairs, Women's Affairs Bureau, Child Welfare Division, "Statistics on the Handling of Foundlings (1970–1989)," National Archives of Korea, DA1800660.

<sup>76</sup> While the director of a public protective facility automatically became a child's guardian upon their admission, the director of a private facility could only perform guardianship duties after receiving an official designation from the head of the regional government.

The case of petitioner Hwang□■ (2-ra-13206-2) exemplifies the typical process for a protected child with no known next-of-kin. She was placed in temporary protection, moved to a childcare facility, and ultimately referred for intercountry adoption with a guardian's consent.

For these facilities, sending children to adoption agencies was a convenient way of managing capacity. Known as "childcare facilities" (보육시설), but more commonly as orphanages or nurseries, they required approval from the head of the regional government for all admissions, discharges, and transfers.<sup>77</sup> Some facilities were also designated by their city or province to provide temporary protection or manage domestic adoption placements.<sup>78</sup> Since they could not refuse temporary protection referrals from the government, the influx of these children strained their limited space, staffing, and resources, making it harder to care for long-term residents.<sup>79</sup> Witness Go ▼▽, a former manager at the Pentecostal Childcare Center, a facility designated by Gangwon-do for temporary protection and adoption placement, described the situation: "There was no other option but to move the temporarily admitted children out quickly." He added, "Sending children to the agencies did help with managing our numbers... Every facility in every province was full and reluctant to accept transfers. I doubt we could ever have taken care of those children if we hadn't sent them for adoption."<sup>80,81</sup> His successor, witness Eom ▼△, confirmed that the facility was perpetually over capacity. She explained that children left only upon "transfer, adoption, return to a guardian, or death." They therefore attempted to manage overcrowding by transferring children out, but this proved difficult as other facilities, their own capacities also overflowed, were unwilling to accept them.<sup>82</sup>

The two witnesses stated that they selected children for adoption agencies based on specific criteria. They chose children whose parents had definitively relinquished their rights, or who had been in long-term care with no background information and no one had come to claim. In contrast, children with even a slight chance of being found by family—for instance, if a name was found on

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<sup>77</sup> Under the Child Welfare Act Enforcement Decree, childcare facilities are divided into infant facilities (영아시설), which house and protect children under the age of three (under five in the former Enforcement Decree of the Child Welfare Act), and childcare centers (육아시설), which house and protect children from age three (five in the former decree) to eighteen.

<sup>78</sup> These are facilities that provide foster care for children while their domestic or intercountry adoption is in process. In the case of domestic adoption, some facilities designated as adoption placement facilities also directly handled the placement of children with adoptive parents. (They could not handle intercountry adoptions, as only adoption agencies were licensed to do so by the Minister of Health and Social Affairs).

<sup>79</sup> Child Welfare Act, Article 18 (prohibition on refusal of placement): The director of a child welfare facility may not refuse a request for child placement from the Seoul Special Metropolitan Mayor, a provincial governor, or the head of a district, city, or county without a justifiable reason.

- Child Welfare Act, Article 24 (prohibition on refusal of placement, etc.): The director of a child welfare facility may not, without a justifiable reason, refuse a request for child placement or an order for the transfer or discharge of a resident child from a provincial governor or the head of a city or county.

<sup>80</sup> This was the facility where applicants Park ◎□ (2-ra-14824) and Jung △◆ (2-ra-14847) resided before being transferred to an adoption agency.

<sup>81</sup> Recorded testimony of witness Go ▼▽, September 11, 2024.

<sup>82</sup> Recorded testimony of witness Eom ▼△, August 9, 2024.

an accompanying note—were transferred to other facilities instead. At first glance, these criteria appear to align with the legal requirements for adoption.

However, numerous cases revealed that the procedural safeguards required before such transfers were often neglected. The case of petitioner Park ◻□ (2-ra-14842) is illustrative. He was placed in the Pentecostal Childcare Center by Chuncheon City Government citing relinquishment of custody and was transferred to Holt Children’s Service within a week. A review of child records from both the city and the facility suggests he was referred to the adoption agency immediately upon intake by city officials. The facility’s own chart notes that the child “entered our center at Holt’s request” and was subsequently “transferred to Holt.” The Commission’s investigation found that the petitioner was, in fact, a registered child whose birth parents had officially recorded his birth in the family register. A relative who was temporarily caring for the boy had informed the city hall of an intent to relinquish custody, but did so without notifying the child’s parents, who held legal rights. Although the city could have verified the relative’s identity and located the parents, it instead classified the child as relinquished that same day and referred him to a childcare facility and, by extension, to an adoption agency.

In other instances, facilities falsified documents for children who were only temporarily placed in their care, fabricating stories of parental abandonment to facilitate intercountry adoption. Petitioner Kim ◇★ (2-ra-16758) and her younger brother, Kim ○○, were both registered children whose parents had completed their birth and family registrations.<sup>83</sup> According to the petitioner’s testimony and her elementary school records, the siblings were temporarily placed in a childcare facility by their mother after their parents’ divorce and had been living there since around May 1982. The facility, however, created false records claiming that around June 28, 1983, both parents went missing, and the vagrant children in need of protection were admitted to the facility on July 5, 1983, through the Gangseo District Office with approval from the Seoul Municipal Child Counseling Center.<sup>84</sup> The siblings were transferred to Holt Children’s Service on December 23,

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<sup>83</sup> The younger brother is not an applicant in the present case.

<sup>84</sup> This is a case where a child with an identifiable legal parent was made to appear as a child in need of protection, admitted to a child welfare facility, and then sent for intercountry adoption. As such, there are numerous contradictions in the records produced concerning her at the time.

1. A “Seoul Metropolitan Child Protection Center Child Card (Child No. 1983-04653)” for Kim ◇★ indicates the child’s family origin, father’s name, etc., but the section on family environment states: “Due to family breakdown, the children do not know the whereabouts of their parents (...) a resident reported the wandering siblings, leading them to be processed through the Gangseo District Office, (...) it is believed that because the parents are missing, there is no one for them even if they go to their hometown.” The admission date to Angel’s Home is listed as July 5, 1983.
2. A “Seoul Metropolitan Child Protection Center Child Card (Child No. 1984-04371)” in Kim ◇★’s name has the same photograph, name, and date of birth, but it lacks any other guardian information and only states that she was admitted to Angel’s Home on January 1, 1984, and was adopted on June 1, 1984.
3. The “Angel’s Home Personal History Card” states: “Custody relinquished, Asang (*likely refers to the Seoul Metropolitan Child Counseling Center*),” and “(...) divorced. Father raised the children for a time, then left them with their grandmother (paternal) and started a new family. Life with the grandmother was difficult, so after staying briefly at the maternal grandmother’s house, consent for adoption was received from the mother and the great-aunt (maternal).”

1983, the same day the facility director signed their consent forms for intercountry adoption and emigration. After an orphan register was created for them, they left the country on May 30, 1984, without the legal consent of their parents.

Temporary shelters (임시보호소), designed to provide short-term care while authorities searched for relatives and arranged protective measures, and child counseling centers (아동상담소), which handled temporary protection, welfare services, and family assessments, also functioned as channels for adoption agencies to acquire children to place abroad.

The Child Welfare Act stipulated that temporary protection could be entrusted to a child welfare facility. In practice, cities and provinces typically delegated this function to existing childcare facilities, designating them as official temporary shelters.<sup>85</sup> These facilities continued their regular operations while also caring for temporarily referred children, who were not counted against their official capacity. The Chunghyeon Baby Home and Seongnowon Baby Home in Seoul, the Ankara Baby Home in Gyeonggi-do, the Star of the Sea Baby Home in Incheon, the Gongsaengwon Baby Home in Mokpo, the Daeseongwon Baby Home in Daegu, and the Namkwang Baby Home in Busan were all examples of such shelters, operating under the specific regulations of their respective metropolitan and provincial governments.<sup>86</sup>

In some cases, the temporary shelters that adoption agencies were required to maintain for their operating permits were themselves licensed as official child welfare facilities under the Child Welfare Act. In other instances, the agencies established their own network of shelters in key cities across the country.<sup>87</sup> By law, children in need of protection, such as foundlings and missing children, were supposed to be cared for in government-designated or publicly operated temporary shelters while a search for their families was conducted. However, the proliferation of private shelters run by the adoption agencies themselves became a point of controversy, as they often funneled children directly into the adoption process without conducting a meaningful search for

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4. The “Holt Children’s Service Child Report C” states: “(...) the natural father [entered into relationship with a woman who became] a stepmother and lived with the two siblings for a while before leaving them in the care of their great-aunt (his own aunt), moving away, and losing all contact. Therefore, the great-aunt visited the Municipal Child Counseling Center for a consultation and requested adoption. On May 17, 1982, the Metropolitan Child Counseling Center referred the child for admission to the Angel’s Home childcare center.”

<sup>85</sup> Child Welfare Act, Article 8 (measures to be taken by heads of districts, cities, and counties):

(1) When the head of a district, city, or county discovers a child or pregnant woman in need of protection within their jurisdiction, they shall provide temporary protection and report to the Seoul Special Metropolitan Mayor or provincial governor without delay. However, if the person has a guardian or spouse, their opinion must be heard.  
(2) When necessary for the temporary protection provided for in the preceding clause, the head of a district, city, or county may entrust that protection to a child welfare facility within their jurisdiction.

<sup>86</sup> Seoul Special Metropolitan City, “Reorganization of Child Welfare Facilities (April 30, 1975),” in *File of Regulations and Circulars on Adoption* (Seoul Metropolitan Archives); Gyeonggi-do, “Enactment of Guidelines for the Operation of Temporary Shelters for Foundlings (December 18, 1971),” in *File of Health and Social Affairs Regulations and Circulars* (National Archives of Korea, BA0175056); Mokpo City, “Execution of Contract for Temporary Protection of Foundlings (December 13, 1974),” in *File of Contracts Related to Temporary Shelters for Foundlings* (National Archives of Korea, BA0553526), etc.

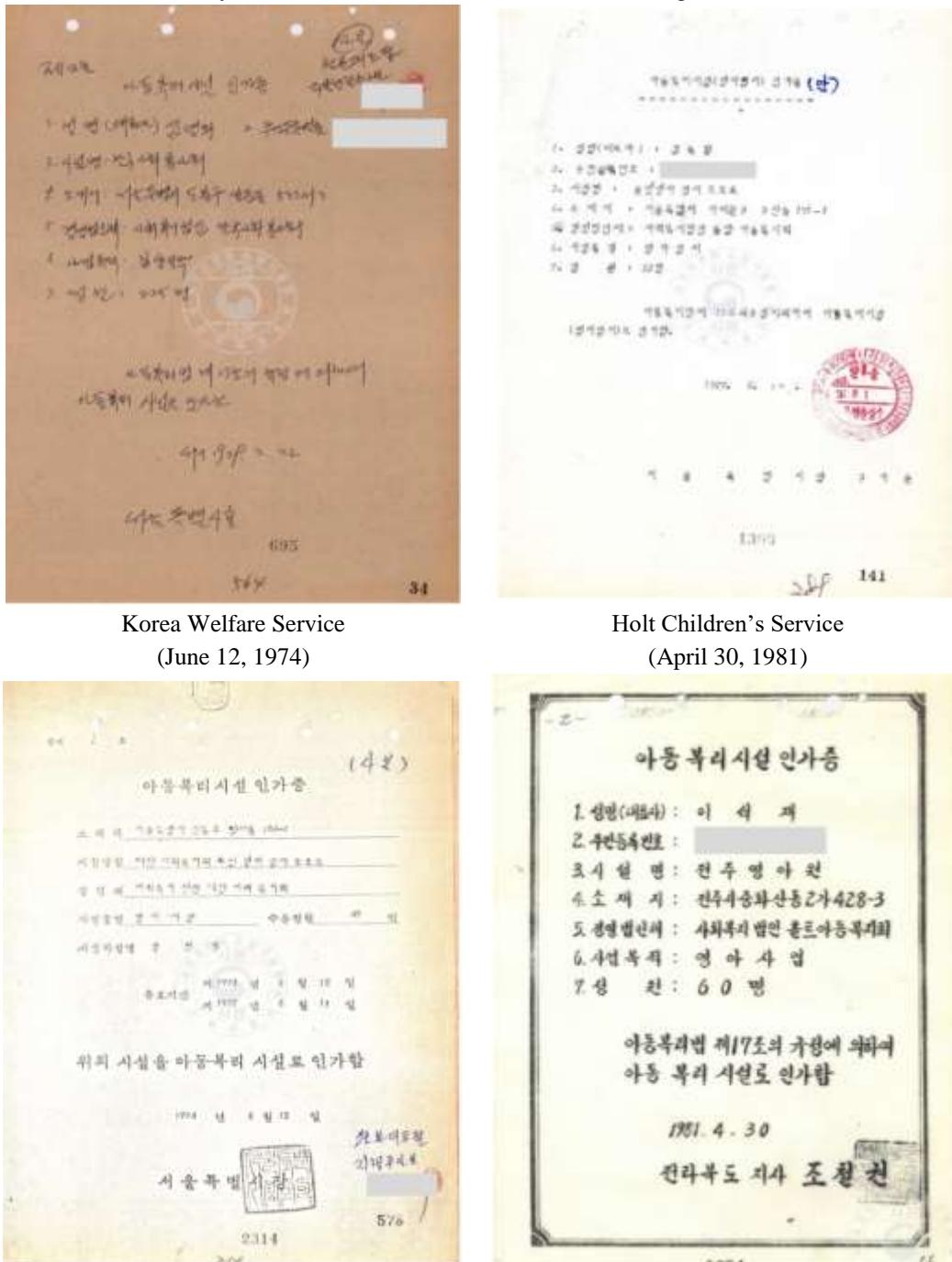
<sup>87</sup> Beginning in 1971, Holt established temporary shelters in Seoul, Ilsan, and Jeonju; Korea Welfare Service opened its own temporary shelters in Seoul and Gwangju.

their families.<sup>88</sup> For example, in the case of petitioner Jung△ (2-ra-17306), police referred the child to Korea Welfare Service on April 3, 1977. The agency processed the intake that same day, placed the child with a foster family, and immediately began adoption proceedings.

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<sup>88</sup> *Dong-A Ilbo*. “Thirty Years of Intercountry Adoption: Must Painful Separations Continue?” October 4, 1986.

Figure 6. Child welfare facility licenses for each adoption agency  
Korea Social Service (February 22, 1977) Eastern Child Welfare Service (August 31, 1977)



※ Sources: National Archives of Korea, BA0089659, BA0089683, BA0089685, BA0626492.<sup>89</sup>

<sup>89</sup> Each adoption agency operated its temporary shelters under a distinct model:

- Korea Social Service: Licensed as a comprehensive child welfare facility for adoption placements.

In the early 1970s, Gyeonggi-do released the Guidelines for the Operation of Temporary Shelters for Missing and Abandoned Children, a directive applied to four designated facilities, i.e., the Ankara Baby Home in Suwon, Holt Children's Service in Ilsan, the Yangju Baby Home, and the Star of the Sea Baby Home in Incheon.<sup>90</sup> Under the original guidelines, a foundling was to be placed in a designated shelter for one month. During this period, the shelter was responsible for providing care, searching for relatives, and arranging for the child's return home or placement for adoption. If a month passed with no resolution, the child had to be transferred to a long-term infant facility. The guidelines were amended on December 18, 1972. The revision allowed a foundling to remain in a temporary shelter for up to three months during the search for relatives, after which they could be transferred to an adoption agency or prospective parents for domestic or intercountry adoption. Furthermore, the shelter affiliated with Holt was granted a special extension to six months. If a child was not adopted within that time, they were to be transferred to another facility run by Holt to continue the adoption process. In effect, the revised guidelines meant that any child whose family could not be located within the specified time frame automatically became a candidate for adoption. The case of petitioner Han ■☆ (2-ra-14812), who was placed in the Star of the Sea Baby Home, followed this exact trajectory. She was admitted to the facility on September 8, 1974, and transferred to the adoption agency Korea Social Service on November 30.

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- Eastern Child Welfare Service: Licensed to operate by using the building and a portion of the capacity of a separate childcare facility (Eunpyeong Angel's Home). It exclusively admitted and managed children taken in by the agency itself, not children in need of protection from the local area.
- Korea Welfare Service: Received its license by repurposing a defunct facility (the Hongje Baby Home) as a temporary shelter for infants.
- Holt Children's Service: Received its license by designating its own affiliated facilities in provincial cities as official child welfare facilities. The operating regulations for its Jeonju Baby Home, for example, listed not only the "housing and protection of children in need of protection" but also "domestic and intercountry adoption of children" as its official business.

<sup>90</sup> Gyeonggi-do, "Introduction of Guidelines for the Operation of Temporary Shelters for Missing and Abandoned Children," December 18, 1971, *File of Health and Social Affairs Regulations and Circulars* (National Archives of Korea, BA0175056).

Table 7. Comparison of the old and new versions of the Gyeonggi-do Guidelines for the Operation of Temporary Shelters for Missing and Abandoned Children

Before revision (December 18, 1971)	After revision (December 18, 1972)
<p>마. 보호소에 입소된 아동에 대하여 입시 보호 기간을 1개월로 삼을 원칙 으로 하며/ 기관이 내에 연고 가를 수를 인도 하여야 하고 구내외 일양을 추진하며 입양유선기관 또는 외부 보호 회망자에게 인계하여야 한다.</p> <p>마. 전향의 경우 1개월이 경과된 아동은 일반임아시설에 전분시 키아 되며 보호소장을 기관원로 전 5일이 내에 전원대 상자 병단을 작성하여 소재지 관찰 시장군수를 경을 도지사에게 보고 하여 도지사가 지정한시설에 전분시 키아한다.</p>	<p>마. 보호소에 입소된 아동에 대하여 입시 보호 기간을 3개월로 하며 동 기간내에 연고 가를 수를 인도 하여야하고 무연고 아동에 대해서는 구내외 일양을 추진 아버일양 입선기관 또는 일양 회망자 에게 인계하여야 한다.</p> <p>다만 예외입양기관인 홀로 아동 복지회 병설기아입시보호소 수용 기간은 6개월로 한다.</p> <p>마. 홀드 아동 복지회 기아입시 보호소에서 5개월이 내에 일양이 되지 않을 경우 에는 홀드 아동 복지회 일반시설에 전분 수용하고 일양을 추진한다.</p>

Mokpo City also contracted with the Gongsangwon Baby Home, a social welfare corporation that operated a childcare facility, to handle the temporary protection of foundlings. The contract stipulated a protection period of one month (extended to two months after 1986), during which a child was to be returned to relatives, placed for domestic or intercountry adoption, or transferred to another facility.<sup>91</sup> However, in the case of petitioner Kang ◇ (2-ra-16094), records show that after her impoverished birth parents had allegedly relinquished her, she was admitted to the Gongsangwon temporary shelter on November 17, 1976, and transferred to Holt just one day later, on November 18.<sup>92</sup>

Other petitioners were also transferred to adoption agencies swiftly, well before the minimum period required to search for relatives had passed. On February 27, 1977, petitioner Woo □ (2-ra-14692) was placed by police in Seoul's Chunghyeon Baby Home, only to be transferred to Holt less than a week later, on March 3. In another case, on May 17, 1977, the head of Goyang County referred petitioner Kim ○ ◇ (2-ra-14485) for placement at a Holt temporary shelter for foundlings; Holt Children's Service took custody of the child that very same day and began the intercountry adoption process. The case of petitioner Seo ◎ ♀ (2-ra-14897-1) involved being processed through the police and the city before being admitted to the Namkwang Baby

<sup>91</sup> "Contract for the Entrustment of a Temporary Shelter for Missing and Abandoned Children in Mokpo City," December 17, 1974, in *File of Contracts Related to Temporary Shelters for Foundlings*, National Archives of Korea, BA0553526.

<sup>92</sup> Mokpo Gongsangwon, "Individual Record Card for Abandoned Child (Kang ◇, November 16, 1976)," faxed to Holt Children's Service, February 27, 2015; Holt Children's Service, "Initial Social History Korea (Kang ◇, November 22, 1976)."

Home, a temporary shelter, on September 1, 1975. Just two weeks later, Korea Social Service began arranging for her intercountry adoption.

The child counseling centers established under the 1981 Child Welfare Act were also utilized as a channel for acquiring children for adoption. Beginning in the mid-1970s, the Ministry of Health and Social Affairs had encouraged the operation of private child counseling centers. The rationale was that private centers were needed to supplement the limited number of city- and county-run centers, with the goal of preventing facility placements by reducing the number of children identified as in need of protection through counseling and guidance.<sup>93</sup> However, the government did not provide financial support for this initiative, instead encouraging well-funded foreign aid organizations to establish and operate the private centers.<sup>94</sup> As a result, it was predominantly the adoption agencies themselves that ran these facilities.

When the Child Welfare Act was enacted in 1981, it established regulations for the creation and operation of private child counseling centers. Contrary to the original intent of preventing the proliferation of children in need of protection, adoption agencies began using these centers as a means to procure children for their adoption programs. Because private child counseling centers could perform the functions of a temporary shelter while also offering counseling for pregnant women and handling adoption-related tasks, they could efficiently transfer children to their parent adoption agencies. The agencies expanded their networks by opening more branches in the form of child counseling centers across the country, where they actively engaged in counseling and outreach to source prospective adoptees.<sup>95</sup> After 1981, Holt converted its local offices and temporary shelters in Suwon, Daejeon, Jeonju, Gwangju, Daegu, Busan, and Chuncheon into child counseling centers. Korea Welfare Service established its own child counseling centers in Uijeongbu, Gwangju, Busan, and Taebaek.

Regardless of whether they were formally admitted to a protective facility or placed in temporary foster care, children classified as foundlings (*gia*) were processed quickly for adoption. Yet there was no clear standard for determining which children qualified as foundlings. Witness Im ▽♀, who worked in child welfare as a civil servant for Gyeonggi-do and Incheon City from 1972 to 1982, explained: “A foundling is an abandoned child, whereas a missing child is one who

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<sup>93</sup> In 1975, Choi Jong-do, then director of the Child Welfare Division at the Ministry of Health and Social Affairs, advocated for private child counseling centers as a way to prevent the institutionalization of children. At a roundtable hosted by *Donggwang*, a child welfare journal published by the Christian Children's Fund (CCF) Korea Federation, he praised several centers operating without government subsidies as models of success, including the Gyeonggi Social Service in Suwon, the Chunghyeonwon Baby Home in Gwangju, the Hongseong Baby Home, and the Namkwang Baby Home in Busan, all of which were supported by Baek Keun-chil's Asia Children's Foundation. See Choi Jong-do et al., “Roundtable: Let’s Open the Facilities: A New Direction for Child Welfare,” *Donggwang* 68 (1975).

<sup>94</sup> Recorded testimony of witness Hong ▼▲, September 10, 2024: “Back then, the government couldn’t afford it financially. Counseling centers should have really been run by the government. But since the government didn’t have that capacity, foreign aid organizations established many of the centers, and the government encouraged them to do so.” Hong ▼▲ succeeded Choi Jong-do as director of the Child Welfare Division, serving from 1976 to 1980.

<sup>95</sup> Recorded testimony of witness Im ▽♀, April 11, 2024: “Expanding the branches and counseling centers was also a way to secure more children, since the numbers were dwindling. From the agencies’ perspective, children were an asset, and at certain times, the agencies were competing with each other.”

is lost and wandering, and whose parents might be found during the temporary protection period.” However, he added: “Missing children were sometimes processed as foundlings.” He further testified that adoption “was only legally possible for an unregistered child with no birth parents, but this confirmation was done by the adoption agencies, not by a government body.”<sup>96</sup> Witness Jeong ▼○, who worked at a child counseling center as a Seoul civil servant from 1982 to 1999, also stated: “A foundling is a child abandoned on the street by their birth parents (like an unmarried mother), whereas a relinquished child is one whose parents have signed a relinquishment form with the government or an agency. But the meanings can overlap, and when a child is first found and placed in a facility, you can’t know if they are a foundling or a missing child.”<sup>97</sup>

Given this situation, it became standard practice for the adoption agencies receiving these children to presume they were foundlings. Witness Hong ▽♀, a former employee at the Busan branch of Korea Welfare Service, was asked by an investigator: “In the 1970s and 1980s, there were media reports about missing or abducted children who ended up being adopted through facilities and agencies. How could the adoption agencies confirm a child was actually a foundling?” She responded: “At the time, I never once considered that a child might *not* be a foundling. It was only later, when I saw cases like Susan Brink’s *Arirang*, that I was shocked.”<sup>98,99</sup> Witness Lee ▽★, who worked at the headquarters of Korea Welfare Service, said of the children transferred from local offices and temporary shelters: “Even if they were missing children, if their parents didn’t come looking and their personal details were hard to know, we just processed them as abandoned.”<sup>100</sup>

The ability of adoption agencies to rapidly transfer children from protective facilities led to a surge in adoptions. The number of intercountry adoptions rose from 2,674 in 1971 to 6,220 in 1976, while domestic adoptions increased from 200 in 1972 to 1,386 in 1976. The percentage of identified foundlings being adopted was approximately 58.6 percent in 1972, but it climbed sharply starting in 1973, reaching 99.8 percent in 1974. The rate remained consistently above 80 percent throughout the 1980s.<sup>101</sup>

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<sup>96</sup> *Ibid.*

<sup>97</sup> Interview transcript of witness Jeong ▼○, July 2, 2024.

<sup>98</sup> This refers to the 1991 film *Arirang*, based on the true story of Susan Brink (Shin Yoo-sook), a Korean adoptee raised in Sweden. The film explored problems in intercountry adoption, including abuse by adoptive parents and the search for birth parents.

<sup>99</sup> Recorded testimony of witness Hong ▽♀, June 12, 2024.

<sup>100</sup> Recorded testimony of witness Lee ▽★, June 20, 2024.

<sup>101</sup> Table 8 contains statistical anomalies, such as the ratio of total adoptions to foundlings exceeding one hundred percent in 1977 and 1979. This appears to be due to two factors. First, such discrepancies are somewhat inevitable, as children identified as foundlings in one year might not have their adoptions finalized until one or two years later. Second, adoption agencies were known to over-report their domestic adoption numbers to the government. A 1981 special audit by the Ministry of Health and Social Affairs, for example, revealed that Holt had inflated its domestic adoption figures by 439 for the 1979–1980 period. See Holt, “Report on Measures Taken in Response to Audit Findings,” October 5, 1981, in *Korea Leprosy Research Institute Files* (National Archives of Korea, BA0129966).

Table 8. Adoptions relative to identified foundlings, 1972–1986

	Foundlings identified	Adopted abroad	Adopted in Korea	Total adoptions	Total adoptions / foundlings identified
1972	6,201	3,433	200	3,633	58.6%
1973	5,948	4,481	242	4,723	79.4%
1974	6,009	5,109	885	5,994	99.8%
1975	7,347	5,379	943	6,332	86.0%
1976	9,574	6,220	1,386	7,606	79.4%
1977	7,117	5,597	3,079	8,676	121.9%
1978	9,270	5,387	3,522	8,909	96.1%
1979	7,763	4,213	3,660	7,873	101.4%
1980	8,500	4,124	3,657	7,781	91.5%
1981	9,138	4,521	3,267	7,788	85.2%
1982	11,587	6,215	3,298	9,513	82.1%
1983	12,114	7,202	3,004	10,206	84.2%
1984	13,430	7,757	3,000	10,757	80.1%
1985	14,230	8,609	2,855	11,464	80.6%
1986	13,887	8,779	2,854	11,633	83.8%

\* Foundling statistics: Ministry of Health and Social Affairs, “Data on the Handling of Foundlings (1970–1989)”.

\* Statistics on intercountry adoptions: Data submitted by the four adoption agencies.

\* Statistics on domestic adoptions: Ministry of Health and Social Affairs, “Guidelines for the Operation of Adoption Agencies (February 25, 1983),” in *Adoption Program Guidelines* (National Archives of Korea, DA0872941); “Plan for Improvement of the Adoption Program (August 1989),” in *Adoption Program Guidelines 2* (National Archives of Korea, DA0872951).

This dramatic increase in adoptions was a direct result of the fierce rivalry between adoption agencies, which established their own private child counseling centers to compete for children.<sup>102</sup> A 1981 audit by the Ministry of Health and Social Affairs completely failed to address the issue of this competition, however.<sup>103</sup> At a 1982 meeting attended by the Ministry's Director of the Family Welfare Bureau, the Director of the Child Welfare Division, and the heads of the four major adoption agencies, Holt's President Kim Han-gyu seemed to acknowledge the excessive competition when he stated: “There is a problem with intake; let's respect existing territories and avoid friction.”<sup>104</sup> Yet, the government took no regulatory action. It was not until the lead-up to the 1988 Seoul Olympics, when Korea's intercountry adoption practices drew international

<sup>102</sup> As of October 1987, around 40 such centers had been established nationwide. See Ministry of Health and Social Affairs, “Improving Management of the Adoption Program,” October 10, 1987, in *Adoption Program Guidelines 2* (National Archives of Korea, DA0872951).

<sup>103</sup> See Auditor's Office, Ministry of Health and Social Affairs, *Demand for Disposition based on Audit Findings* (1983) (National Archives of Korea, BA0130064) and Holt, “Report on Measures Taken in Response to Audit Findings”.

<sup>104</sup> “Minutes of the Meeting of Adoption Agency Directors,” January 20, 1982, in *Adoption Program Guidelines* (National Archives of Korea, DA0872941).

criticism, that the government finally issued a directive ordering agencies to curb their competition.<sup>105</sup>

Table 9. 1987 Directive on improving the operation of adoption programs

Category	Problems identified	Actions taken
Intercountry adoption advertising	Promotion of intercountry adoption creates a negative public impression and incites competition among agencies.	Prohibit all advertising for intercountry adoption programs.
Curbing the establishment of child counseling centers	<ul style="list-style-type: none"> <li>○ The expansion of counseling centers into new city and county jurisdictions intensifies competition.</li> <li>○ Counseling activities are insufficiently focused on child welfare.</li> </ul>	<ul style="list-style-type: none"> <li>○ Curb the expansion of agency-run child counseling centers and affiliated temporary shelters.</li> <li>○ The outcomes of counseling for children from at-risk families must be verified through official city or provincial child counseling centers.</li> <li>○ Monthly performance reports, including child intake numbers, must be submitted to official city or provincial child counseling centers.</li> </ul>

The government sought to reduce the number of children in institutional care to lessen the burden on the national welfare budget, especially as foreign aid began to decline in the 1960s. Intercountry adoption was touted as the most practical solution.<sup>106</sup> Although the government announced plans to shift from institutional care to home care or *geotaek guho* (거택구호) with the 1961 Child Welfare Act,<sup>107</sup> it took no meaningful action to support its new policy, freezing the budget for home care for over a decade (1963–1974).<sup>108</sup> Furthermore, in a 1965 report to the National Assembly, the Ministry of Health and Social Affairs described intercountry adoption as a “kill two birds with one stone” enterprise that would both generate foreign currency (about USD 130 per child) and reduce the population in domestic institutions. In essence, it was promoted as a convenient method for managing children in need of protection without increasing government spending.

Throughout the 1970s, the government used the media to advance the narrative that the country was “unable to accommodate all children in need of families” and that “intercountry

<sup>105</sup> Ministry of Health and Social Affairs, “Improving Management of the Adoption Program,” October 10, 1987, in *Adoption Program Guidelines 2* (National Archives of Korea, DA0872951). A portion of the directive reads: “1. The fact that child counseling centers run by adoption agencies... continue to expand even though around 40 are already operating nationwide not only creates the potential for competition among agencies but also obstructs the essential function of child counseling services as defined by the Child Welfare Act... 2. Therefore, in order to improve the quality of agency counseling... and eliminate the potential for competition in intake activities, we ask that approvals for the establishment of new counseling centers be suspended from now on...”

<sup>106</sup> See *Chosun Ilbo*, “Polio Vaccine for Free,” January 18, 1962; *Chosun Ilbo*, “Orphans into Homes,” March 16, 1963; *Dong-A Ilbo*, “Aid Cut for Over 10,000 Orphans This Year,” January 10, 1969.

<sup>107</sup> *Kyunghyang Shinmun*, “New Hope for Abused Orphans,” February 14, 1962.

<sup>108</sup> Kim Jo-seol, *The History of the Formation of Welfare Policy in Korea* (Seoul: Human and Welfare, 2017), 70–74.

adoption is preferable to institutional care.”<sup>109</sup> This stance was codified in the 1977 Adoption Act, which made residence in a protective facility a prerequisite for adoption eligibility, underscoring the state’s position that a family was superior to an institution. The government simultaneously pledged to promote domestic adoption, but the demand for such had dried up by the end of the third year. As the policy of using intercountry adoption to fill gaps in the domestic child welfare system continued, the annual quota on adoptions was lifted in the early 1980s, creating a climate in which the state was, in effect, actively encouraging the practice.

## 2) Acquiring children from adults in institutional care

Adoption agencies also sourced children from facilities housing adults. The adults subject to such institutionalization included beneficiaries under the Livelihood Protection Act, women subject to the Act on the Prevention of Prostitution, Etc., mothers raising children subject to the Mother and Child Welfare Act, and “vagrants” as defined by the Guidelines on the Reporting, Crackdown, Internment, Protection, Repatriation, and Aftercare of Vagrants (Ministry of Home Affairs Directive No. 410). The Commission’s investigation revealed a troubling pattern. When an adult in one of these categories was institutionalized with their child, or gave birth while in custody, the facility could refer the child to an adoption agency, regardless of whether the parent had signed a formal adoption consent form.

The cases from women’s facilities are particularly illustrative. The birth mother of petitioner Kim●▽ (2-ra-14739) was briefly admitted to a vocational guidance center for women, the Gyeonggi Women’s Vocational Institute, shortly after arriving in Seoul. After completing a basic skills course, she was discharged and found a job, but later became pregnant out of wedlock.<sup>110</sup> She returned to the facility seeking an abortion, but the staff refused, persuading her instead to carry the child to term and place it for adoption. The facility referred her case to the Christian Adoption Program of Korea (CAPOK).<sup>111</sup> Agency records show that CAPOK began counseling the mother on February 16, 1971. On March 30, after she gave birth in an outside hospital, the agency had her sign adoption consent forms, took custody of the infant, and then transferred the child to Holt. The mother was discharged the next day and returned to the vocational institute. Case records describe the mother as showing no desire to raise the child and expressing

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<sup>109</sup> *Kyunghyang Shinmun*, “On the Act on Special Cases concerning Foundling Adoption,” May 25, 1973; *Maeil Business Newspaper*, “The Longing Hand of Love: A Look into the State of Adoption for Underprivileged Children,” June 16, 1978.

<sup>110</sup> Gyeonggi-do took over the former National Shelter for Women in June 1962, renaming it the Gyeonggi Provincial Shelter for Women. In 1966, it was renamed again, this time as the Gyeonggi Women’s Vocational Institute.

<sup>111</sup> CAPOK began its domestic adoption program in July 1962 and its counseling service for unmarried parents (known as “custody relinquishment counseling” before 1970) around 1967. On December 9, 1975, the Ministry of Health and Social Affairs authorized the absorption of CAPOK’s parent corporation, the Social Work Foundation of the Korean Christian Reform Mission, into Holt Children’s Service. See *Dong-A Ilbo*, “Statistics from CAPOK Counseling Department Show Unmarried Mothers on the Rise,” November 21, 1972; Heo, “A Study on the Current State of Domestic Adoption Programs”; and Ministry of Health and Social Affairs, “Permit for Merger of Social Welfare Corporations,” December 9, 1975, in *Corporate Register (Holt Children’s Service)* (National Archives of Korea, BA0089682), 374.

a plan to relinquish the baby in order to find a job and start an independent life. For an unmarried woman in her early 20s living in a state-run group home in the early 1970s, there were few alternatives to either relinquishing her child or attempting to continue a relationship with the birth father. The “Legal Investigation Report” from her file reveals the narrow scope of her counseling sessions. The questions focused almost exclusively on the birth father—his relationship with the mother, whether he knew of the pregnancy and birth, if he had any contact with the child—and whether the mother still hoped to establish a relationship with him. The only other major point of inquiry was the child’s legal registration status.<sup>112</sup>

Petitioner Nam ▲ ♀ (2-ra-17312) was the son of a woman institutionalized at the Southern Seoul Women’s Shelter, a facility for so-called “vagrant” women that specifically housed those with disabilities. Immediately after his birth at 1:30 a.m. on April 29, 1978, he and his mother, Lee ○○, were referred to a Korea Welfare Service hospital.<sup>113,114</sup> Until then, the infant was known only as “baby” or *aegi* (애기), but was given his current name by Korea Welfare Service on the same day the agency took custody.<sup>115</sup> Although his mother’s name and age appeared on official documents from the women’s shelter, they were marked “Unknown” in the “Social Study” report prepared by the adoption agency. There were no accompanying documents to confirm that his mother, the legal rights holder, had consented to the adoption.

Between 1977 and 1985, at least eight other children born to inmates at Seoul’s municipal women’s facilities were similarly transferred to adoption agencies. A study commissioned by the Commission to a Seoul National University research group found that, of the 1,098 inmates with surviving personal history cards, 14 gave birth just before or after being institutionalized. The children of eight of these mothers were recorded as having been transferred to adoption agencies.<sup>116</sup> The personal history cards for these birth mothers often contained notations such as “mental disorder” or “feeble-minded,” suggesting they were classified as disabled, and that their ability to raise a child or provide informed consent was therefore dismissed.

Children of women sent to vagrant facilities during the indiscriminate roundups under Ministry of Home Affairs Directive No. 410 were also channeled into this system. They were either transferred directly to adoption agencies or sent first to a childcare facility, where the director would later consent to their adoption and subsequent transfer. During its investigation into the

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<sup>112</sup> CAPOK, “Legal Investigation Report” (ca. March 30, 1971).

<sup>113</sup> Ordinance on the Establishment of the Seoul Metropolitan Southern Women’s Guidance and Protection Shelter and the Eastern Women’s Vocational Institute (Seoul Metropolitan Ordinance No. 957, effective June 12, 1975), Article 1 (Purpose): The Seoul Metropolitan Southern Women’s Guidance and Protection Shelter (hereafter “the Shelter”) and the Seoul Metropolitan Eastern Women’s Vocational Institute (hereafter “the Institute”) shall be established for the housing, protection, and guidance toward self-reliance of destitute and unsupported women and other women in need of protection.

<sup>114</sup> Southern Seoul Women’s Shelter, “Request for Patient Treatment and Hospitalization,” April 29, 1978.

<sup>115</sup> Korea Welfare Service, “Comprehensive Record Form and Progress Log for Adopted Child (Child No. 78-483),” entry dated April 29, 1978.

<sup>116</sup> Chu Ji-hyeon et al., *Final Report on the Analysis of Intake Data from Seoul Metropolitan Women’s Internment Facilities* (Seoul: Seoul National University R&DB Foundation and Truth and Reconciliation Commission, 2024), 125–133.

mass confinement facilities of the authoritarian era, the Commission identified cases of inmates' children being sent for intercountry adoption from three separate vagrant facilities.<sup>117</sup>

For instance, at Sungjiwon in Daejeon and Yangjiwon in Yeongi County, six infants born to female inmates between 1984 and 1986 were transferred to a childcare facility called Pearce Baby Home within 12 days of their birth, some on the very day they were born.<sup>118</sup> These children were later transferred to Holt approximately one month before their departure from the country. Five of the six were ultimately sent overseas for adoption; the sixth child died.

Table 10. Cases of children transferred from Sungjiwon and Yangjiwon to a childcare facility, then to an adoption agency

Initial facility	Name	Sex	Birth mother	Date of birth	Date transferred to Pearce Baby Home	Date transferred to Holt	Reason for discharge	Departure date	Remarks
Sungji-won	Kang ◌▷	M	Kang ◌▷	Feb. 11, 1984	Feb. 12, 1983	Jul. 20, 1984	Adopted abroad (Denmark)	Aug. 24, 1984	n/a
	Lim ◌★	F	Lim ◌★	Nov. 3, 1984	Nov. 3, 1984	Apr. 27, 1985	Adopted abroad (Norway)	May 3, 1985	n/a
Yangji-won	Lee ◌♀	M	Kim ◌◀	Feb. 13, 1984	Feb. 13, 1984	May 7, 1984	Deceased (unknown cause)	n/a	Twins
	Lee ◌♣	M		Feb. 13, 1984	Feb. 13, 1984	Aug. 14, 1984	Adopted abroad (USA)	Aug. 31, 1984	
	Yang ◌♣	F	Ahn ◌★	Feb. 29, 1984	Mar. 2, 1984	Dec. 15, 1984	Adopted abroad (Norway)	Jan. 30, 1985	n/a
	Bang ◌★	F	Bang ◌○	Sep. 14, 1984	Sep. 26, 1984	May 19, 1986	Adopted abroad (USA)	Apr. 17, 1986	

\*Excerpt from the Truth and Reconciliation Commission, *Investigation Report on...Vagrant Internment Facilities*, 166, Table 51.

\*The date listed for Bang ◌★'s transfer to Holt appears to be a clerical error, as it is later than the departure date.

In Daegu, of the 14 children transferred from Daegu Huimangwon to the local branch of Eastern Child Welfare Service between 1985 and 1986, 11 were sent for intercountry adoption. Except for one child who was institutionalized with his mother (see Table 11, entry 1), all were born at the facility or at Daegu Medical Center after their pregnant mothers had been forcibly confined there. The average time between a child's birth and their transfer to the adoption agency was a mere four days. For several children (entries 3–5 and 9–14), the names assigned by the facility were different from the new names created by the adoption agency. Records show that during the average four-month period between an agency taking custody and the child's departure from the country, this fundamental identifying information was changed. The facility's sole justification for deeming these mothers unfit was a collection of terse notes, such as "feeble-minded" or "multiple psychiatric hospital admissions." No evidence exists of any investigation into whether other family members could have cared for the children.

<sup>117</sup> Truth and Reconciliation Commission, *Investigation Report on Human Rights Violations in Adult Vagrant Internment Facilities* (2024), 163–168; and *Investigation Report on Human Rights Violations at the Brothers' Home (4th)* (2025).

<sup>118</sup> The two facilities, Sungjiwon and Yangjiwon, were operated by the same corporation.

Table 11. Cases of children transferred directly from Daegu Huimangwon to an adoption agency

No.	Name 1	Name 2	Sex	Birth mother	Date of birth	Transfer date	Adoption date	Country of adoption
1	Kwon ◉●	Kwon ◉●	F	Ha ▷●	Unknown (Feb. 20, 1983)	Mar. 12, 1985	Jun. 25, 1985	USA
2	Kwon ◉◎	Kwon ◉◎	M		Unknown (Marc. 4, 1985)	Mar. 5, 1985	Jun. 25, 1985	USA
3	Yu ◉◇	Hwang ◉☆	F	Hwang ▷◎	Feb. 6, 1985	Feb. 21, 1985	Jun. 28, 1985	USA
4	Lim ◉◆	Lim ◉★	F	Lim ▷◇	Jan. 14, 1985	Jan. 11, 1985	May 4, 1984	USA
5	Lim ◉□	Lee ◉♀	M	Lee ▷◆	Dec. 31, 1984	Jan. 11, 1985	May 4, 1985	USA
6	Kim ◉■	n/a	M	Kim ▷□	May 8, 1985	May 10, 1985	n/a	n/a
7	Kim ◉△	n/a	F	Kim ▷■	Sep. 19, 1986	Sep. 22, 1986	n/a	n/a
8	Kim ◉▲	Kim ◉▲	M	Kim ▷△	Oct. 15, 1985	Oct. 17, 1985	Oct. 31, 1985	Korea
9	Lee ◉▽	Lee ◉◆	F	Lee ▷▲	Nov. 19, 1986	Nov. 22, 1986	Mar. 4, 1987	USA
10	Lee ◉▼	Kim ◉♀	F	Lee ▷▲	Sep. 30, 1986	Oct. 2, 1986	Mar. 23, 1987	Australia
11	Jeon ◉◀	Kim ◉◆	M	Kim ▷▼	Nov. 15, 1985	Nov. 16, 1985	Apr. 11, 1986	USA
12	Jeon ◉◀	Shim ◉☆	F	Shim ▷◀	Oct. 30, 1985	Oct. 31, 1985	Apr. 10, 1986	USA
13	Cho ◉▷	Choi ◉★	F	Kim ▷◀	Feb. 9, 1986	Feb. 12, 1986	Jun. 12, 1986	Australia
14	Cho ◉▷	Lee ▷○	M	Lee ▷▷	Sep. 17, 1985	Sep. 19, 1985	Mar. 29, 1986	USA

\*Excerpt from the Truth and Reconciliation Commission, *Investigation Report on ... Vagrant Internment Facilities*, 164, table 50.

\*The dates of birth for Kwon ◉● (entry 1) and Kwon Kwon ◉◎ (entry 2) were not on their Daegu Huimangwon personal history cards but were confirmed through the National Center for the Rights of the Child adoptee database.

\*The columns for “Name 2,” “Adoption date” and “Country of adoption” show records confirmed by the National Center for the Rights of the Child adoptee database; all other information is from personal history cards kept by Huimangwon.

\*The records for Kim ◉■ (entry 6) and Kim ◉△ (entry 7) could not be confirmed in the National Center for the Rights of the Child adoptee database.

At the Brothers’ Home in Busan, a city shelter for so-called vagrant children and adults, 31 institutionalized children were sent overseas for adoption between 1976 and 1986. Of these, 15 were born inside the facility or at an affiliated hospital to women who had been forcibly confined there while pregnant. Another three were confirmed to have been rounded up and institutionalized alongside their mothers. The three adoption agencies that took custody of these children sometimes managed to obtain copies of their personal history cards from the Brothers’ Home. Far more often, however, the first record an agency had for a child was the adoption consent form signed by the facility director, paired with an intake report written by a social worker. The accuracy of these reports is questionable, as they were based entirely on information provided by the Brothers’ Home.

Witness Hong ▽♀, a former employee of the Korea Welfare Service branch in Busan who handled the transfers of petitioner Hwang □■ and two other infants from the facility, contrasted the process of acquiring children from a standard childcare facility with that of a vagrant shelter:

Back then, when children were going for intercountry adoption, the director of a childcare facility would select them first and then refer them to us. We would then check the child's condition and write a report. We never had the chance to spend several days with the child or observe them for a long time. We wrote our reports based on what the facility staff in charge of the child told us. ... At a typical baby home, we could go into the rooms to see them. At the Brothers' Home, we never had that kind of contact. They would bring the child to the office, and we would talk with the caregiver in charge of the report. We only saw the baby that way; we never saw their living environment. ... (*After reviewing the documents for a newborn she transferred*) I probably wrote down exactly what I heard from the facility. I don't think I ever saw the mother. ... Based on these documents, it's highly unlikely I met the mother. This was an institution, so when the director called to say he was sending a child, we would just go pick them up. Since this child was institutionalized, the facility director would have made the decision.<sup>119</sup>

Table 12. List of children from the Brothers' Home sent for intercountry adoption

No.	Name	Changed name	Date of birth	Birth mother	Date of institutionalization <sup>120</sup>	Reason for institutionalization (summary)	Adoption referral	Adoption agency	Country of adoption
1	Gi ▷▶	n/a	Jan. 10, 1972	n/a	Mar. 11, 1976	Abandoned	Brothers' Home	ECWS	USA
2	Lee ▷☆	n/a	Jan. 15, 1976	Kim ☆◆	Mar. 2, 1978	Institutionalized with birth mother	Brothers' Home	ECWS	USA
3	Kim ▷★	n/a	Sept. 14, 1978	Kim ☆□	Sept. 14, 1978	Birth mother gave birth while institutionalized	Brothers' Home	ECWS	USA
4	Kim ▷♀	n/a	Jan. 13, 1979	Unknown	Jan. 13, 1979 (estimated)	Birth mother gave birth while institutionalized	Brothers' Home	ECWS	Australia
5	Kim ▷♣	n/a	Mar. 16, 1977	n/a	Feb. 20, 1979	Child in need of protection	Brothers' Home	ECWS	USA
6	Cho ▷♂	n/a	Mar. 16, 1981	Cho ☆■ (likely)	Mar. 16, 1981	Birth mother gave birth while institutionalized	Brothers' Home	Holt	France
7	Kim ▷♣	n/a	Aug. 13, 1981	Unknown	Sept. 14, 1981	Institutionalized with birth mother	Brothers' Home	Holt	Norway
8	Park ▷☆	Park ▷★	May 10, 1982	Kim ☆△	May 10, 1982 (estimated)	Birth mother gave birth while institutionalized	Birth mother	Holt	USA
9	Kang ▷○	n/a	Feb. 19, 1980	Unknown	Jan. 4, 1983	Missing	Deokseong Baby Home	Holt	USA
10	Kim ▷●	n/a	Jan. 16, 1986	Unknown	Jan. 16, 1986	Birth mother gave birth while institutionalized	Busan Temporary	Holt	Denmark

<sup>119</sup> Recorded testimony of witness Hong ▽♀, June 7, 2024.

<sup>120</sup> Where a child's intake date is marked as (estimated), it refers to the date the birth mother returned to the Brothers' Home after being discharged from the hospital post-delivery rather than the actual date of the child's institutionalization.

							Shelter for Children		
11	Kim ▶◎	n/a	Nov. 14, 1986	Unknown	Nov. 14, 1986 (estimated)	Birth mother gave birth while institutionalized	Busan Temporary Shelter for Children	Holt	Germany
12	Kim ▶◇	n/a	Dec. 13, 1986	Unknown	Dec. 13, 1986 (estimated)	Birth mother gave birth while institutionalized	Busan Temporary Shelter for Children	Holt	France
13	Hong ▶◆	n/a	Nov. 14, 1975	n/a	May 7, 1979	Abandoned	Brothers' Home	KWS	Sweden
14	Yun ▶□	n/a	Sept. 3, 1976	Unknown	Nov. 18, 1979	Institutionalized with birth mother	KWS	KWS	Sweden
15	Choi ▶■	n/a	May 5, 1978	n/a	Oct. 6, 1981	Missing	Deokseong Baby Home	KWS	USA
16	Park ▶△	Park ▶▲, Kim ▽◎	Dec. 25, 1977	n/a	Jan. 5, 1982	Runaway	Deokseong Baby Home	KWS	USA
17	Lee ▶▽	Kim ▶▼	Feb. 26, 1977	n/a	Feb. 2, 1982	Found in waiting room at Busan Station	Deokseong Baby Home	KWS	USA
18	Hwang □■	n/a	May 2, 1978	n/a	Nov. 23, 1982	Wandering	Deokseong Baby Home	KWS	Canada
19	Park ▶◀	n/a	Jan. 2, 1980	Choi ☆▲	Jan. 2, 1983	Birth mother gave birth while institutionalized	Birth mother	KWS	USA
20	Park ▶▷	n/a	Dec. 31, 1982	n/a	Jan. 6, 1983	Missing child (personal history card) / Foundling (letter)	Brothers' Home	KWS	USA
21	Park ▶▶	n/a	Dec. 10, 1982	Kim ☆▽	Jan. 24, 1983	Birth mother gave birth while institutionalized	Birth mother	—	USA
22	Park ▶☆	n/a	Dec. 10, 1982	Kim ☆▽	Jan. 24, 1983	Birth mother gave birth while institutionalized	Birth mother	KWS	USA
23	Gu ▶★	n/a	Apr. 9, 1980	n/a	Apr. 26, 1983		Deokseong Baby Home	KWS	Sweden
24	Lee ▶♀	n/a	Aug. 14, 1983	Lee ☆▼	Aug. 17, 1983 (estimated)	Birth mother gave birth while institutionalized	Brothers' Home	KWS	USA
25	Cho ▶♦	n/a	June 17, 1982	n/a	Nov. 2, 1983	Abandoned	Brothers' Home	KWS	Canada
26	Choi ▶♧	n/a	Nov. 13, 1983	Cho ☆▷	Nov. 13, 1983 (estimated)	Birth mother gave birth while institutionalized	Brothers' Home	KWS	Canada
27	Kim ▶♣	Kim ▶☆	May 30, 1981	n/a	Nov. 16, 1983	Missing	Brothers' Home	KWS	Canada
28	Kim ▶★	Kim ☆○	Feb. 25, 1982	n/a	Jan. 12, 1984	Missing	Brothers' Home	KWS	Canada
29	Kim ☆●	n/a	May 14, 1984	Kim ☆◀ (Jang ☆▷)	May 14, 1984	Birth mother gave birth while institutionalized	Brothers' Home	KWS	USA
30	Lee ☆◎	n/a	Jan. 23, 1985	Kim ☆▶	Feb. 26, 1985 (estimated)	Birth mother gave birth while institutionalized	Brothers' Home	KWS	USA
31	Lee ☆◇	n/a	Mar. 11, 1985	Kang ☆☆ (Gam ☆★)	Mar. 11, 1985	Birth mother gave birth while institutionalized	Brothers' Home	KWS	USA

\*Adapted from the *Investigation Report on Human Rights Violations at the Brothers' Home* (4), 216–218, tables 73 and 74.

Petitioner Cho □♣ (2-ra-14699) was the child of a woman institutionalized at Christ's Salvation Ship, a psychiatric care facility in Daegu. Two days after her birth, on August 4, 1981, she was admitted to the Baekbaekhab Baby Home, officially classified as a foundling discovered by the Namsan-3-dong police precinct. On April 2, 1982, she was transferred to Holt. Neither the adoption records nor the baby home's files contain any identifying information about her birth

mother beyond the fact that she was a patient at Christ's Salvation Ship. The Commission, through archival research, identified her as Im ☆☆ (b. 1951), who was transferred from Christ's Salvation Ship to Daegu Huimangwon on August 20, 1983, and was repeatedly institutionalized until 1994.<sup>121</sup> Her personal history card from Daegu Huimangwon notes that, despite multiple psychiatric hospitalizations, she "spoke articulately," appeared to have "no particular problems with daily life," and had contactable family. Yet, a memorandum from the Social Affairs Division at Daegu City Hall, dated August 4, 1981, requesting the child's placement states only that "the mother, Im ☆☆, is a psychiatric patient and unable to care for the infant." Her consent for the adoption is absent from all records, and the birth is not mentioned in her facility files or official residency documents. The contact between mother and child was severed as they were channeled into separate institutions.

On the surface, the process by which these children were taken from mothers in adult facilities was no different from the standard intercountry adoption pipeline. A facility director at an institution like the Brothers' Home or Daegu Huimangwon could refer a resident child directly to an adoption agency, or first transfer the child to a conventional childcare facility whose director would then make the referral. This entire sequence of events was sanctioned by the laws and systems of the time.

However, a facility director single-handedly separating a child from their legal guardian, including the birth mother, and transferring them to an adoption agency may constitute forced adoption. In the post-WWII era through the 1970s, Western nations like Canada and Australia viewed out-of-wedlock births as a social transgression and funneled state resources into institutions and services designed to place these infants with "traditional" married couples. It was common practice for these services to pressure unmarried mothers into relinquishing their children by withholding information and support. A Canadian Senate committee investigating this history explicitly labeled it "forced adoption."<sup>122</sup> Similarly, an Australian Senate report on the practice identified several conditions under which consent was illegitimate, such as when it was obtained through pressure or without fully explaining the consent form's content and consequences, when mothers were not advised of their right to revoke consent or receive welfare support to raise the child, and when consent was obtained under duress or by insisting that adoption was in the child's best interest. In some cases, adoptions occurred with no consent obtained at all.<sup>123</sup>

The circumstances surrounding the adoptions of children from Korea's adult facilities fit this pattern. Women forcibly confined for being divorced, disabled, or unmarried and pregnant had no means of leaving the institution and no way to support a child within its walls. For a child in an adult facility, the only available paths were placement with another guardian or transfer to a

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<sup>121</sup> Her personal history card from Huimangwon lists her date of birth as March 26, 1949, though her official family register gives it as May 28, 1951. A search of her invalidated resident registration record confirmed that Im died on April 22, 2017.

<sup>122</sup> Standing Senate Committee on Social Affairs, Science and Technology, *The Shame Is Ours: Forced Adoptions of the Babies of Unmarried Mothers in Post-war Canada* (2018), 2-4.

<sup>123</sup> See Community Affairs References Committee, *Commonwealth Contribution to Former Forced Adoption Policies and Practices* (2012), Chapter 3, among others.

different institution. Failing that, the sole option presented was to be processed as “a child in a protective facility with no known support provider” and handed over to an adoption agency. In the cases cited above, these children had living mothers who were their legal guardians, yet they were re-categorized as orphans, given new family (orphan) registers, and, in most instances, sent abroad.

It is also highly doubtful that the mothers were ever fully informed about the finality of their relinquishing their custody or their right to revoke consent. Custody does not end until a child reaches the age of majority. A permanent surrender of custody is not only disallowed under Korea's Civil Act, but is also an infringement upon the constitutional right to family.

Figure 7. CAPOK's form, "Consent to Custody Relinquishment and Adoption" (pertaining to petitioner Kim •▽)

Figure 8. “Adoption Consent Form”  
(pertaining to Brothers’ Home victim Park  
►)

Figure 7 shows the custody relinquishment and adoption consent form signed by petitioner Kim •▽'s birth mother just one day after she gave birth. Though the title and phrasing vary, the core content—consenting to the adoption and relinquishing all custody—is nearly identical to the "Overseas Emigration and Adoption Consent Form" that agencies used at their discretion, and to the official "Adoption Consent Form" (Form No. 5) from the 1977 Enforcement Rules of the Adoption Act. Consent to a legal act like adoption should be revocable until it takes effect, yet nowhere do these documents mention a right to revocation. This practice of demanding the

surrender of custody without informing parents of their right to withdraw that consent was not rectified until August 2012, with amendment of the Enforcement Rules of the Adoption Act.<sup>124</sup>

### 3) Acquiring newborns from medical institutions

Medical institutions, such as OB/GYN clinics and maternity clinics, were another primary source of children to be adopted. Of the 367 petitioners in this investigation, 96 were transferred to adoption agencies from these medical institutions.

The intimate relationship between maternity clinics and adoption agencies is detailed in the oral histories of midwives, documented in the National Institute of Korean History's collection, *From Custom to Professionalism in Midwifery: The Changing Culture of Childbirth in Korea*.<sup>125</sup> Midwife Gu ▽△ recalled that after the Korean War, “there were many unmarried mothers, and handling them was our responsibility. We took care of everything and sent the babies to adoption facilities. Whenever an adoptee appeared on television after returning to Korea, I would wonder, ‘Could that be a child I sent?’” She explained that newborns were funneled directly to adoption agencies, bypassing all government channels.<sup>126</sup> Midwife Ha ▽▲ said that she “sent many babies for adoption to Holt,” adding that Holt would contact unmarried mothers in advance to arrange the transfer and would sometimes even take the mother in for postpartum care after the delivery.<sup>127</sup> The testimony of midwife Lee ▽▽, who personally transferred eight of the petitioners, is more specific.<sup>128</sup> She explained that “one to three out of every 10 women would leave their babies behind.” At first, she referred them to the Seoul Metropolitan Child Protection Center, but she found the conditions there so appalling that she began searching for other options. The Korean Midwives’ Association directed her to Holt. “After that,” she said, “all I had to do was call the adoption agency, and they would come pick up the child. Later, Korea Social Service also started visiting the clinic to take children.” Lee also revealed that agencies provided material support to the clinics that frequently transferred infants:

I sent so many for adoption that people from the agency came and bought me a Doppler machine, which cost KRW 1.3 million at the time. It was because I had sent so many [...] About eight of them came. They said they were from the U.S. headquarters and that I had sent a lot of babies. Another midwife whose last name was Seo had sent a lot, too. I told them that after Kim Il-sung and the communists came, everyone became destitute and couldn’t make a living, which is why we sent

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<sup>124</sup> The phrase “relinquishment of custody” was removed from Form 8, the “Adoption Consent Form,” in the revised Enforcement Rules (effective August 5, 2012). The revision also introduced a new document, Form 9, the “Adoption Consent Revocation Form.”

<sup>125</sup> National Institute of Korean History, *From Custom to Professionalism in Midwifery: The Changing Culture of Childbirth in Korea* (2017).

<sup>126</sup> This witness operated the Sanpa Maternity Clinic and Seongbuk Maternity Clinic in Seoul from 1947 to 1977.

<sup>127</sup> This witness operated a maternity clinic in Gangbuk-gu, Seoul, from approximately 1964 to 1988.

<sup>128</sup> This witness operated a maternity clinic in Gwanak-gu, Seoul, from approximately 1963 to 1993.

so many, and that we would be sending many more in the future. After I said that, they sent me a Doppler.

Adoption agencies also paid medical institutions what they termed “delivery assistance fees.” Witness Lee ▼●, who worked for the Daegu branch of Eastern Child Welfare Service in the 1980s, testified: “Back then, Holt had a monopoly, so it was hard for us to break into the facilities. We went around to the obstetrics clinics, maternity clinics, and general hospitals, and we offered to pay for the deliveries.”<sup>129</sup> Witness Hong ▽♀, a former employee at the Busan branch of Korea Welfare Service, confirmed that if a mother gave birth and then absconded, the adoption agency would pay her hospital bill. She lamented how this intense competition and the pressure to recruit children made her work difficult.

Telling clinics and hospitals, ‘If an unmarried mother gives birth here, please call us, not Holt.’ Building relationships with hospital directors. That was the hard part. It might have been a directive from our superiors. We had to ask them to put our promotional materials, with our phone number, in conspicuous places.<sup>130</sup>

When the annual quota on intercountry adoptions was repealed in 1981, the competition between agencies to secure children grew even fiercer. The Ministry of Health and Social Affairs had long been aware of the competitive practice of paying "delivery assistance fees" but had failed to take effective action. That same year, the *Dong-A Ilbo* voiced its concern over the escalating rivalry, reporting that “with intercountry adoption opened up, some placement organizations are already giving the impression they are expanding their business, hunting for abandoned and missing children.”<sup>131</sup> These fears were soon realized. A 1983 audit of Holt, the largest agency, revealed it had been aggressively working to acquire unregistered children by “violating the guideline that capped delivery assistance for destitute mothers at KRW 40,000 for a normal birth” and by “distributing these subsidies on a sliding scale, with no consistent criteria.”<sup>132</sup> A Ministry review in May 1987 confirmed that all four major agencies were still paying fees of KRW 30,000 to 50,000 per child as a condition of transfer.

Following this review, the Ministry of Health and Social Affairs ordered the agencies to stop paying delivery fees and to end their competitive recruitment practices.<sup>133</sup> In 1988, the

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<sup>129</sup> Phone interview transcript of witness Lee ▼●, July 3, 2024. 1. She states: “I might have gone to Huimangwon in 1985 or 1986...We couldn’t easily get in there at first; Holt probably had it all locked down.” On page 3, she adds: “First, we made the rounds to the OB/GYN and maternity clinics, places like that. Then we went to the general hospitals.” When asked if her agency paid delivery fees for mothers. She replied: “Yes, yes. Everyone did that back then.”

<sup>130</sup> Recorded testimony of witness Hong ▽♀, June 12, 2024.

<sup>131</sup> *Dong-A Ilbo*, “Quiet Shift from Restricting Intercountry Adoption to Opening It Up, Reversing 1985 Abolition Plan,” March 8, 1982.

<sup>132</sup> Ministry of Health and Social Affairs, “Notification of Audit Results (December 28, 1983),” in *Audit Plans and Delegated Audits* (National Archives of Korea, BA0130058).

<sup>133</sup> Ministry of Health and Social Affairs, “Improving Management of the Adoption Program.”

Ministry issued new guidelines that explicitly “prohibited making rounds to hospitals, clinics, homes for unwed mothers, and child welfare facilities to acquire children.”<sup>134</sup> The directive demanded that “agencies abstain from competitive and illicit acts to acquire children,” and required each agency director to “submit a signed pledge to accept any punishment for violations.” It also mandated “internal training for all staff on proper child intake procedures,” warning that any violation would be met with “strong measures under Article 15 of the Act on Special Cases concerning Adoption (license cancellation or suspension of operations).” Yet these directives had little effect.<sup>135</sup> In 1988 alone, the four main agencies together distributed KRW 196.6 million in “support funds” to 1,443 hospitals and clinics. These medical institutions accounted for 59 percent of all children taken in for adoption that year.<sup>136</sup> It was not until September 30, 1989, with the release of new “Adoption Program Improvement Guidelines,” that the government explicitly forbade medical institutions from acting as adoption mediators or from accepting a relinquishment of custody from a mother and sending the child directly to an agency. The new rules required that such children be referred to municipal authorities for protective measures. Even in cases of relinquishment, children now had to be placed in a temporary shelter for at least one month, during which domestic adoption or foster care was to be prioritized.

Table 13. News articles related to delivery assistance payments

Newspaper / date	Title	Summary
<i>Kyunghyang Shinmun</i> January 30, 1989	“Exporting 8,000 'Orphans' a Year, World's No. 1”	A recent flyer from the Korea Welfare Service union claims that agencies are “hell-bent on recruiting children... to send more of them for intercountry adoption, where donations are several times higher.” It adds: “The delivery assistance fee for an unmarried mother has jumped from KRW 30,000 three years ago to KRW 100,000–150,000. This is the result of fierce competition between agencies, which are pressuring doctors to secure more children.”
<i>The Hankyoreh</i> February 10, 1989	“Can We Not Wash Away the Disgrace of Baby Exports?”	The fact that these agencies have for years focused competitively on intercountry adoption is revealed in the Child Selection Guidelines sent by Korea Welfare Service... to its regional branches on July 21, 1986... The directive even instructed branches to “produce and supply promotional materials to hospitals, clinics, and maternity clinics” to secure children for adoption.
<i>Chosun Ilbo</i> February 12, 1989	“'Orphans' Who Aren't Orphans: The Fierce Competition for Korean Babies”	Agencies are locked in fierce competition to find children whose custody has been relinquished or who are in facilities, in order to send them overseas for adoption, where financial donations are higher. An agency employee, identified only by

<sup>134</sup> Ministry of Health and Social Affairs, “Issuance of Adoption Program Improvement Guidelines (June 9, 1988).”

<sup>135</sup> Article 15 (Cancellation of Permits, etc.): “The Minister of Health and Social Affairs may cancel the permit of an adoption agency or order the suspension of its operations for a set period if the agency violates this Act or an order issued thereunder.”

<sup>136</sup> Ministry of Health and Social Affairs, *Status Report on Intercountry Adoption Agencies*, September 1990 (National archives of Korea, DA0872951), 116-117.

		last name Lee (age 31), revealed that staff frequently visit OB/GYN and maternity clinics near industrial parks, giving small gifts and pleading: “Please be sure to contact us if a newborn comes in,” as part of an aggressive campaign to obtain more babies. If an unmarried mother agrees to an adoption before giving birth, or if a hospital reports that an unmarried mother has arrived, the agency tries to secure the child by paying a delivery assistance fee.
<i>Chosun Ilbo</i> September 27, 1989	“Forward Buying of Intercountry Adoptees”	A Ministry of Health and Social Affairs investigation revealed, on September 26, that agencies, competing to secure infants to send abroad, have been providing massive funds to medical institutions and orphanages. The investigation also found that agencies paid these facilities commissions of KRW 100,000 to 200,000 per child after an intercountry adoption was finalized.
<i>Dong-A Ilbo</i> January 11, 1991	“Ramblings”	Adoption counselors, acting like door-to-door salesmen, have been visiting OB/GYN and maternity clinics, making backroom deals to acquire children and pressuring unmarried mothers to relinquish their custody. A recent Ministry investigation also confirmed that agencies have been competitively funding hospitals and orphanages to secure children to send abroad, even paying commissions once an adoption was complete.

The children acquired from these medical institutions were not only those of unmarried mothers but also of legally married couples. Petitioner Kim ▼★ (2-ra-14839), born to a married couple on April 8, 1980, was transferred from Seongil Maternity Clinic in Seoul to Korea Social Service because she was yet another daughter, after they had already tried three times for a son.

Petitioner Kang ◁● (2-ra-14859), a twin born on February 27, 1985, at an OB/GYN clinic in Gwangmyeong, was relinquished by her legally married parents. Citing financial hardship, they had asked the hospital director before the birth to refer the twins to an adoption agency. A Holt representative visited the hospital for a counseling session on March 5, 1985, and took custody of the twins the next day. The agency paid the hospital for the portion of the delivery bill the couple could not cover.<sup>137</sup>

<sup>137</sup> Holt Children’s Service, “Applicant Counseling Record” (March 5, 1985); “Background Report” (March 5, 1985); “Child’s Report (1)” (March 21, 1985); “Request for Approval of Delivery Assistance Payment” (March 8, 1985); “Closing Record” (May 31, 1985).

Figure 9. Excerpt of a Holt internal memo requesting approval for a delivery assistance payment (March 8, 1985)

제	국	분만비 보조 승인 요청																
<p>1. 다음 자는 양 산부인과로 부터 외퇴된 예비전시 페이스로 수술 분만후 상동이를 출산했으나, 분만비가 70만원 이상 나와 본인이 병원측에 10만원 납입후 본납 아기로 맹고, 본회 어서는 10만원 보조 되었아오니 이를 허락하여 주시기 바랍니다.</p>																		
의																		
사	모	부	마	일	아	동	이	름	부	만	비	비	고					
노		85.2.27	†	85 - 992	993	총			10	만	원	보	조	양	산	부	인	과

For petitioners Kim ▼★ and Kang ◁●, the twin sisters in this example, the entire process took only three months, from their birth to departure for intercountry adoption. The timeline was similarly brief for other petitioners, with an average of 2.6 months for those born in maternity clinics and another of 3.6 months for those born in OB/GYN clinics. For six of these children, the entire process was completed in less than one month.

While the government looked the other way, a symbiotic system emerged. Adoption agencies secured children, for whom they could collect fees from prospective adoptive parents whether in Korea or abroad. Birth parents evaded child-rearing responsibilities without facing criminal charges for abandonment. Medical facilities reaped financial rewards. The children, however, were stripped of their right to be raised by their own parents, their identities swiftly converted to that of an orphan, and sent overseas.

#### 4) Conclusion

Under Korean law, a child in a protective facility could be transferred to an adoption agency if a person liable for supporting them could not be identified or if their guardian consented to adoption. The legal definition of a protective facility encompassed not only standard child welfare institutions but also facilities for adults subject to the *Livelihood Protection Act*. Child welfare facilities were a broad category that included long-term childcare centers, temporary shelters, and counseling centers. Legislative loopholes meant that children entering temporary shelters or counseling centers were often funneled to adoption agencies without a sufficient opportunity to be reunited with their families. Amplifying expediency and subsequent confusion was the fact that the corporations running the adoption agencies were also permitted to establish and operate these very intake facilities.

In facilities that forcibly institutionalized adults, including those with disabilities, vagrants, and women in prostitution, children born to or accompanying female inmates were routinely transferred to adoption agencies with the consent of the facility director. While some records contain consent forms signed by the birth mother, the validity of this consent is highly questionable. These women were inmates, unable to leave the facility or support a child within it. Their consent was obtained without any explanation of its legal finality, their right to revoke consent, or the welfare support available as an alternative. These adoptions can therefore be considered forced.

Beyond these facilities, agencies also sourced children directly from OB/GYN and maternity clinics by subsidizing delivery fees or providing material goods. They would then have the so-called orphan registers created for these unregistered newborns. Among the petitioners in this investigation, a child acquired from a medical institution was sent abroad within an average of two to three months of birth; for some, the entire process was complete in under a month. Adoption agencies secured a steady supply of children, medical institutions profited, and birth parents could avoid criminal charges by signing a relinquishment form or simply abandoning their child at the clinic.

At no point in this process did civil servants or agency employees make a serious effort to determine which children truly qualified as foundlings, i.e., truly abandoned with no identifiable person responsible for their care. Missing children who were not given enough time in a shelter to be found by their family, children institutionalized with their mothers, and even newborns of married couples were all processed as foundlings and sent overseas. And with every child sent away, the state was spared the cost of raising another citizen to the legal age.

## **B. Fabricating eligibility for intercountry adoption**

### **1) Invalid adoption consent**

For a child to be sent for intercountry adoption, the law required the consent of their parents. If the parents were deceased or otherwise unable to provide consent, a lineal ascendant or legal guardian could do so. Accordingly, the law stipulated that an adoption consent form must be submitted with documents verifying the consenter's legal relationship to the child. In the vast majority of cases, however, these evidentiary documents, such as a certified copy of the family register or a household resident registration table, were consistently absent from the files.

Before the Adoption Act was enacted, agencies used their own, non-standardized forms with titles like "Overseas Emigration and Adoption Consent Form" or "Custody Relinquishment and Adoption Consent Form." With passage of the Act on December 31, 1976, adoption consent was required to be given on an official form prescribed by the Act's Enforcement Rules. This form had to be accompanied by documents proving the consenter's legal authority and a certificate of their official seal impression. Yet, even after the law was established, agencies frequently

continued to use their own forms or failed to attach the required documentation.<sup>138</sup> This practice meant that an individual with no legal standing could initiate a child's adoption simply by submitting a single, non-standard consent form.

Petitioner Kim◇□ (2-ra-16075) was born at 8:00 a.m. on August 3, 1976, at the Lee▽▽ Maternity Clinic in Seoul. His birth mother, Kim☆♣, signed an "Overseas Emigration and Adoption Consent Form" but left the sections for the baby's date of birth and resident registration number blank. An "aunt," Cho ☆☆, was also listed as relinquishing custody, though she had a surname different from the mother's and no personal information other than her name was recorded. Furthermore, there were no documents to verify their identities or to confirm the parent-child relationship, such as a birth certificate. Korea Social Service took custody of petitioner Kim◇□ just three hours after he was born.

Figure 10. Adoption consent form for Kim◇□

Petitioner Park▼◀ (2-ra-14457) was born on January 9, 1980, at the Sinje Clinic in Seoul. The following day, his birth mother, Park☆♣, signed a "Custody Relinquishment and Adoption Consent Form," writing only her name and address and not her resident registration number. Holt took custody of the child after a single interview, without any other documents to prove her identity or her relationship to the infant. This was in direct violation of the Enforcement Rules for the

<sup>138</sup> Enforcement Decree of the Act on Orphan Adoption, Article 2 (documents to confirm status as a person liable for supporting); Enforcement Rules of the Adoption Act, Article 3 (documents proving status as a person with authority to consent), requiring one copy of documents proving status, and another of the consenter's official seal impression certificate.

Adoption Act, which required that documents verifying the consenter's identity be submitted with the consent form.<sup>139</sup>

Figure 11. Adoption consent form for Park ▼◀

친권포기 및 입양승락서

출생지	서울	#	KTU-52
아동명	나	Name	Park
성별	남	B.D	1-9-76
인종	한	Color	K Sex M
생년월일	1976. 1. 9	By	Unnamed Mother
		Date	1-10-80
		PL	Test. Name
본인	나	은 상기 아동의 치보 되는 사	
람으로서 이 아동은 본인이 양육하는 아동 입을 확인하오며 입양			
특례법 제2조에 의하여 홀트아동 복지회에 친권자로서의 모든 권리를			
포기함을 선언하고 이 아동의 장래를 위하여 귀회의 알선으로 입양			
하는 것을 승락합니다.			
1980년 1 월 10 일			
서약자 주소	경상도 창원군		
성명	나	성별	남
나	나	나	나
직업	나	아동과의 관계 치보	
주민등록번호			

Agencies not only failed to verify the identity of the person referring a child or their legal relationship to them, but also accepted children from individuals with no authority to consent to an adoption.

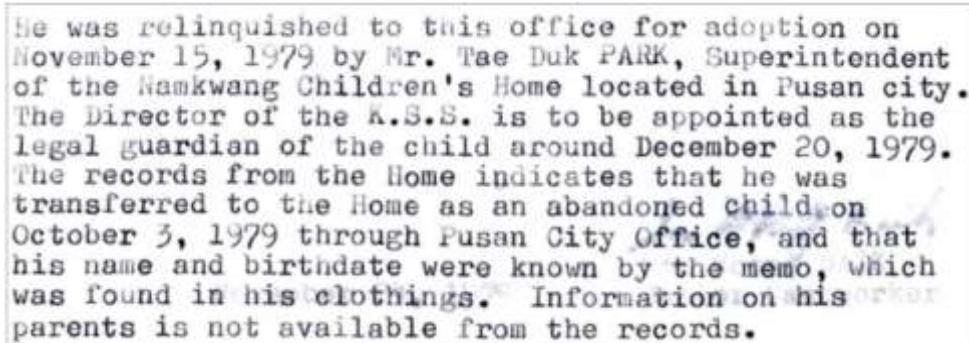
Petitioner Song ○☆ (2-ra-14689) had a living father, yet he was processed for adoption with the consent of an unauthorized relative. Born on November 17, 1976, his mother died the following March. His birth father, Song ☆☆, officially registered the baby's birth on January 10, 1978. The child's paternal uncle and aunt, who had been raising him, referred him for admission to the Namkwang Baby Home in Busan on October 30, 1979. They submitted a signed pledge with their personal information, stating: "We relinquish custody and swear not to hold you legally responsible for this child." They signed a separate "Overseas Emigration and Adoption Consent Form" the same day. However, the child's aunt had given the facility the name, address, and phone number of the birth father, meaning his wishes could have been easily ascertained. Instead, the

<sup>139</sup> Enforcement Rules of the Adoption Act, Article 3(2) (consent for adoption): The consent form in Paragraph 1 must be accompanied by documents verifying the consenter is a parent, lineal ascendant, or guardian of the child and by a certificate of their official seal impression.

adoption proceeded based on the referral of the uncle, who, as a non-lineal ascendant, had no legal authority to consent.

In the pledge form, the uncle claimed the child's mother was missing and the father had run away. This false narrative was repeated in the facility's intake form and in the Korean-language report prepared by Korea Social Service. The final English-language documents sent to the receiving country, however, tell a completely different story. They claim the petitioner was found as an orphan in Busan on October 3, 1975, with his name and date of birth written on a note pinned to his clothes, and that his birth parents were unknown.<sup>140</sup>

Figure 12. Song ○♀'s English adoption record



He was relinquished to this office for adoption on November 15, 1979 by Mr. Tae Duk PARK, Superintendent of the Namkwang Children's Home located in Pusan city. The Director of the K.S.S. is to be appointed as the legal guardian of the child around December 20, 1979. The records from the Home indicates that he was transferred to the Home as an abandoned child on October 3, 1979 through Pusan City Office, and that his name and birthdate were known by the memo, which was found in his clothings. Information on his parents is not available from the records.

Agencies also accepted children referred by third parties with no legal claim to guardianship, requiring nothing more than a non-standard consent form. Petitioner Kim○♣ (2-ra-14701) was born on November 30, 1980, several months after her father had left the country for work and contact was lost. An acquaintance of the child's maternal grandmother, a daycare director named Kim☆★, persuaded the mother to choose adoption. The day after the birth, the daycare director appointed herself guardian, signed an "Overseas Emigration and Adoption Consent Form," and referred the infant to Korea Social Service. Although the agency report lists birth years for the parents and the self-appointed guardian, no documents confirming parental consent were attached. Without resident registration numbers or other identifying documents, it was impossible to determine from the agency's records the identity of either the parents or the referring guardian. On December 15, 1980, Korea Social Service falsely reported to the Seoul metropolitan government that the petitioner had been found as an orphan. They then created an orphan register for her and sent her for adoption to Denmark. Her English adoption record states only that she was born in Seoul on November 30, 1980, and admitted to Korea Social Service the next day.

According to agency records, a man named Kim★○ found petitioner Kim □◀ (2-ra-14489) in front of his house in Paju on October 25, 1980. After caring for the infant for seven days, he referred her to Korea Social Service. On the consent form, Kim★○ designated himself as the child's guardian. Had the child been reported as a foundling in Paju, local authorities would have

<sup>140</sup> The name registered in his father's family register is Song ○♀, and the date of birth, November 17, 1976. On his orphan register, however, his name is Song ○♣ and date of birth is October 23, 1976.

documented the discovery and initiated a search for relatives. Instead, referred for adoption by an unauthorized individual, her intercountry adoption process began in just three days. Deprived of any real chance to be found by her family, she was sent to Denmark approximately three months after her birth.

Petitioners Jung  $\Delta\blacklozenge$  (2-ra-14847) and Jung  $\Delta\blacksquare$  (2-ra-14848), sisters placed in the Pentecostal Baby Home, were transferred to Korea Social Service just four months after their placement. The director of the facility signed their “Overseas Emigration and Adoption Consent Form” without having been legally appointed as their guardian. The only information the adoption agency possessed about the twins was their names, date of birth, and date of admission. Today, the responsible local government, Chuncheon City Hall, has no corresponding records, making it nearly impossible to determine why the sisters were classified as children in need of protection in the first place.<sup>141</sup>

These flawed consent procedures, which failed to secure the accurate identities of birth parents, have made it exceedingly difficult for adoptees to trace their origins. Moreover, children who should have been given time to be found by their families were instead immediately referred to adoption agencies by unauthorized individuals, robbing them of that chance.

## **2) False foundling discovery reports and fraudulent orphan registers**

To receive an intercountry adoption permit, a certified copy of the child’s family register known as *hojeok* was required. If a child had no such register because their birth was never registered, the law allowed for the creation of a new family register with the child as the family head. Such registers were known as orphan registers. While the intent of this provision was to provide foundlings (*gia*) with a legal identity and protection, it was repurposed in the adoption process as a tool to make children legally eligible for placement.

Under Article 57 of the Hojeok Act (repealed and replaced by the Act on Registration of Family Relations as of 2008), any person who discovers a foundling must report it to the local district office within 24 hours. The office then documents the circumstances in a foundling discovery report and petitions the family court for permission to create a family name and origin for the child. Following the court’s approval, the office establishes a new family lineage, thereby creating an orphan register. In practice, however, this process was routinely initiated by a false foundling discovery report filed by the adoption agency itself.

Even when children were referred for adoption by their own parents, agencies would falsely claim the child had been discovered as a foundling at the agency’s address. The local municipal offices, in turn, created orphan registers, based on these falsified reports, without verifying.

The official retention period for these court permits of register creation and foundling discovery reports is 27 years, meaning that courts now only hold records created since 1996.

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<sup>141</sup> Chuncheon City, Childcare and Children’s Division-23944 (October 4, 2024). This was the official response stating that the child card and child counseling records do not exist.

Among the cases submitted to the Commission, five involved adoptions that occurred after this date. In all five cases, the adoption agencies' records contained consent or relinquishment forms with the accurate identifying information of the birth parents. For four of them, proof of identification, such as copies of resident registration certificates and their official seals, were also attached. In the fifth, while supporting documents were absent, the relinquishment form itself contained the parents' correct full names and resident registration numbers. All five infants were taken into agency custody within a week of birth, and their files included an official hospital birth certificate that listed the parents' identities, making the biological relationship verifiable. This demonstrates that the agencies possessed precise knowledge of the adoptees' origins. Nevertheless, in every case, the official foundling discovery report was falsified to state that the child had simply been discovered at the adoption agency's location.

Table 14. Adoption agency records for intercountry adoptees after 1996

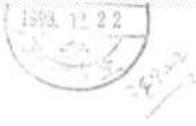
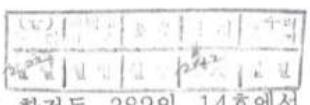
Adoptee	Birth mother	Birth mother's address	Location of birth	Adoption agency
Kim ♠♣	Kim ★●	Gunja-dong, Gwangjin-gu, Seoul	Na OB/GYN Clinic, Seodaemun-gu, Seoul	Holt
Yun ♦★	Yun ★◎	Mapyeong-dong, Yongin, Gyeonggi	Hangang Sacred Heart Hospital, Yeongdeungpo-gu, Seoul	Holt
Shin ♠♀	Shin ★◊	Suseo-dong, Gangnam-gu, Seoul	Taehan OB/GYN, Songpa-gu, Seoul	Holt
Han ●☆	Shin ★◆	Heukseok-dong, Dongjak-gu, Seoul	Geunhwa Hospital, Gwanak-gu, Seoul	Korea Social Service
Lim ◇○	Lim ★□	Goheung County, South Jeolla	Hanil Hospital, Dobong-gu, Seoul	Korea Social Service

The Commission obtained foundling discovery reports from the district offices with jurisdiction over Holt (Mapo-gu, Seoul) and Korea Social Service (Dobong-gu, Seoul). While the Mapo-gu office titled its documents "Foundling Reports" and the Dobong-gu office used "Report Determining the Family Name and Origin of a Foundling," their content was identical.

These reports were official government documents, yet key fields of information, such as place of discovery, accompanying items, and finder's name, were pre-printed as part of the form. Only the child's name, sex, date of birth, and date of discovery were filled in by hand. It appears that because the adoption agencies had submitted the same falsified information for decades, the district offices streamlined the process by printing the recurring, fabricated details directly onto the forms (Figure 13).

Figure 13. Foundling discovery reports, etc.

Mapo-gu Office, Foundling Report

발견 장소 : 서울특별시 마포구 합정동 382의 14호	
발견년월일시 : 서기 1971년 11월 21일	
소속 품 : 무	
기타상황 : 발육상태 양호	
서기 1971년 11월 21일 서울특별시 마포구 합정동 382의 14호에서	
송재천의 기아발견 신고가 있었으므로 이름과 본적을 아래와 같이 정하고 본 조서를 작성함.	

Dobong-gu Office, Report Determining the Family Name and Origin of a Foundling

발견장소	서울특별시 도봉구 쌍문동 533번지의 3호
발견시	서기 1974. 10. 22. 시 불상
부속품	없음
기타사항	서울특별시 도봉구 쌍문동 533번지의 3호 김영희 보호 양육함
서기 1974. 10. 22. 서울특별시 도봉구 쌍문동 533번지의 3호 한국사회봉사회 김영희의 기아발견 신고가 유하였으므로 동일 기아조서를 작성하여 아래와 같이 이름과 본적을 정함	

Dobong-gu Office, Report Determining the Family Name and Origin of a Foundling

발견장소	서울특별시 도봉구 쌍문동 533번지의 3호
발견시	서기 1995. 1. 6. 시 불상
부속품	없음
기타사항	서울특별시 도봉구 쌍문동 533번지의 3호 김종희 보호 양육함.
서기 1995. 1. 22. 서울특별시 도봉구 쌍문동 533번 지의 3호 한국사회봉사회 김종희의 기아발견 신고가 유하였 으므로 동일 기아조서를 작성하여 아래와 같이 이름과 본적을 정함.	

Specific examples reveal how these reports were routinely falsified.

Petitioner Son ▼▷ (2-ra-14474) was discovered by police in Busan and was being cared for at the Busan Women's Center when, on September 25, 1978, the mayor of Busan referred him to the Namkwang Temporary Shelter. While she was at the shelter, Korea Social Service, located in Seoul, began processing her intercountry adoption. On November 27, 1978, the agency filed a foundling discovery report with Seoul's Dobong-gu District Office. Contradicting the fact that the child was first found in Busan, the report claimed she was discovered at the agency's own address in Seoul. Based on this false report, the district office created an orphan register for her, and on March 26, 1979, she was sent to Denmark.

Table 15. Comparison of the referral for protection and foundling discovery report for Son ▼▷ (2-ra-14474)

	Referral for protection	Foundling discovery report
Creator	Mayor of Busan	Korea Social Service
Date created	September 25, 1978	November 27, 1978
Finder	Busan Jungbu Police	Korea Social Service
Name	Unknown (Son ▼▷)	▼▷
Est. date of birth	Age two	June 2, 1977
Date discovered	Unknown (referred from a women's shelter)	November 27, 1978
Place discovered	Unknown	533-3 Ssangmun-dong, Dobong-gu, Seoul

Petitioner Han ◁◎ (2-ra-14871) was found by police in Seoul on a street near 838 Mia 8-dong, Dobong-gu, at 7:00 p.m. on April 28, 1974. The next day, the police chief referred the infant to Korea Social Service for protection.<sup>142</sup> The agency began caring for the child at its own temporary shelter. On the very day she was admitted, the shelter director, acting as guardian, signed an adoption consent form. Although the law required the discoverer of a foundling (or the police informed of such discovery) to report the discovery within 24 hours to the head of the district office with jurisdiction, the official report was not filed until 20 days later by Korea Social Service on May 18, 1974. The contents of this report were also fabricated, with the place, time, and finder all contradicting the initial police discovery.

Table 16. Comparison of the referral for infant protection and foundling discovery report for Han ◁◎ (2-ra-14871)

	Referral for protection	Foundling discovery report
Creator	Seoul Bukbu Police	Korea Social Service
Date created	April 29, 1974	May 18, 1974
Finder	Seoul Bukbu Police	Korea Social Service
Name	(Left blank)	◁◎
Est. date of birth	Mid-April 1978	April 20, 1978
Date discovered	April 28, 1974, 7:00 p.m.	May 18, 1974

<sup>142</sup> Seoul Bukbu Police Station, "Request for Infant Protection" (Bukbu 2035-2804), April 29, 1974.

Place discovered	Unknown	533-3 Ssangmun-dong, Dobong-gu, Seoul
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It is fundamentally the state's responsibility, under Korean law, to handle all matters pertaining to the registration of family relations, including the birth, marriage, and death of families as well as their nationalities and any changes therein. (Though previously a local government function, it was reclassified as a national duty overseen by the Supreme Court in 2008 along with abolition of the family registration system known as *hojuje*). The state, in other words, has a duty to ensure the accuracy and integrity of these public records and to prevent errors or false entries.

While family registration relies on reports from individuals, when a high risk of systemic error or falsification becomes apparent, the government is obligated to investigate the cause and implement preventive measures.

This duty is especially critical for intercountry adoption. Once a child is sent abroad, correcting their records is nearly impossible, yet the harm caused by fraudulent documents is profound. The core grievance of the petitioners in the present case and countless other adoptees is that their records were fabricated to portray them as orphans, resulting in the permanent alteration and loss of their true identities and family connections. What they desire most is access to their own accurate histories. Consequently, the state had a duty to ensure, at a minimum, that a child's birth information was correctly recorded in its official registries and that the subsequent review of emigration permits for adoption was handled with the strictest scrutiny.

In practice, prospective parents in receiving countries preferred orphans, believing there was a lower risk of future disputes. Yet it is exceedingly difficult to confirm whether a non-verbal child, such as a missing toddler, has living parents. Consequently, Korea's practice of issuing orphan registers—a state mechanism for certifying a child as parentless—was systematically exploited as the legal basis for intercountry adoption, and numerous cases of its abuse have been discovered.<sup>143</sup>

The creation of an orphan register began when a district official petitioned the family court for permission to create a family name and registered domicile (*bon*) for a child, attaching a so-called foundling discovery report. Following the court's approval, a new family register was compiled. The fundamental problem is that the basis for the court's decision—the foundling discovery report—was itself predicated on fraudulent documents created by the adoption agencies.

Entering false information into the family register, an officially authenticated document, and then using that falsified register to proceed with an adoption are criminal acts under the Korean Criminal Act—specifically, the crime of making an untrue entry in officially authenticated original

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<sup>143</sup> Proving existence requires finding only a single piece of evidence. Proving non-existence, however, requires demonstrating that no evidence exists across all related fields. In logic, this is known as proving a negative, a concept sometimes referred to as *probatio diabolica*, or Devil's proof.

deeds and the crime of using forged public documents.<sup>144,145,146</sup> Furthermore, despite adoption agencies submitting identically falsified foundling discovery reports to their local district offices for decades, the officials who received them made no effort to verify the contents or secure any form of evidence.

The government's issuance of the orphan register was actively instrumentalized in the intercountry adoption process, a fact made clear by comparing the number of orphan register issuances with intercountry adoptions from 1976 to 2014.<sup>147</sup> From 1976, when family register statistics were first included in the *Judicial Yearbook*, until the amended Adoption Act took effect in 2012, the number of orphan registers issued for foundlings closely mirrored the number of children sent abroad. After 2012, when the law began requiring court permission for adoption that was predicated on strict proof of birth, both numbers plummeted simultaneously.

**Table 17. Relationship between orphan register issuances for foundlings and intercountry adoptions in Korea, 1976–2014**

Year	Foundlings discovered <sup>148</sup> (orphan register)	Intercountry adoption	Year	Foundlings discovered (orphan register)	Intercountry adoption
1976	6,585	6,597	1996	2,819	2,080
1977	6,326	6,159	1997	3,151	2,057
1978	5,248	5,917	1998	3,517	2,443
1979	4,836	4,148	1999	3,755	2,409
1980	4,769	4,144	2000	2,809	2,360
1981	4,741	4,628	2001	2,869	2,436
1982	6,661	6,434	2002	2,704	2,365
1983	9,658	7,263	2003	3,285	2,287
1984	8,703	7,924	2004	2,556	2,258
1985	9,287	8,837	2005	2,591	2,101

<sup>144</sup> Criminal Act (Act No. 293, enacted September 18, 1953), Article 228 (untrue entry in officially authenticated original documents: (1) A person who, by making a false report to a public official, causes a false fact to be entered into the original of an officially authenticated document shall be punished by imprisonment of not more than five years or a fine of not more than 25,000 hwan. (2) A person who, by making a false report to a public official, causes a false fact to be entered into a license, inspection certificate, or passport shall be punished by imprisonment of not more than three years or a fine of not more than 25,000 hwan.

<sup>145</sup> Criminal Act, Article 229 (use of forged, etc., public documents): A person who uses a document, drawing, original of an officially authenticated document, license, inspection certificate, or passport as mentioned in the preceding four articles which has been forged, altered, created, falsified, or contains a false entry shall be punished by the penalty prescribed for each respective crime of forgery, alteration, creation, falsification, or false entry.

<sup>146</sup> Incheon District Court, Decision 93-No-1041, January 13, 1994. In this case, the unregistered adoptees' birth parents were deceased, and the maternal grandmother had consented to their domestic adoption. The adoptive parents then changed the children's family name and registered them as their own biological children. The Incheon District Court ruled that even with the grandmother's consent, this act constituted the crime of making a false entry in an officially authenticated document and using said document, as it contradicted substantive truth in a material way.

<sup>147</sup> Lee Gyeong-eun, "International Legal Protection of Children's Rights in Intercountry Adoption" (PhD diss., Seoul National University School of Law, 2017), 200–201.

<sup>148</sup> Although the source (fn. 147) uses the term "foundlings discovered," as if to denote the total number of children determined to have been abandoned and found, the table title indicates that it actually tallies the number of orphan registers issued.

1986	8,562	8,680	2006	1,900	1,899
1987	6,405	7,947	2007	1,636	1,264
1988	6,192	6,463	2008	1,493	1,250
1989	2,187	4,191	2009	1,618	1,125
1990	2,916	2,962	2010	1,451	1,013
1991	2,429	2,197	2011	1,011	916
1992	2,636	2,045	2012	1,006	755
1993	3,001	2,290	2013	394	236
1994	1,835	2,262	2014	247	535
1995	1,621	2,180	Total	145,410	135,057

Given that the orphan register policy was being systematically exploited and that district offices could have easily recognized that the foundling discovery reports were fraudulent, the government's failure to address this problem for decades constitutes a grave neglect of state responsibility. However, determining individual culpability is difficult. A full assessment requires review of not only the court decisions but also the supporting documents submitted, such as the foundling discovery reports. Because these records were subject to a 27-year retention period, most have been destroyed, limiting the ability to assign specific blame in individual cases, even when the evidence of systemic malpractice is overwhelming.

### 3) Agency directors' power to consent to intercountry adoption

As established, the process by which agencies obtained consent from parents and guardians was deeply flawed. Consent forms that failed to identify the consenter, prove their relationship to the child, or use the legally mandated format were essentially invalid under Korean law even then. This legal void was filled by the adoption agencies themselves, with their directors appointing themselves as legal guardians for the children and consenting to the adoptions on their behalf.

The agencies made active use of orphan registers to legally obliterate the legal trace of birth parents. Then, for a child in a protective facility whose guardians were "unknown," the 1977 Adoption Act created a provision allowing the director of an adoption agency to perform the duties of a guardian. During the legislative process, an expert panel that was part of the National Assembly's Health and Social Affairs Committee had raised an alarm about this provision.<sup>149</sup>

The panel warned that if facility directors were made the primary consenters, "and if they give consent that is not in the child's best interest, it will be impossible to promote the child's welfare, no matter what other institutional safeguards are in place."<sup>150</sup> This warning that the system lacked a check against a director approving an improper adoption was disregarded in the final law.

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<sup>149</sup> Adoption Act, Article 12 (guardianship duties of the head of an adoption agency): When the head of an adoption agency takes custody of a prospective adoptee... they shall perform the duties of a guardian from the date of transfer until the adoption is finalized.

<sup>150</sup> Expert Panel, Health and Social Affairs Committee, "Review Report on the Draft Act on Special Cases concerning Adoption (1976)," in *Act on Special Cases concerning Adoption* (National Archives of Korea, DA2047020).

Adoption agencies wielded an almost unlimited power to legally manufacture eligibility for the children in their care.

Ministry of Health and Social Affairs officials, in response to such concerns, insisted the process was legal and that the Ministry should not be held responsible even for cases involving missing or abducted children. Hong ▼▲, a manager at the Ministry's Child Welfare Division at the time, dismissed the expert committee's concerns, asserting there was no issue with facility directors providing consent.<sup>151</sup> He argued that since the government licensed the agencies, the ultimate responsibility lay with the agency directors, while the Ministry's role was limited to supervision and auditing.<sup>152</sup> When asked what the government did when problems arose, he stated that the Ministry did not handle individual complaints, maintaining his view of those issues as private matters between the individual and the agency.<sup>153</sup> This reveals that the Ministry not only failed to fulfill its duty to reform laws and systems to protect children's welfare, such as by preventing the adoption of missing or abducted children, but failed even to recognize that it had such a duty in the first place.

When making critical decisions about a child's welfare, a guardian must base their judgment on the child's best interests, not the interests of the birth parents, adoptive parents, the adoption agency, the state, or the guardian themselves. However, when the director of an adoption agency acquired the status of a child's guardian, whether under the Act on Orphan Adoption, the Adoption Act, or the Act on Guardianship, a conflict of interest was inherent. For example, when faced with a decision—whether to keep a child in a facility longer to search for relatives, to advise the referring relative to raise the child themselves, or to halt a problematic intercountry adoption—the director's interests as the head of an adoption agency would inevitably influence their decision as a guardian. As will be discussed later, the revenue of adoption agencies was derived mostly from fees and donations related to intercountry adoption, and they sometimes received donations in exchange for sending a child overseas. Therefore, allowing the director of an adoption agency to obtain the status of a child's guardian and the authority to consent to that child's adoption was fundamentally inappropriate.

Although this problematic situation persisted for a long time, and despite the fact that concerns were raised in the National Assembly during the 1977 enactment of the Adoption Act, the Ministry of Health and Social Affairs failed to create institutional safeguards to address these

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<sup>151</sup> Recorded testimony of witness Hong ▼▲, September 10, 2024: "This sounds like misplaced caution on the part of the writers. For a child in a facility, the director *is* the guardian. If the guardian consents, what's the issue? The director becomes the legal guardian."

<sup>152</sup> *Ibid.* "The head of an adoption agency is ultimately responsible for everything because the government trusts them and gives them a corporate license. Legally, the court approves the adoption, and the Ministry supervises, checks, and audits them. Systematically, the Ministry manages the process by receiving reports from the agencies on how many children went where."

<sup>153</sup> *Ibid.* "We rarely received civil complaints directly at the Ministry. Even if one came, we couldn't investigate every single one, so we would just forward it to the adoption agency and tell them to make sure nothing untoward happened... Even when things like that happened, the government wouldn't get involved. If there was a problem, it was up to the individuals to sue or file a criminal complaint against the agency so that a proper investigation could happen."

concerns and effectively condoned intercountry adoptions that lacked the lawful consent of the birth parents.

#### **4) Perfunctory Public Notices of ascertainment of Support Providers**

The 1961 Act on Orphan Adoption required court permission for intercountry adoptions. If the child's support provider was unknown, the law mandated that a public notice to ascertain them be published twice, at a 20-day interval, in a newspaper and on the court's official notice board.<sup>154</sup> Later, the 1977 amendment to the Enforcement Decree on the Act on Guardianship established a specific form and procedure for this public notice. It stipulated that when the director of a protective facility became a resident child's guardian under the Act, they had to request the posting of a Public Notice of ascertainment of Support Provider by the local district office with jurisdiction over the facility.<sup>155</sup> The 1976 Adoption Act then required that proof of this public notice be submitted to the Ministry of Health and Social Affairs when applying for an overseas emigration permit for each child placed for intercountry adoption.<sup>156</sup> The notice form included the child's personal information and the name of the facility where they were being cared for, so that if a next-of-kin person saw the notice, they could go to the facility to find their child. In practice, however, this public notice requirement was effectively a dead letter. Furthermore, while the original law had required the posting of two notices, the new procedure under the Act on Guardianship reduced the burden to a single posting for 15 days, a period hardly sufficient to locate a child's guardian.

The process was rendered a mere formality by other flaws as well. The notice could be posted not where the child was found, but in the city, county, or district where the protective facility was located, and not immediately after the child's discovery, but only after a guardian had already been appointed. Petitioner Moon △♣ (2-ra-14902) was found on a train bound for Busan on July 20, 1977, and was placed in the Dongseong Baby Home by the Busan Seobu Police Station. The Public Notice of ascertainment of Support Provider for him was not posted until eight months later, on April 3, 1978. It was posted not at the train station or within the jurisdiction of the police who found him, but at the Dongnae District Office in Busan, which had jurisdiction over the baby home.

When a child passed through multiple facilities, the connection to their original time and place of discovery became even more tenuous. According to the Commission's *4th Investigation*

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<sup>154</sup> Act on Orphan Adoption, Article 4(2).

<sup>155</sup> Enforcement Decree of the Act on Guardianship, Article 3-2:

1. When a guardian is appointed pursuant to the provisions of Article 2 or Article 3 of the Act, the director of the protective facility shall, within 20 days of the date of appointment, submit four copies of the public notice on Form No. 4 to the mayor, county governor, or district office head (limited to Seoul Special City and Busan City, hereafter the same) with jurisdiction over the facility's location and request a public notice for the ascertainment of a support provider. However, this shall not apply to a person for whom a public notice has already been made while they were housed in another protective facility.
2. The mayor, county head, or district office head who has received the request for public notice under Paragraph 1 shall, without delay, post the public notice at the city, county, or district's public notice board for 15 days, and shall, without delay, submit two copies of the public notice to the provincial governor; the provincial governor shall then submit one of those copies to the Minister of Health and Social Affairs.

<sup>156</sup> Adoption Act, Article 8(1)2 and Article 9(3).

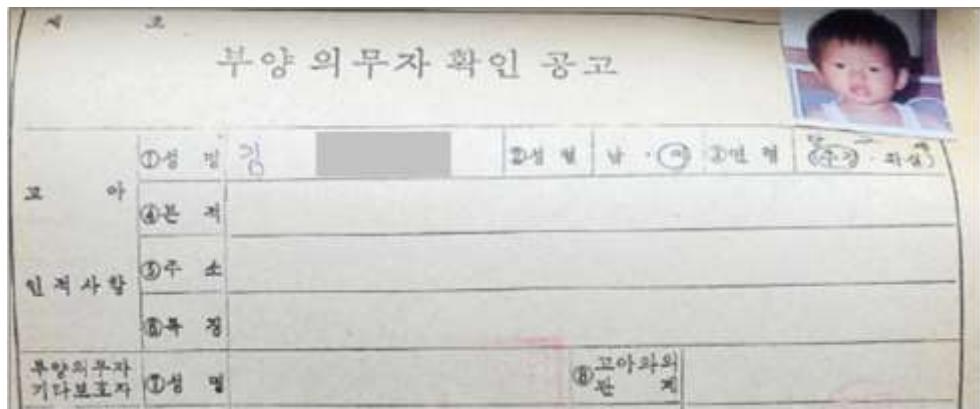
*Report on Human Rights Violations at the Brothers' Home*, the public notices looking for support providers for 21 children sent for adoption from that facility were posted neither in the area where each child was found nor in the district where the facility was located (Sasang-gu, Busan). In many cases, the notices were posted in Seoul, in the district where the *adoption agency* was headquartered.<sup>157</sup> The probability of a next-of-kin person in Busan seeing a notice posted in a Seoul district office months later was, in reality, close to zero. This practice of posting a notice months after a child's discovery in a location completely unrelated to where they were found was a perfunctory procedure that had little to do with protecting a child's identity or their right to live with their family.

Table 18. Locations of Public Notices of ascertainment of Support Providers for intercountry adoptees from the Brothers' Home

Notifying district office	Protective facility	Number of adoptees
Dongnae-gu, Busan	Namkwang	1
Haeundae-gu, Busan	Deokseong Baby Home	2
Gangnam-gu and Gangdong-gu, Seoul	Korea Welfare Service	15
Mapo-gu, Seoul	Holt	1
Seodaemun-gu, Seoul	Eastern Child Welfare Service	2

Even the public notice itself, already a mere formality, was sometimes prepared with extreme negligence. For petitioner Kim □★ (2-ra-14711), the initial police referral and shelter records contained details that could have helped find his family, such as the precise time and place of discovery and a description of his clothing. The official public notice, however, included none of this information. It listed only his name, sex, and estimated age, omitting any details that might have actually aided in locating his guardian.

Figure 14. Public Notice of ascertainment of Support Provider for Kim □★ (2-ra-14711)



<sup>157</sup> Truth and Reconciliation Commission, *Investigation Report...the Brothers' Home (4th)*.

## 5) Conclusion

The process in Korea for referring a child for intercountry adoption was fundamentally flawed.

Adoption agencies accepted children even when the legally required documents for parental or guardian consent were missing. They took custody of children referred by complete strangers, failing not only to report these suspicious circumstances to the police but even to verify the referrer's identity. Adoptions that proceed without lawful consent are, by definition, illegal.

These deficient procedures make it nearly impossible for adoptees to find their birth families. Children who should have been given time and resources to be found by relatives were instead funneled directly to adoption agencies by unauthorized individuals, robbing them of that chance. This system made it possible to turn any child into an orphan, regardless of whether their parents were known or if they were already on a family register. The perfunctory public notice practice, posted without regard to where or when a child was found, only compounded the problem.

Adoption agencies submitted foundling discovery reports containing false information to their local district offices, thereby causing the officials to create official foundling discovery reports containing false information about the time, place, and finder, as well as petitions for the creation of a family name and origin containing false information about the parents' names, family origin, and date of birth. Based on these documents, the agencies then obtained a judgment permitting the creation of a family name and origin from the family court, which they then submitted to the family registry official to have an orphan register created. This act of causing a false fact to be entered into the family register, an officially authenticated original document, constitutes a crime according to Article 228 of the Criminal Act. Furthermore, by having this falsely entered official document kept on file at a government office, the agency officials also committed the crime of using a falsified official document under Article 229 of the same Act.

The adoption agencies actively capitalized on this void in the legal procedures surrounding adoption, with their directors assuming guardianship over children and consenting to their adoptions. Yet, no checks or balances were ever placed on this immense power, which allowed the head of an institution whose primary business was sending children abroad to make irreversible decisions about those children's fates without ever considering the potential repercussions thereof.

The Korean state failed in its duty to rigorously supervise adoption agencies to prevent crimes such as the falsification of public documents. It likewise failed in its duty to take action when problems arose, such as reporting the responsible parties to law enforcement. Furthermore, the Korean state had a duty to reform the intercountry adoption system, including the qualifications for legal guardians, to ensure the power to consent was held by a person who could objectively judge whether an adoption was truly in the child's best interest. Despite this obligation to promote the safety and welfare of adopted children, it failed to create the necessary institutional safeguards. As a result, some adoptees had their identities fabricated, contrary to fact, or were issued duplicate identity records, and were thereby denied their right to know their own identity and robbed of the opportunity to find their original identity or the identities of their birth parents.

## C. Inadequate child protection mechanisms

### 1) Poor screening of authorizations for intercountry adoption

Even when the head of an adoption agency consented to an intercountry adoption without regard for the child's interests, the court or the Ministry of Health and Social Affairs was still required to grant final approval. In practice, however, the government's system to ensure the legality of adoptions was weak, and the procedures were fraught with problems.

The Act on Orphan Adoption, enacted on September 30, 1961 and in force until January 31, 1977, required court authorization for intercountry adoptions. At the time of application, agencies were to submit a certified copy of the orphan's family register, child and home study reports prepared by the adoption agency, documents proving the qualifications of the prospective adoptive parents, as well as the guardian's or support provider's consent and confirmation. Yet the Enforcement Decree waived the obligation of agency heads to submit the child and home study reports and the documents verifying the adoptive parents' qualifications when they applied directly to the court.<sup>158</sup>

In effect, adoption agencies only needed to submit a certified copy of the orphan's register, the guardian's consent to adoption, and the document designating a guardian. This meant that in intercountry adoptions the state made no independent assessment of the child's identity, family relationships, background, or qualifications of the prospective adoptive parents, leaving all responsibility to the agencies. The state thus failed to fulfill even the minimum duty of safeguarding children's safety and welfare, and as a result did not prevent the risk of children being sent abroad who were ineligible for adoption or being placed with unfit adoptive parents, culminating in situations that led to human rights violations.

The Adoption Act, which took effect on January 31, 1977, distinguished between adoptions arranged in Korea for placement abroad and those concluded overseas. For adoptions arranged in Korea, authorization from a family court was required. For adoptions carried out abroad, however, only an emigration permit from the Minister of Health and Social Affairs was needed. When applying for such a permit, adoption agencies had to submit documents proving the eligibility of the child to be adopted, information on the family circumstances of the prospective adoptive parents, a consent to adoption, and a certificate verifying that the Public Notice of ascertainment of Support Provider had been posted. Jeong ▼■, who worked in the Ministry's Division of Women and Children and the First Division of Emigration, testified regarding the emigration permit process: "With one thousand intercountry adoptions a year, it was realistically impossible to conduct a thorough review."<sup>159</sup> In 1984, the Ministry authorized 7,964 emigration permits for intercountry adoption: 6,599 cases, or 82.9 percent, were approved on the very day of application,

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<sup>158</sup> Enforcement Decree of the Act on Orphan Adoption, Article 2(2): "In the case set forth in the preceding paragraph, when the head of an adoption agency applies directly for adoption authorization, the child and home study reports and the evidentiary documents required under Article 3 of the Act may be omitted."

<sup>159</sup> Recorded testimony of witness Jeong ▼■, August 21, 2024.

while 1,279 cases, or 16.1 percent, were approved the following day.<sup>160</sup> Between 1984 and 1986, when intercountry adoptions peaked, Holt filed 12,090 applications for emigration permits, all but six of which were granted. This confirms that the Ministry's review of emigration permits was conducted in a merely perfunctory manner.<sup>161</sup>

Because of these cursory reviews, children were adopted by parents who did not meet the legal qualifications, and problems sometimes arose in the adoption process in the receiving countries. Recall that the Act on Orphan Adoption and the Adoption Act set forth the following qualifications for prospective adoptive parents.

Table 19. Qualifications for adoptive parents under the Act on Orphan Adoption and the Adoption Act

Act on Orphan Adoption (effective September 30, 1961)	Adoption Act (effective January 31, 1977)
<p>(1) A foreign national who meets the following conditions may adopt an orphan under the laws of his or her home country:</p> <ol style="list-style-type: none"> <li>1. Is eligible to adopt under the laws of his or her home country.</li> <li>2. Has sufficient financial means to support the adoptee.</li> <li>3. Is of decent conduct and non-malicious character.</li> <li>4. Will not buy or use the adoptee for stigmatizing or hard work or other jobs involving human rights concerns.</li> <li>5. Will pledge, in writing and accompanied by a guarantee from a public institution or its designated representative in the adopter's country, to respect the adoptee's freedom of religion and to ensure that the adoptee receive appropriate care and education as a recognized member of the local community.</li> </ol>	<p>(1) A foreign national who meets the following conditions may adopt an orphan under this law:</p> <ol style="list-style-type: none"> <li>1. Is eligible to adopt under the laws of his or her home country.</li> <li>2. Has sufficient financial means to support the adoptee.</li> <li>3. Must not use the adoptee for stigmatizing or hard work or other jobs involving human rights concerns.</li> <li>4. Respects the adoptee's freedom of religion and ensure that the adoptee receive appropriate care and education as a recognized member of the local community..</li> </ol>

On February 21, 1981, in a Cabinet report on measures to improve adoption practices, the Korean government identified as its first priority "establishing qualification standards for adoptive parents so as to select those capable of providing sound family environments." However, the only new standard introduced by the Ministry of Health and Social Affairs was that adoptive parents be married couples over the age of 25 who had been married for at least three years. In 1984, the "Business Guidelines for Adoption Agencies" added an age requirement for intercountry adoptive parents, limiting eligibility to those between 25 and 45 years old. Even these bare minimum standards nonetheless were not consistently observed. In 1984, for example, the adoptive parents

<sup>160</sup> Emigration permit register, Ministry of Health and Social Affairs.

<sup>161</sup> Ministry of Health and Social Affairs, *Register of Civil Service Processing, 1984–1986, Holt* (National Archives DA0445055, DA0445056, DA0445059, DA0445066, DA0445067, DA0445069, DA0445075, DA0445076, DA0445080).

of petitioner Kim ◊★ (2-ra-16758) were 51 and 46, and in 1988 the adoptive parents of petitioner Choi ▼☆ (2-ra-14730) were 48 and 43.

No guidelines beyond the statutes themselves have been found for the period prior to 1981. If the above standards are applied retroactively to the entire period of intercountry adoption, of 341 cases in which adoptive parents' birth dates could be confirmed, 12 involved adoptive parents who were either under 25 or over 45 at the time of adoption. The widest age gap found between an adoptee and an adoptive parent was 57 years, in the case of Yang ▼★ (2-ra-14760), who was adopted in 1975 at the age of one by a 58-year-old adoptive father.

An emigration permit was applied for on behalf of petitioner Kim ◇★ (2-ra-16758) on April 27, 1984, and the Ministry approved it the same day. The adoptive home study report prepared by Holt recorded the adoptive father's date of birth as November 1, 1933, making him 51 at the time. A financial guarantee notarized in France also listed his date of birth as November 1, 1933. Yet the Ministry's emigration permit register gave it as November 1, 1937, exposing deficiencies in the review and record-keeping process. Even using the incorrect 1937 date, the adoptive father would have been 47, still outside the Ministry's guidelines.

Figure 15. Records of adoptive father's date of birth for Kim ◇★ (16758)  
Adoptive home study report

(별지 제4호 서식)		4721 K83-4722
양친가정조사증명서		
양 친	성명	생년월일 / p.33. 11. 1. (5/세)
	주소	주민등록번호
	본적	국적
	직업	직업
	종교	학력

## Financial guarantee

1933-4722

DECLARATION DE PRISE EN CHARGE (재정보증서) DU LICENCIÉ

M. MAURICE MAURAC

22, rue des Alouettes-Detroit

Ce formulaire doit être tapé à la machine ou écrit en caractères d'imprimerie, à la plume et à l'encre, par l'intermédiaire de son éditeur.

Je, MAURICE MAURAC, résidant à FRANCE, ayant délivré juré témoigne et dis, 다음과 같이 정식으로 서약하여 전송한다.

1. (a) que je suis né citoyen de FRANCE le 1 Novembre 1933 1933

국적은 ~ 자 시민으로 태어난 FRANCE 1 Novembre 1933 1933

2. MAURAC (localité) FRANCE (circonscription) FRANCE (pays) 나라

## Emigration permit register

1000000	1.0	77/1227					1@	2019.11.1	9
31	1@	2019.11.1							

Violations went beyond mere noncompliance with guidelines. Adoption agencies also breached the Adoption Act itself by submitting adoptee emigration applications for prospective adoptive parents who did not meet the statutory qualifications, and the Ministry nonetheless approved them. One such case involved petitioner Kim □◎ (2-ra-17291), believed to have been born on October 20, 1964. Around 1966, at the request of Siheung municipal authorities, she was placed in Anyang Baby Home, and while still in middle school, he was adopted to Norway.

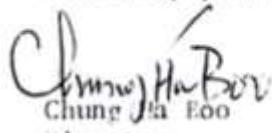
Kim □◎'s adoptive parents were born in 1922 and 1923, making them already in their mid-50s by the mid-1970s when the adoption was pursued. Norwegian local authorities interviewed the couple in 1974 and again in 1976. Their reports noted that the couple had already reviewed the file of a 12-year-old Korean girl and expressed their wish to adopt her. On April 18, 1977, the Norwegian Ministry of Justice ultimately rejected their application for adoptive approval. While the precise grounds were not stated, the local authorities' report on the interview with them highlighted the couple's advanced age.

Holt was fully aware that the couple did not meet the qualifications to adopt, yet proceeded illegally with the intercountry adoption. On January 17, 1978, Holt president Boo Chung-ha wrote to the adoption agency, the Norwegian-Korean Association, advising that if the adoptive family prepared all documents "as if it were a legitimate adoption," Holt would process the case accordingly and place a three-month visa stamp once the passport was issued.<sup>162</sup> Acting on this advice, the prospective adoptive parents prepared and notarized both an adoption statement and a financial guarantee for Kim. On March 2, 1978, the association sent a letter to the Korean government requesting issuance of a passport for Kim. The letter falsely asserted that the adoptive parents would adopt her under Norwegian law and that all custody-related documents concerning the petitioner had been approved by the Norwegian government.

Figure 16. Boo's letter to the Norwegian adoption agency regarding Kim □◎ (January 17, 1978)

In regard to Kim [REDACTED], please have the family write fill out all the papers as if it was an adoption. We will process her as a normal adoption and when the time comes to get the visa we will have the 3-month stamp put in the passport. We could process her out that way. It is not necessary for the parents to come to Korea to do this unless they just specifically want to. Since you have seats reserved for a group to come to Korea March 11 we will consider releasing some children to you in February for this group.

Sincerely yours,

  
Chung Jea Boo  
Director

<sup>162</sup> The phrase, originally in English, reads "...as if it was an adoption," but since it is immediately followed by "We will process her as a normal adoption," the intended meaning of "as if it was an adoption" is best understood as "as though it were a normal adoption."

On March 11, 1978, Kim's adoptive parents traveled to Korea along with 17 other Norwegian adoptive couples. Holt submitted an emigration permit application to the Ministry of Health and Social Affairs on March 14, 1978, after the couple's arrival. Despite the fact that the adoptive parents had been denied approval by the Norwegian government and were both over 55 years old, the Ministry approved Kim's emigration just two days later. On March 22, 1978, Kim left for Norway together with the 17 other children and their adoptive parents. Unlike the others, however, Kim held a three-month temporary visa.

From the outset, because the adoptive parents had not obtained Norwegian government approval, Kim's adoption could not easily be finalized. It was only on March 7, 1984, shortly before Kim reached adulthood, that Norwegian local authorities petitioned the Ministry of Justice for adoption approval. According to the petition, the authorities were aware that the adoptive parents had brought Kim into Norway illegally, but they nonetheless sought approval on the grounds that Kim was an orphan with no family ties in Korea and had already lived in Norway for six years. Her adoption was finalized on July 6, 1984, enabling her to obtain Norwegian citizenship on March 11, 1985.

## **2) Failure to perform guardianship duties**

Typically, once children arrived in the receiving country, they lived with the adoptive parents in foster-care arrangements while local adoption procedures were completed. This transit process could last from several months to several years. Only after these procedures were finalized could the adopted child acquire citizenship in the receiving country. On average, petitioners waited more than 15 months after their arrival to obtain citizenship. In the United States, however, the process took nearly four years. During this time, the children remained stateless, in an extremely precarious position, and often too young to express their own wishes. Their escape from this legally vulnerable state depended entirely on the adoptive parents. If the parents changed their minds or failed to complete the adoption procedures, the children were left even more helpless and vulnerable.

At the time of the Act on Orphan Adoption's enactment, Kim Jin, professor at Seoul National University School of Law, warned: "If, after arrival, it becomes clear that the child does not fit into the adoptive family or that the adoptive parents are unfit to raise the child, the result will be tragic as the child will be left to wander in a foreign land. And because this method relies on intermediaries, there is a serious risk of child trafficking."<sup>163</sup>

Such tragedies did occur. One adoptee, Byun ▽●, was sent to the United States around 1964. Two years after Byun's arrival, the American couple that had originally sought to adopt the child discovered signs of intellectual disability. They halted the process and returned Byun to Catholic Relief Services, the local adoption agency. Because the adoption had not been finalized, Byun never obtained U.S. citizenship. Over the next decade, Byun was transferred through more

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<sup>163</sup> *Chosun Ilbo*, "Are We Giving Them Away Like Puppies?".

than 10 different institutions before being confined to a psychiatric hospital in Washington, D.C. around 1974. Reporting on the case, the *Kyunghyang Shinmun* noted that Washington, D.C. and Catholic Relief Services were in court disputing responsibility for the medical costs of Byun, a Korean who had neither citizenship nor a legal guardian.<sup>164</sup>

The Commission also confirmed a similar case in Denmark. Around 1983, a boy and girl were sent there. By September of that year, the girl was found to have symptoms of intellectual disability. Before the adoption was finalized, the prospective adoptive parents placed her in an institution and, by early the following year, demanded that another child be sent to them instead.<sup>165</sup>

Item V: [REDACTED]

The above-mentioned child arrived to Denmark on [REDACTED], and was placed with [REDACTED].

In the end of September, 1983, the girl was hospitalised for a specialist's examination as she was not developing normally. It was noted that she is deeply mentally retarded, and it has been decided by the prospective adoptive parents to let her stay in an institution which is able to care for her adequately, as they feel unable to do so.

Enclosed we send you the discharge letter from the hospital with the complete diagnosis of the child, and a translation of it we have done.

The family [REDACTED] decided that they would like to receive another child some time early next year. Do you still have their homestudy, or shall we send you a new homestudy with photos of the family?

Problems arose not only when children were found to have illnesses after arriving in the receiving country, but also when the child sent abroad was clearly not the one described in the documents. The Danish Adoption Center wrote to Korea Social Service noting two such cases and the outrage of the Danish authorities.

<sup>164</sup> *Kyunghyang Shinmun*, "Korean Girl in a Psychiatric Hospital with No U.S. Citizenship and No Guardian," September 10, 1977.

<sup>165</sup> DIA-obtained document (Adoption Center), p. 130.

Item I: [REDACTED]

On the papers received before the child's arrival in Denmark, it was stated that he was born on [REDACTED], that he has 4 teeth, that he has been vaccinated against smallpox and has a scar on his arm. His passport also states that he is born on [REDACTED]. However, his vaccination certificate states that his birthdate is [REDACTED], and he only has 2 teeth and no scar on the arm and he also has not been vaccinated against smallpox. The applicants' doctor, who has examined the boy, also confirms that he could not possibly be more than 1 year old. We are returning herewith his passport and vaccination paper and 1 set of the Korean Adoption Documents, and we ask you to look into the matter and let us know what has happened and how this problem can be settled. We should add that the parents love the little boy, they have received, and want to keep him under all circumstances.

Item II: [REDACTED]

The above-mentioned child arrived to Denmark on [REDACTED]. A week later the parents called us to tell us that they did not think they had received the child, of whom they had previously received a picture and medical information. In the papers of [REDACTED] her age is stated as being [REDACTED] height: 69 cm, weight: 5.9 kg. However, the girl they have received weighs 9 kg and measures 81 cm, she has 14 teeth and the soft spot on her skull has grown together, all of which points to a child of at least 18 months. Naturally, they want to keep her, but they would like to have her papers. The only physical characteristic they can see is some very [REDACTED].

Item IV: Reminder

We refer to Item I, [REDACTED] of our letter of November 16, 1973, and to Item II, [REDACTED] of our letter of November 30th, 1973. These are two identical problems and we ask you please to let us know what has happened in these two cases and how the problem can be solved now that it has happened. It is important to us to have an early answer, if possible, as the Danish authorities have learned about it, and are somewhat upset that such a thing can happen at all.

In 1974, for instance, a girl was supposed to be sent, but a boy was sent instead. The Adoption Center expressed concern over how to explain the mistake once Danish officials discovered it. Korea Social Service responded by asking the adoptive parents to accept the boy, suggesting that they might have the child's gender corrected on the adoption papers.

I hope you have received our telex which we sent to you yesterday [REDACTED] after the children's arrival, that the child [REDACTED] was a boy and not as indicated in all the relevant papers a girl.

Our first thought was that the name tag of two children would have been switched during the journey from Korea to Denmark, and we therefore called the escorts in the airport and instructed them to come to the office in Aarhus immediately. But there were only two other boys with that group of children, and we could soon establish that there was no question of any other parents having received a child of another sex than expected; it therefore appears that the mistake may have happened in Korea, and we look very much forward to receive any explanation from you.

We have again today naturally been in contact with the family, but as far as we can see the position right now, they have now become so fond of the boy that there is no chance that they want a girl instead. It looks as if even if the girl, who was originally proposed for this family, would be found that they would prefer to keep the boy.

As the situation stands at present, we are not so worried for the parents but actually more when this incident comes to the knowledge of the Danish authorities, and we hope that we will be able together with you to give a comprehensive explanation on how this could have happened, and without knowing anything definite, I might venture a guess that when the Medical Report was made out in Korea, the child was stated as a girl instead of a boy by mistake, and possibly this mistake was then repeated in all other papers. But this, of course, is only a guess from my side.

We are so much shocked to learn about the unbelievable big mistake in recording and communicating the sex of the above mentioned child. Soon after receiving a call from the Air France concerning the child's sex, we checked this matter with the [REDACTED] and found the facts that the child is a male but erroneously recorded as a female at the said Home and then, in all the correspondences to this agency from the Home, he has been recorded as a female not as a male.

Now we realized that this unbelievable big mistake had been caused from the simple careless and erroneous recording in the initial papers of the Babies' Home concerning this child and also that we had neglected any correct checking on this matter. Regardless of any reasons or causes for this mistake, we don't feel we could find any proper words to express our apologies to you all concerned and [REDACTED].

In regard to any measures available for the solution of this problem, first of all, we are wondering if the adoptive family would accept the child and also how the sex of the child can be corrected in all the documents. In this connection with these questions, please give us your good advices. We are wondering if our official statement acknowledging "the above stated mistake" would be enough for correcting the mistake on the child's sex. We are looking forward to hearing from you concerning these questions.

These cases appear to have resulted from the practice of sending children in bulk to meet the demand of adoptive parents abroad. When the child who arrived did not match the documents, adoptive parents could refuse to proceed, or authorities could halt the process as unlawful. Either way, the child's legal status in the receiving country was jeopardized, raising both immediate and long-term risks of dissolution of the adoption.

Petitioner Kim ☐◎ testified that before her adoption was finalized, she endured more than 10 years of abuse by her adoptive parents, including sexual violence. In 1997, she filed charges of child abuse against her adoptive father, with a Norwegian investigative body confirming that such abuse had taken place.<sup>166</sup> Kim’s adoption-related documents revealed that her birth parents had originally been considered too old to qualify for approval to adopt a child. She was not alone. Of the 98 petitioners, 32 submitted written testimonies that they had suffered physical, emotional, or sexual abuse, or neglect, in their adoptive homes.<sup>167</sup>

Adoption agencies were legally obligated to protect children until the adoption was finalized in the receiving country. According to the Adoption Act (Act No. 3107, enacted 31 December 1976), Article 12 (duties of guardianship), the head of an adoption agency was required to act as guardian from the day the child was received at the agency until the adoption was complete. In Kim’s case, this meant Holt bore guardianship duties until 6 July 1987, when her adoption was finalized. Yet in the intervening 10 years, the only action Holt took was to ask Verdens Barn, Kim’s Norwegian adoption agency, to renew her residency permit. Even that step was prompted by Holt’s awareness that her adoption in Norway was in jeopardy, since the agency had already sent her abroad on only a three-month temporary visa.

In some cases handled through Korea Social Service, a document titled “Letter of Transfer of Guardianship” was found. In it, the KSS president had written: “I hereby delegate to the Adoption Center in Denmark all rights to take any legal steps required for adoption and immigration, all authority to consent to medical treatment for the child, the right to give consent to adoption and to transfer it to an accredited agency, and the right to waive protection of the child. By transferring these rights, I fully renounce my guardianship of the child...”. In effect, KSS unilaterally abandoned its guardianship duties. In 2023, a Korean court ruled that drafting such a document did not relieve adoption agency heads of their guardianship responsibilities, and that failing to fulfill those duties amounted to a breach of their obligation to protect the child.<sup>168</sup>

The Civil Act (Act No. 471, enacted 22 February 1958), Article 939, stipulates: “A guardian may resign upon the approval of the Family Court where any just ground exists. In such cases, the guardian shall make a request to the Family Court to appoint a new guardian at the time with his or her submission of resignation.” Any unilateral transfer of guardianship without court approval is therefore unlawful.

### **3) Failure to verify the child’s acquisition of nationality in the receiving country**

The Korean state has a duty to protect its nationals residing abroad.<sup>169</sup> Until an adoption is finalized and the child acquires the nationality of the receiving country, at which point their Korean

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<sup>166</sup> Recorded testimony of petitioner Kim ☐◎ (January 17, 2023).

<sup>167</sup> For details on human rights violations and abuse suffered by petitioners in adoptive homes abroad, see Section 4, “Human rights violations after intercountry adoption.”

<sup>168</sup> Seoul Central District Court, Decision 2019-Gahap-502520, May 16, 2023.

<sup>169</sup> Constitution of the Republic of Korea (fully amended 27 October 1980), Article 2:  
(1) Nationality in the Republic of Korea shall be prescribed by Act.

nationality is formally terminated, they remain entitled to the protection of the Korean government. The Ministry of Health and Social Affairs was also responsible for verifying whether adoptees had been granted nationality in the receiving country and, if not, for determining the reasons and taking follow-up actions to safeguard the children's rights and interests. Such verification and nationality processing were not only routine administrative tasks but also essential to ensuring the rights of adoptees as Korean nationals. In reality, however, the government failed to provide effective protection for its children abroad, let alone maintain reliable records of their nationality status.

Adoption agencies were obligated to confirm the acquisition of nationality by adoptees and to report this to the Minister of Justice. Yet they failed to discharge this duty, and the Ministry of Health and Social Affairs, charged with supervising the agencies, did not enforce compliance. The Ministry of Justice, which oversaw nationality matters, was likewise faulted by the Board of Audit and Inspection for failing to properly manage the termination of nationality for adoptees who had acquired foreign citizenship.

After arrival in the receiving country, adoptees typically underwent local adoption and naturalization procedures lasting several months. Adoption agencies were not only responsible for protecting the child until the adoption was complete but were also required to confirm acquisition of nationality in the receiving country and report it to the Minister of Justice.<sup>170</sup> Based on these reports, the Minister was to announce the loss of Korean nationality, which was then recorded in the adoptee's orphan register or basic certificate so that they could be expunged from the register or their certificate closed.

The Commission examined 249 cases in which the expunged registers or basic certificates included records of nationality acquisition, and discovered that it took adoptees an average of 15.8 months after arrival to acquire nationality in the receiving country.<sup>171</sup> The longest delays were in the United States, where the average wait time was 45.1 months.

The Korean government took far longer to recognize foreign nationality acquisition and process the termination of Korean nationality. On average, this process required six years and two months. In 29 cases, it took more than 10 years, and in the most extreme instance, 41 years and

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(2) It shall be the duty of the State to protect citizens residing abroad as prescribed by Act.

<sup>170</sup> Seoul Central District Court, Decision 2019-Gahap-502520. The court held that Article 9(4) of the Adoption Act carried forward Article 5(4) of the Act on Orphan Adoption, which provides: "Adoption agencies shall continuously monitor the status of orphans they have placed with foreign adoptive parents and, once the acquisition of foreign nationality by the orphans is confirmed, shall promptly report it to the Minister of Justice." On this basis, the court ruled that adoption agencies bore a duty to verify the acquisition of nationality.

<sup>171</sup> Of the 367 petitioners, 252 had the termination of Korean nationality confirmed in their expunged registers. Of these 252 cases, three contained no record of foreign nationality acquisition. Petitioner Kim ◊★ testified that although she acquired French nationality in 1985, her loss of Korean nationality was recorded in 2002 only after she herself submitted a nationality loss report while applying for an F-4 visa (Statement of witness Kim ◊★, September 15, 2023). In addition to Kim ◊★, two further cases showed discrepancies between the recorded date of loss of Korean nationality and the date of acquisition of foreign nationality. These cases were excluded from the calculation of the average period for nationality acquisition.

As of February 2024, three cases had been processed directly by the adoptees themselves—for example, as part of seeking an F-4 visa—resulting in the termination of their Korean nationality. Because the expunged registers or basic certificates in these cases did not confirm the date of foreign nationality acquisition, they too were excluded from the tally.

eight months. Petitioner Lee △▼ (2-ra-14857), for example, acquired U.S. citizenship in 1975 at the age of five, but the Korean government did not process the loss of her Korean nationality until 2017, when she was 47. By adoption agency, the average delays were: Holt, eight years and five months; Eastern Child Welfare Service, six years and 11 months; Korea Social Service, four years and four months; and Korea Welfare Service, four years and four months. By period of departure, cases from 1970–1974 required an average of nine years and four months, while those after 1990 averaged two years and six months. Although processing times decreased in the later period, they still spanned years.

As of February 2024, one-third of the 367 petitioners—115 individuals—had not had their Korean nationality formally terminated, despite having acquired citizenship abroad. Some of them visited or resided in Korea under their foreign passports, yet in official Korean records they still existed as nationals based on their orphan registers.

While adoption agencies and the government failed to confirm nationality acquisition for one-third of adoptees, the Ministry of Health and Social Affairs did not even possess an accurate overall picture. A 1990 report prepared by the Ministry’s Division of Child Welfare on intercountry adoption agencies included statistics on nationality processing for children adopted abroad before 1989. According to this report, of the 30,838 children sent abroad before 1980 through Holt, 99 percent had had their Korean nationality terminated, with only 74 cases pending.<sup>172</sup> Yet in comparison, of the Commission’s 117 petitioners adopted through Holt before 1980, 53 had not had their nationality processed by 1990—nearly half. This suggests that the Ministry’s figure of 99 percent is highly unreliable.

The Board of Audit and Inspection, in its 1984 regular and special audit of the Ministry of Justice, indeed concluded that the Ministry had failed to manage nationality terminations for those who had acquired foreign citizenship.<sup>173</sup> Under the Nationality Act, Articles 12 and 13, it was the Ministry’s responsibility to identify and process such cases.<sup>174</sup> The Board pointed out that, while reports of nationality loss were to be filed by the individual or by adoption agencies, the Ministry had an obligation to establish a system under which overseas missions could verify and report such cases *ex officio* if no report was made, thereby ensuring effective management. The Board further criticized the Ministry for failing to devise methods to track apparent dual nationals such as adoptees who continued to reside abroad, and for neglecting to take corrective action despite its deficient performance. More than 40 years later, as the Commission’s findings show, one-third of adoptees who petitioned the Commission still have not had their nationality formally terminated.

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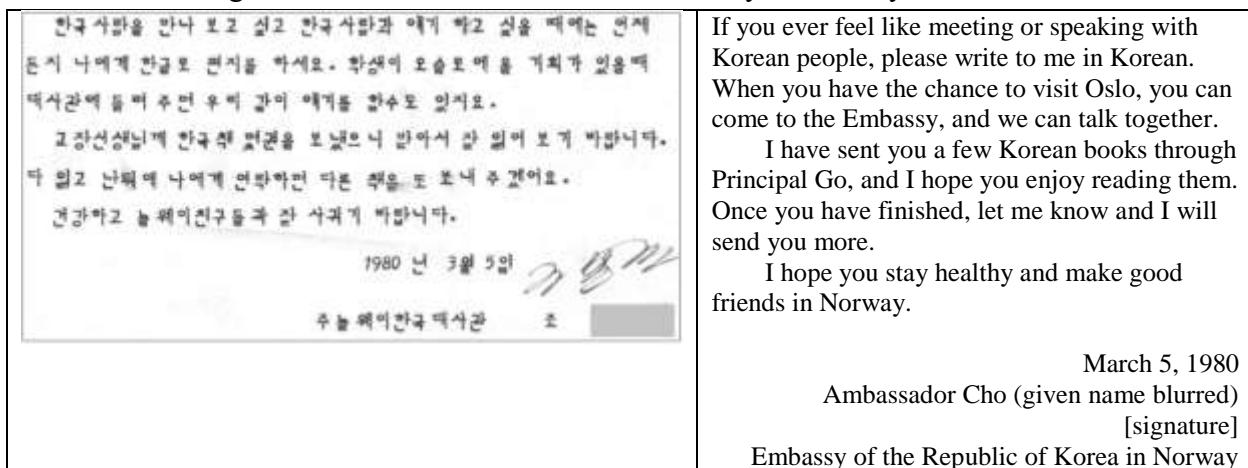
<sup>172</sup> Ministry of Health and Social Affairs, “*Major Statistics on Intercountry Adoption Agencies* (September 1990),” in *Adoption Business Guidelines 2* (National Archives DA0872951).

<sup>173</sup> Board of Audit and Inspection, “*Request for Corrective Measures Following Audit Results* (June 8, 1984),” in *Draft Request for Corrective Measures by the Ministry of Justice, Court Administration Office, Committee for Social Purification, and National Assembly Secretariat* (National Archives BA0070456).

<sup>174</sup> Under Article 12 of the Nationality Act (Act No. 16, enacted January 20, 1948), one loses Korean nationality for a number of reasons, including acquisition of the nationality of a foreign spouse through marriage and acquisition of the nationality of a foreign adoptive parent if one was placed abroad for adoption.

In one such case, petitioner Kim ☐◎, who had not acquired Norwegian citizenship and struggled to adapt to life there, had contact with the Korean Embassy in Oslo on two occasions. Instead of verifying her nationality status and taking appropriate action, the embassy merely sent her a few Korean books through her school, without checking the progress of her adoption or confirming whether she had obtained citizenship.<sup>175</sup>

Figure 17. Letter from the Korean Embassy in Norway to Kim ☐◎



Kim was ultimately able to obtain nationality in Norway after reaching adulthood, but there were also cases in which adoptees weren't as fortunate and suffered grave consequences. One such case involved "A.C.," who was sent to the United States in 1979. Like the other petitioners in this case, A.C. entered temporary foster care upon arrival before the adoption was finalized. The first adoptive parents completed the adoption after two years but did not initiate the nationality process. They later relinquished custody, leaving A.C. to cycle through institutions until being adopted again in 1989. The second adoptive parents were later convicted of crimes including abuse and assault against the child. Having never acquired nationality, A.C. passed through two adoptive families and multiple facilities before reaching adulthood. In 2012, at age 40, A.C.'s permanent residency expired, and in 2016 U.S. immigration authorities deported him to Korea on the grounds of criminal convictions, including theft.

#### 4) Conclusion

During the foster-care period between arrival in the receiving country and finalization of adoption, each adoptee's status remained precarious. If the adoption process broke down, the child was unable to acquire nationality and left to drift between institutions, simply hoping to find another prospective family. Even a simple change of mind by the adoptive parents could place the child in such jeopardy.

<sup>175</sup> Recorded testimony of petitioner Kim ☐◎, January 17, 2023, affirming that no agency conducted follow-up management or monitoring after her arrival in Norway.

The Korean government, by exempting adoption agencies from submitting documents required to determine eligibility, effectively delegated this responsibility to the agencies. The Ministry of Health and Social Affairs compounded the problem by failing to conduct adequate reviews of emigration permits. As a result, children were sent abroad in violation of statutory requirements governing both adoptive parents and adoptees. Improperly issued permits, in turn, created obstacles to completing adoption procedures overseas and further endangered the children's legal status.

Under the Adoption Act and the Civil Act, the head of an adoption agency was required to fulfill guardianship duties until adoption was finalized. Yet agencies often neglected these obligations, violating their duty to protect children. Some even unlawfully relinquished their duties before the adoption was complete. The government, for its part, failed to exercise effective oversight, leaving children abroad without the guardianship they were legally owed.

Adoptees were to remain under the protection of the Korean government until they acquired nationality in the receiving country and their Korean nationality was formally terminated. Adoption agencies bore the duty of confirming nationality acquisition and reporting it to the government. The Ministry of Health and Social Affairs was charged with supervising the agencies, and the Ministry of Justice was responsible for managing nationality terminations. None fulfilled these obligations. On average, six years and two months elapsed between the petitioners' acquisition of nationality abroad and the Korean government's recognition and processing of their loss of nationality. In some cases, the delay was more than 41 years. As of early 2024, one-third of the petitioners—115 people—still had not had their acquired nationality formally recognized by the Korean government. The Ministry of Health and Social Affairs, charged with overseeing intercountry adoption as a whole, failed to keep proper records, while the Ministry of Justice was faulted by the Board of Audit and Inspection for failing to properly manage nationality terminations.

Every citizen has the right to a life worthy of human dignity.<sup>176</sup> The State bears a duty to promote social security and social welfare.<sup>177</sup> This responsibility is particularly weighty toward the vulnerable, who must be afforded special protection by law. Accordingly, both the State and local governments share with guardians the responsibility of ensuring the sound upbringing of children.<sup>178</sup> This responsibility extends equally to nationals residing abroad. Yet adoption agencies, having assumed guardianship, often exercised only the authority to consent to adoption, while abandoning their duties at the very moment when the child's status was most vulnerable. The Ministry of Health and Social Affairs and the Ministry of Justice likewise failed not only to protect the children but even to monitor whether adoptions had been finalized or adoptees were granted nationality in their respective receiving countries.

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<sup>176</sup> Constitution (amended December 26, 1962), Article 30(1); Constitution (amended October 29, 1987), Article 34(1).

<sup>177</sup> Constitution (1962), Article 30(2); Constitution (1987), Article 34(2).

<sup>178</sup> *Child Welfare Act* (amended April 13, 1981), Article 3(2).

## **D. Commodification of children to meet the demand for adoptions**

In truth, intercountry adoption operates as a private arrangement between agencies in Korea and agencies in the receiving countries, with the Korean government exercising only minimal oversight of administrative procedures and costs. During the 1970s and 1980s, Korea sent more children abroad for adoption than any other country in the world, effectively pioneering a vast global business. In January 1988, the U.S. weekly *Progressive* reported that Korea was earning tens of millions of dollars annually through intercountry adoption, urging all those involved to ask themselves “where humanitarianism ends and business begins.”<sup>179</sup>

Enabled by weak government regulation, Korea’s adoption practices evolved into *a free market of adoption*, with the number of children supplied adjusted to match demand from prospective adoptive parents abroad. Agencies in both Korea and the receiving countries set monthly quotas for overseas placements, prioritizing speed and volume. They also coordinated closely to supply children according to prospective parents’ preferences for age, sex, or the absence of disabilities. To increase both the quality and quantity of children available, agencies solicited funds from their foreign counterparts under the guise of “donations,” investing them in orphanages, maternity homes, and birthing facilities in Korea, thus fueling the cycle of the adoption industry. This was nothing less than the commodification of children, a practice that cannot be defended as humanitarian aid.

### **1) Mass export to meet the demand of adoptive parents**

Until the late 19<sup>th</sup> century, couples in the United States and other Western societies typically sought to adopt older boys—children over 10—who could contribute labor to the household or farm. These children were most desired for their *economic value*, in other words. By the early 20<sup>th</sup> century, however, as child labor was curtailed and the nuclear family model took hold, demand for older children collapsed. At the same time, rising infertility and declining birth rates drove a surge in demand for infants and toddlers under the age of three. The children most sought after were young, healthy white girls, who fit the emotional ideal of a “happy nuclear family.” Yet the number of white children available for adoption was limited, and very few families were willing to adopt Black children. Against this backdrop, Korea and other Asian countries struggling with large numbers of war orphans emerged as new sources of children.<sup>180</sup> In Northern Europe, meanwhile, welfare states established after the war extended new rights and benefits to parents, including family allowances. Childless couples were actively encouraged to adopt in order to receive these benefits, making Korea an attractive source of adoptive children for them as well.<sup>181</sup>

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<sup>179</sup> *Progressive*, “Babies for sale: South Koreans make them, Americans buy them,” January 1988.

<sup>180</sup> Viviana A. Zelizer, “From Baby Farms to Baby M,” *Society*, March–April 1988, 23–28; Michele Goodwin, “The Free Market Approach to Adoption: The Value of a Baby,” *Boston College Third World Law Journal* 26 (2007): 61–79.

<sup>181</sup> Youngeun Koo, “The Question of Adoption: ‘Divided’ Korea, ‘Neutral’ Sweden, and Cold War Geopolitics, 1964–75,” *Journal of Asian Studies* 80, no. 3 (2021): 563–85.

Many adoption agencies in the receiving countries framed intercountry adoption in humanitarian and Christian terms. But this narrative came under growing challenge after May 29, 1993, when the Hague Conference on Private International Law adopted the *Hague Convention on Intercountry Adoption*. Hans van Loon, Secretary General of the Hague Conference at the time, observed: “As long as the existence of children without families remains a structural feature, the issue of intercountry adoption may be formulated as ‘How can a family be found for this child?’ But when structural ‘supply’ from developing countries is driven to satisfy the ‘demand’ of prospective parents in developed countries, this question becomes obscured.”<sup>182</sup>

Even foreign agencies that arranged Korean adoptions recognized the issue. At a joint meeting of Danish adoption agencies on August 29, 1979, Kai Åen, speaking on behalf of the Adoption Center, explained that in Denmark the early period of intercountry adoption (1948–1969) was primarily humanitarian, involving German children. From 1969 to 1978, however, the pattern shifted, as childless couples increasingly sought infants from Asian countries. Åen noted that if humanitarian motives were truly paramount, there would be no reason to reject older children—but because petitioners’ motives were different, they wanted only very young children, specifically those under two years of age.<sup>183</sup>

In these adoptions, the priority was not to find families for children in need of protection but to allocate children according to the preferences of prospective adoptive parents. Danish authorities, faced with long waiting lists, pushed for faster adoption procedures to meet the growing demand from parents seeking to adopt. Records show that from the early 1970s, the Adoption Center and Korea Social Service corresponded regularly and held meetings to address this issue.

At the end of 1971, the Adoption Center asked Korea Social Service whether it could meet a monthly quota of 15 children in 1972, given the large number of petitioners waiting. Korea Social Service responded that it could in fact send more than that. At a meeting on May 14, 1972, the two sides agreed to increase the quota to 20 children per month. Later that year, the Adoption Center

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<sup>182</sup> H. A. van Loon, “International Co-operation and Protection of Children with Regard to Intercountry Adoption,” in *Collected Courses of the Hague Academy of International Law*, vol. 244 (Leiden: Martinus Nijhoff Publishers, 1993). Quoted in Nigel Cantwell, *Intercountry Adoption and the Best Interests of the Child* (Seoul: Holt Children’s Services, 2022), 78.

<sup>183</sup> “Adoption motives have also changed in recent years. Whereas people used to adopt primarily out of humanitarian concern, the motive has since shifted to childlessness above all. It is now especially childless couples who wish to adopt, and what they generally want are small (infant) children.” Original text: “Også adoptionsmotivet var ændret i de senere år. Medens man tidligere adopterede for at yde humanitær hjælp, var adoptionsmotivet senere overgået til først og fremmest at være barnløshed. Det var nu især barnløse ægtepar, som ønskede at adoptere, og ønsket var i reglen små (spæde) børn.”

“Presumably the fact that most adoption petitioners in Denmark are childless couples, rather than families seeking primarily to help for humanitarian reasons, has contributed to the strong preference for adopting small children. In other countries there has been a far greater willingness to adopt somewhat older children, and this has placed Denmark at a disadvantage when various adoption opportunities were examined.” Original text: “Formentlig den omstændighed, at adoptionssøgende i Danmark fortrinsvis er barnløse, og ikke familier, der primært ønsker at hjælpe humanitært, var medvirkende til, at der fortrinsvis søges små børn til adoption. I andre lande var man langt mere indstillet på at adoptere lidt større børn, og dette gav ikke Danmark nogen gunstig situation, når de forskellige adoptionsmuligheder blev undersøgt.” DIA-obtained document (Adoption Center), 279ff.

requested another increase, and Korea Social Service replied that if the age limit were raised from under two to up to three years, it could supply as many as 25 children per month.<sup>184</sup>

During Bisgaard's and my visit we agreed that 15 children should be referred each month till the end of 1971. The number of referrals should then be re-considered on the basis of our waiting-list. Already at present, we can see that there will be more families ready for adoption than expected, and therefore, we will ask you to inform us if it will be possible for you to refer the same number of children in the beginning of 1972, as, otherwise, we must agree on an increased number of children from other areas.

In regard to your proposal for our referral of average 15 children per month in 1972, we would like to let you know that we will be able to refer such required number of children to your agency in 1972, and that these children will be coming from the Nam Kwang Receiving Home, located in Pusan City, beginning from coming October. With the Nam Kwang Foundation we have recently established the new cooperating sister working relationship, and we expect that more than 20 children will be referred to us by this Nam Kwang Foundation in future monthly and regularly, of which let us write you more in detail or let me tell you when I will be in Arhus, probably in the early part of November.

#### REFERAT AF MØDE MED MR. PAIK, den 14.5.1972

Tove Prager gav Mr. Paik en redegørelse for situationen i øjeblikket, se vedlagte statistik. Mr. Paik ville gerne have at vide, om det var sandsynligt, at AC i fremtiden ville kunne placere mere end 15 børn om måneden og i så fald, hvor mange man ville kunne placere. AC foreslog forsegsvis ca. 18 børn pr. måned, d.v.s. en stigning på 20%. Efter nærmere overvejelse satte AC sig fast på 20 børn pr. måned.

Mr. Paik blev klar over, at det ville være nødvendigt med et "reservelager" på ca. 30 børn. Han lovede, at han ville gøre sit bedste for at forsege det antal børn, der stilles i forslag hver måned, med ca. 20%.

#### 8. Future Plans

FLN: I do not have much to add to the proposed plan for 1973, but would you be able to place a larger number of children to AC? With our present development we should easily be able to place 20 children a month.

P: KSS can guarantee no less placements this year than last and we could refer 25 or more children a month if AC can raise the age limit, even if only up to 3 years of age.

FLN: If we limit the age to under 2 years, how many could you refer then?

P: AC is the only agency with which KSS co-operates, wanting only children under 2 years of age, and you must therefore make efforts to extend the age limit.

<sup>184</sup> DIA-obtained document (Adoption Center), 13-31.

Efforts to increase the number of children sent abroad slowed somewhat in the early to mid-1970s, when North Korea began attacking Korea's intercountry adoption program in Northern Europe, denouncing it as "orphan exports." In response, the Korean government repeatedly suspended and then resumed adoptions to the Nordic countries, before finally deciding around October 1975 to lift the suspension with the announcement: "The suspension of intercountry adoptions is lifted, but the number of cases shall be reduced to no more than half the previous level (approximately 20 emigration permits per month per agency)."<sup>185</sup> Accordingly, the ceiling for Denmark was set at 30 children per month—20 through Korea Social Service and 10 through Holt. Unofficially, two types of cases were not counted toward the monthly ceiling, i.e., when adoptive parents traveled to Korea to take custody directly, and when the children had disabilities. As a result, the actual number sent abroad exceeded the official quota.<sup>186</sup> Data submitted by adoption agencies to the Commission shows that in 1976, the monthly average of children sent to Denmark was 24.0 through Korea Social Service and 12.4 through Holt.

To avoid drawing international attention and becoming the target of "North Korean propaganda," the Korean government also claimed it would limit the number of adopted children on any one flight to five.<sup>187</sup> Adoption agencies, however, immediately sought ways around even this restriction. In a letter dated March 10, 1976, Korea Social Service told the Adoption Center that it would accept the limit for the time being in order to maintain good relations with the Korean government, but expected that once discussions advanced the original allowance of 10 children per escort could be restored. In its reply of March 17, 1976, the Adoption Center accepted the restriction temporarily but noted that it would in fact be more efficient for two escorts to accompany 10 children than for one escort to manage five.<sup>188</sup>

These attempts to circumvent regulations appear to have been effective. More than a decade later, a 1989 audit by the Ministry of Health and Social Affairs confirmed that 10 to 16 children were still being transported together by air at a time.<sup>189</sup> Adoption agencies remained focused on sending as many children abroad at once as possible, while the government issued only perfunctory restrictions and failed to exercise real oversight. This created serious risks for the children's safety and wellbeing. In practice, escort duties were often not performed by agency staff but assigned instead to visiting Koreans, overseas students, or embassy employees, who were reimbursed in part for their airfare in exchange.<sup>190</sup> As shown in a photograph published in the

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<sup>185</sup> Ministry of Health and Social Affairs, "Report on Resumption of Intercountry Adoptions to Three Nordic Countries."

<sup>186</sup> DIA-obtained document (Terre des Hommes), 148, 158.

<sup>187</sup> Ministry of Health and Social Affairs, "Report on Resumption of Intercountry Adoptions to Three Nordic Countries."

<sup>188</sup> DIA-obtained document (Adoption Center), 61, 65.

<sup>189</sup> Ministry of Health and Social Affairs, "Summary of Policy Audit Results on Intercountry Adoption Agencies (March 6–30, 1989)," in *Adoption Business Guidelines 2* (National Archives DA0872951).

<sup>190</sup> *Chosun Ilbo*, "Competition to adopt Korean babies, not orphans but abandoned children, reaches 100 to 1 in the United States," February 12, 1989. Meanwhile, adoption fees included airfare, which adoptive parents paid in advance. Any remaining balance after reimbursing escorts was recorded by the agencies as "escort donations." In Holt's case, income from escort donations was budgeted at KRW 131,072,500 in 1976 and KRW 76,800,000 in 1977, accounting

Adoption Center's annual report of December 1984 (Figure 20), many infants endured long flights strapped into airplane seats without proper care arrangements.<sup>191</sup>

Figure 20. Adopted children aboard an airplane  
(Text in photo: "On the way home from Korea")



The dangers of such haphazard departures were not theoretical. In October 1974, a child with lactose intolerance died shortly after arriving in Denmark after being fed milk during the flight, prompting an investigation by the Danish Ministry of Justice. In February 1977, a Danish physician who had personally escorted children on a flight reported that "unexpected situations during the flight could ultimately put the child's life at risk."<sup>192</sup>

After the Korean government formally abandoned its policy of reducing intercountry adoptions in 1981, the four adoption agencies began setting annual performance targets on their own and expanding their operations. By 1982, these targets were 1,150 children for Eastern Child Welfare Service, 2,500 for Holt, 650 for Korea Social Service, and 950 for Korea Welfare Service.<sup>193</sup>

## 2) Rushed adoption procedures

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for 11.4 percent and 7.6 percent of its gross annual revenue, respectively. Holt Children's Services, "1977 income and expenditure budget," in *Corporate Register (Holt Children's Services)* (National Archives BA0089682).

<sup>191</sup> DIA-obtained document (Adoption Center), 352.

<sup>192</sup> Appeals Board, *Report*, 43.

<sup>193</sup> "Minutes of the Meeting of Adoption Agency Directors (January 20, 1982)." Actual placements, however, far exceeded the targets. According to data submitted by the four adoption agencies to the Commission, the 1982 totals were 1,181 for Eastern Child Welfare Service, 3,308 for Holt, 718 for Korea Social Service, and 1,008 for Korea Welfare Service, for a combined 6,215 children, exceeding the target by 965.

Meeting the demand for adoption required not only securing a sufficient number of adoptable children but also ensuring that children were referred to adoption agencies quickly so the process could begin without delay. Under such pressure for speed, essential steps, such as verifying the identity of foundlings, searching for relatives, or considering options for domestic family care, were often bypassed altogether. Table 21 summarizes the cases of 29 out of a total of 98 petitioners who were recorded as foundlings, i.e., children for whom no information on birth parents or others placing them for adoption was available, and whose records stated that they had been found abandoned. It shows the time elapsed between admission to an infant facility and referral to an adoption agency, where adoption proceedings began.

Table 21. Period from admission of foundlings to a facility to referral to an adoption agency

No.	Case no.	Name	Date of admission	Date of referral	Agency	Duration
1	2-ra-14844	Shin △◎	Aug. 8, 1973	Aug. 8, 1973	Holt	0 days
2	2-ra-14489	Kim □◀	Nov. 1, 1980	Nov. 1, 1980	Holt	0 days
3	2-ra-14721	Shin ■□	July 3, 1973	July 3, 1973	Holt	0 days
4	2-ra-14797	Seo ◎●	Aug. 18, 1972	Aug. 18, 1972	Holt	0 days
5	2-ra-14807	Kim ■♀	Oct. 29, 1972	Oct. 30, 1972	Holt	1 day
6	2-ra-14485	Kim ○◀	May 17, 1977	May 19, 1977	Holt	2 days
7	2-ra-14857	Lee △▼	Nov. 11, 1970	Nov. 13, 1970	Holt	2 days
8	2-ra-14962	Woo □▶	Feb. 27, 1977	Mar. 3, 1977	Holt	4 days
9	2-ra-14852	Kim △▲	Dec. 17, 1971	Dec. 23, 1971	Holt	6 days
10	2-ra-14812	Han ■☆	Sept. 8, 1974	Sept. 20, 1974	KSS	12 days
11	2-ra-17277	Jeon ▲△	May 11, 1977	May 24, 1977	Holt	13 days
12	2-ra-14897-1	Seo ◎♀	Sept. 1, 1975	Sept. 15, 1975	KSS	14 days
13	2-ra-14905	Yang △♣	Mar. 10, 1976	Mar. 24, 1976	Holt	14 days
14	2-ra-17317	Lee ▲♀ (Lee ★☆)	Nov. 9, 1972	Nov. 24, 1972	KWS	15 days
15	2-ra-14737	Park ■▽	Oct. 25, 1972	Nov. 10, 1972	Holt	16 days
16	2-ra-14733	Kim ■△	Oct. 29, 1975	Dec. 15, 1975	KSS	17 days
17	2-ra-17301	Kim ▲◀	Apr. 21, 1976	May 11, 1976	KSS	20 days
18	2-ra-14808	Kim ■♀	May 8, 1974	May 31, 1974	Holt	23 days
19	2-ra-14803	Kim ■☆	Aug. 17, 1976	Sept. 14, 1976	Holt	28 days
20	2-ra-14367	Park □▲	Apr. 8, 1977	May 13, 1977	Holt	35 days
21	2-ra-16078	Han ▲●	Mar. 23, 1969	May 2, 1969	CPS	40 days
22	2-ra-14720	Shin ■◇	Feb. 4, 1982	May 14, 1982	Holt	3 months 10 days
23	2-ra-17310	Moon ▲▷	Oct. 29, 1974	Feb. 24, 1975	KWS	3 months 26 days
24	2-ra-17282	Jeong ◎☆	July 3, 1971	Nov. 13, 1971	KSS	4 months 10 days
25	2-ra-14776	Kim ■◀	June 10, 1971	Feb. 14, 1972	KSS	8 months 4 days
26	2-ra-14711	Kim □★	Mar. 7, 1983	June 27, 1984	Holt	15 months 20 days
27	2-ra-14902	Moon △♣	July 20, 1977	Nov. 24, 1978	Holt	16 months 4 days
28	2-ra-14885	Kim △▶	Aug. 14, 1972	July 2, 1974	Holt	22 months 19 days

29	2-ra-14912	Lee △►	Aug. 17, 1982	Sept. 30, 1985	Holt	37 month 14 days
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Although these children were classified as foundlings at the time of discovery, some may in fact have been missing children unintentionally separated from their parents or lawful guardians. If so, public authorities should have kept them under protection for a sufficient period to give their families a chance to find them. Yet in 19 of the 29 cases, the adoption proceedings were initiated within one month of admission to a facility, and only four cases took longer than a year.

Legally, the obligation to post a Public Notice of ascertainment of Support Provider for each foundling child still applied even after adoption proceedings began, so the possibility of a child being reclaimed was not entirely foreclosed. Under the Act on Orphan Adoption, enacted in 1961, the district court receiving the adoption application was required to issue two such notices at 20-day intervals in newspapers and on the court's bulletin board, summoning any support providers to come forward. After the Adoption Act took effect in 1977, the Enforcement Decree of the Act on Guardianship required the head of a facility, once designated as guardian of a resident child, to request the local district office to issue such a notice.<sup>194</sup> In both cases, however, notices were published at the very last stage of the adoption process, and in places unconnected to where the child had been found—court bulletin boards or the district office with jurisdiction over the facility's location—rendering them little more than formalities with no practical value in locating parents or lawful guardians.

Adoption agencies themselves regarded the notice requirement as unnecessary. In 1968, Tak Yeon-taek, president of Korea Welfare Service at the time, wrote in a letter to an overseas partner agency that adoption agencies' only source of revenue was the fees paid by adoptive parents, and that the costs of newspaper advertisements for notices, together with about a month's worth of childcare expenses, merely lengthened waiting lists for prospective parents.<sup>195</sup> In 1984, he reiterated the point in staff training materials: "In a country like ours, where so many children are abandoned, there is in reality no clear way for our government or adoption agencies to find the parents. Since the mass media are businesses, it is unrealistic to expect them to run daily notices free of charge. And even if such notices were published, parents would not appear unless they themselves had repented and sought out their child."<sup>196</sup>

Nevertheless, cases did occur in the 1970s and 1980s in which missing children were mistaken for foundlings, or kidnapped children were sent abroad for adoption instead of being reunited with their families, causing considerable controversy in Korea even back then. Yet adoption agencies sometimes responded to birth parents seeking the return of their children with threats such as: "We have no obligation to spend our money to find parents, so report us if you

<sup>194</sup> The head of an adoption agency is to act as guardian for a child in the process of adoption.

<sup>195</sup> Quoted in Youngeun Koo, "The Paradoxical Development of Liberal Governance: International Adoption Policy and Professional Social Work in Authoritarian South Korea, 1953–1976," *Journal of Social History*, 2024, 18.

<sup>196</sup> Tak Yeon-taek, "A Reappraisal of Intercountry Adoption in Korea," in *Spreading the Touch of Love: Proceedings of the 3rd Staff Training Workshop—A Reappraisal of Intercountry Adoption in Korea* (Seoul: Korea Welfare Service, October 26, 1984).

wish,” or by offering material compensation in exchange for abandoning their claim (see Table 22 for related press reports).

Table 22. Press reports on cases of missing children sent abroad for adoption

Source	Headline	Summary
<i>Chosun Ilbo</i> (December 22, 1972)	“Heartbroken Woman Kidnaps Another’s Child, Claims It as Her Own, and Leaves It with Man’s Family”	Kim ○○ (age 19), after her boyfriend Shin ○○ (age 22) turned down her marriage proposal, kidnapped an eight-month-old boy and gave him to Shin’s mother, falsely claiming he was her son with Shin, before fleeing. Startled, Shin’s mother reported the child as an unaccompanied orphan to the Gimpo County Office in Gyeonggi-do. The office contacted Holt, which began the adoption process a month later. Fortunately, the parents found the child and reclaimed him.
<i>Kyunghyang Shinmun</i> (October 13, 1973)	“Baby Abandoned on Wharf by Fleeing Maid”	A maid, identified only by her family name Jeong, kidnapped a baby and abandoned him at a wharf. The child was taken to the Mokpo City Shelter for Missing Children and, just before adoption placement, was returned to his parents. Jeong was arrested on charges of abducting and abandoning a minor and special theft.
<i>Chosun Ilbo</i> (November 15, 1974) <sup>197</sup>	“Maid Who Kidnapped Employer’s Daughter Caught After Two Years; Infant Adopted to Canada”	Around November 1972, a 19-year-old maid, Lee ○○, in Jung-gu, Busan, stole cash and the 10-month-old daughter, Lee △△, from her employer. She abandoned the baby in Gimcheon, Gyeongsangbuk-do. The child was taken in by neighbors, placed in an orphanage, and later adopted through an agency to Canada on March 20, 1974, under the name Im ○○. The maid was arrested on October 30, 1974, for another crime and confessed to the earlier abduction. Canadian authorities became aware of the case and launched an inquiry.
<i>Dong-A Ilbo</i> (October 6, 1975)	“Child Missing Eight Months Found to Have Been Adopted to Sweden”	On June 19, 1974, △△, the five-year-old son of Kim ○○ (age 28), went missing while at his father’s workplace in Daegu. After eight months of the father searching orphanages and petitioning police and prosecutors, an investigation revealed that the boy had been adopted to Sweden through Korea Welfare Service.
<i>Dong-A Ilbo</i> (May 16, 1979)	“Kidnapped Daughter Adopted to U.S. After 15 Months Due To Officials’ Negligence”	In February 1978, Jeong ○○ of Pohang lost his nine-year-old daughter, △△, after she followed a junk shop worker, Seo ○○, and disappeared. A friend revealed that Seo was imprisoned in Daegu, where he admitted abandoning the girl in Nampo-dong, Busan. She passed through local police, the Busan Women’s Center, and Namkwang Baby Home before being adopted to the United States through Eastern Child Welfare Service 12 months and 10 days later. Agency records contained accurate information the girl had given about her family. When Jeong protested, an agency staff member is

<sup>197</sup> *Kyunghyang Shinmun*, January 8, 1975, “Yang △△ Returns Home.” The article claimed that the child was set to be returned to her birth parents, but this was inaccurate. Records submitted to the Commission by Korea Welfare Service show that correspondence between the adoptee and her birth parents was not possible until 2001. In a letter written in April 2001, the birth mother recalled: “In 1974, I tried to ask the Canadian government to help bring you back, but at the time Korea was in turmoil following the assassination of President Park’s wife, so it was truly impossible. (...) If I had tried, it would have required an international trial. So I lived with the hope that when you turned 18, and when you realized you were Korean and we could finally make contact, then I could bring you back.”

		said to have retorted: “We have no obligation to spend our money to find parents, so report us if you wish.”
<i>Chosun Ilbo</i> (July 17, 1984)	“Please Give Me Back My Son”	Sim ○○ (age 8), the second son of Lee ○○ (female, age 46) of Jamwon-dong, Seoul, disappeared for a month before being found by police and transferred to the Seoul Metropolitan Child Counseling Center, then to Bethel Baby Home. On September 28, 1983, he was adopted through Holt to a French family. When Lee appealed to Holt for her son’s return, the agency is said to have replied: “We were not aware of such facts, and now nothing can be done.”
<i>Dong-A Ilbo</i> (September 24, 1986)	“Korean-American Grandmother Discovers Missing Grandson Adopted in U.S.”	Three years earlier, Kim ○○ (female, age 61) lost her grandson, Seo ○○ (age 6), while visiting Korea from the United States. After three years of searching, she learned he had been adopted to an American family. A writer who had read about the disappearance in the news fictionalized the story in a short story, which was then read by a caregiver at Korea Welfare Service, who contacted Kim to inform her of the adoption. The agency tried to send a staff member to persuade the adoptive parents in the United States but failed. It then told the grandmother: “Under adoption regulations we cannot allow you direct contact or disclose the adoptive parents’ address, but we can offer material compensation if you give up your claim.”

In 1983, the Ministry of Health and Social Affairs sought to curb the negative effects of excessively rapid adoptions by directing agencies to observe a waiting period between a child’s referral and departure abroad. In a letter dated May 30, 1983, Holt informed DanAdopt that the Ministry had issued an additional requirement—that no child could leave the country without approval from the competent city or district office. Holt explained that, under this rule, a child could depart only four months after admission. In a subsequent letter dated October 14, 1983, Holt corrected itself, stating that the waiting period was not four months but four to five months in Gyeonggi-do and six months in Seoul, Busan, Jeonju, and other regions. Later correspondence consistently reiterated the six-month requirement.<sup>198</sup>

The directive, however, was riddled with loopholes.<sup>199</sup> It did not apply to children categorized as “special needs,” such as those with disabilities or medical conditions, boys aged six or older, girls aged nine or older, or children from families with four or more siblings. In its October 14, 1983, letter to DanAdopt, Holt promised that such children would be sent abroad “as soon as preparations for departure are complete.” In another letter dated May 9, 1985, Holt added that some orphanages outside Seoul, Busan, and Jeonju maintained such good relations with local authorities that “there was no need to observe the six-month waiting period,” demonstrating how easily the rule was circumvented.

<sup>198</sup> DIA-obtained document (DanAdopt), 28–32.

<sup>199</sup> It is confirmed that the Seoul Metropolitan Government reported the directive to the Ministry of Health and Social Affairs and then notified the adoption agencies. See Seoul Metropolitan Government, “Improvements in Handling Cases of Abandoned and Missing Children (August 18, 1984),” in *Adoption Regulations Files* (Seoul Archives).

Nor was the directive applied uniformly across agencies. Holt began notifying its overseas partners of the six-month rule in 1983, but Korea Social Service did not mention it until a letter of January 15, 1986, to the Danish Adoption Center: “Under the previous guideline, the waiting period before departure was three months. However, the Seoul City government changed the policy without prior notice, requiring all adopted children—whether foundlings or those whose parents had relinquished custody—to wait at least six months.”<sup>200</sup>

Re: Legal Custody in Orphanages

This is to supplement our letter of May 30, 1983 regarding a child's departure from Korea. The legal custody in orphanages required is as follows:

Pusan Special City ----- 6 months (from Holt's intake date) *landreys*  
 Chunju City ----- 6 months " " " "  
 Seoul Special City and Other Areas 6 months " " " "  
*Kyoto Area* ----- 4 1/2 "

However, the children needing special medical care and treatment can be exceptions. We will try to send such children as soon as possible when they are ready for a flight.

And also there are some orphanages in other areas than Seoul, Pusan, Junjoo etc. which have a good relationship with their local government and do not need six months waiting period for their children. It is not easy to tell the exact flight date at a glance.

With the above mentioned general policy in mind, we will from now on try to write down the expected period of waiting of each child on the child report when we send this to you for release. This is only what we guess and assume as the waiting period from the date of being intaken until the expected date of departure.

**Item II. Flights after the January 22nd Group:**

We have problems now with making flight arrangements for children who were released for adoption. We could not get adoption approval from the Seoul City Authority for the abandoned children. They used to stay here for three months by regulation before departure. But the City authority suddenly changed their policy without any notice in advance and said that all the adoptive children should stay for more than six months before departure regardless they are abandoned children or foundlings. We are contacting the Authority concerned about this matter but results are not so bright. We do hope that we are able to inform you of a good news soon about this new policy.

The Ministry soon reversed itself. In a January 27, 1986, communication to the Seoul City government, it stated that “a uniform six-month facility placement for children relinquished by

<sup>200</sup> DIA-obtained document (Adoption Center), 154.

parents or born to unwed mothers risks emotional harm to the children, imposes excessive financial burdens, and exceeds facility capacity, thereby hindering child-welfare policy. Such undiscerning keeping of children in facilities should therefore be avoided,” and directed that adoption should take precedence.<sup>201</sup> Yet in its March 1987 business report, the Ministry explicitly listed “foundlings to be ineligible for adoption for six months to one year,” revealing an inconsistent and contradictory policy.<sup>202</sup>

The waiting-period rule, as a result, was largely meaningless. Of the 372 intercountry adoption applications submitted to the Commission, 47 children departed abroad between May 30, 1983, when the directive first appears to have been enforced, and December 31, 1987. Of these, only four cases respected the six-month waiting period. Two were delayed due to health problems (2-ra-13206-2 Hwang □■, 2-ra-17269 Shin ◇△), and one because the adoptive father, a U.S. serviceman stationed in Korea, wanted the child to travel with him when he returned to the United States (2-ra-14877 Jeong ◎▷). In the end, there was only a single case in which the six-month waiting period was fully observed.

Korea’s adoption process moved far more quickly than that of most other sending countries. A memorandum believed to have been drafted by the Korean Embassy in Norway around 1974 noted that Colombia required at least one adoptive parent to travel to the child’s country of origin to complete the adoption, and Vietnam required all legal procedures to be finalized before the child could depart. By contrast, in Korea adoption procedures began only after the child had arrived in the receiving country. For roughly USD 1,000 per orphan—which included airfare, escort fees, and departure processing costs—children could be delivered directly to the airport. This convenience, the memorandum observed, made Korea especially attractive to adoptive parents.<sup>203</sup> The same point was confirmed in materials produced around 1980 by the Dutch adoption agency Wereldkinderen (“Children of the World”) for distribution to prospective parents. These materials emphasized that Korea’s adoption process was the fastest among sending countries, which explained its far higher annual placement figures.<sup>204</sup>

Table 23. Comparison of adoption procedures by sending country, 1980

Sending country	Duration of procedures	Requirement of parental visit	Notes	Placements in 1980
India	Several months to one year (frequent reversals of parental relinquishment)	Not required	Siblings cannot be adopted together.	133

<sup>201</sup> Ministry of Health and Social Affairs, “Strict Consultation and Protection for Children in Need of Care (January 27, 1986),” in *Adoption Regulations Files* (Seoul Archives).

<sup>202</sup> Ministry of Health and Social Affairs, Bureau of Family Welfare, “Report on the Status of Adoption Projects (March 1987),” in *Adoption Business Guidelines* (National Archives DA0872941).

<sup>203</sup> Diplomatic Archives-obtained document, “Opinion on the Issue of Orphan Adoption,” in *Overseas Adoption of Orphans (Nordic Countries), 1974–81*, 8. This memorandum was found inserted among documents sent from the Danish Embassy in November 1974. Because the word “Norway” was handwritten at the top, it is presumed to have been drafted by the Norwegian Embassy around the same time.

<sup>204</sup> A reconstruction of materials submitted by Petitioner Chu ◆★ (M.K.J.D., 2-ra-17287), June 19, 2023.

Indonesia	Three to seven months (from application to child assignment; additional time before custody)	Both parents required to visit (one parent allowed only in exceptional cases) and to stay about three weeks	—	—
Colombia	Two to eight months until assignment; two months to one and a half years until arrival in the Netherlands	At least one parent required to visit	—	120
Ecuador	Generally lengthy (occasionally less than five months)	Not required	—	6
Korea	Six weeks to two and a half months from parental consent to custody	Not required	Siblings may be adopted together.	180

※ Blank entries indicate missing data; descriptions varied by country.

Because Korean agencies moved cases forward so quickly, their partners abroad were pressed to keep up. Apparently frustrated by delays at Terre des Hommes in Denmark, Holt warned in a letter dated November 23, 1977: “Denmark takes more than twice as long as Norway. Unless you speed up your processing, we may have to stop sending children to Denmark.”<sup>205</sup>

### 3) Compulsory “donations” to increase the supply of children for adoption

Adoption agencies charged prospective adoptive parents various fees to cover expenses incurred from the time a child was taken in until their departure abroad, such as staff wages, foster care costs, processing fees, and airfare. Because government support for intercountry adoption was minimal, these fees were the agencies’ primary source of income.

During discussions in the National Assembly in 1965 on amending the *Act on Orphan Adoption*, the Ministry of Health and Social Affairs openly admitted that intercountry adoption was a means of securing foreign currency, remarking that “in orphan adoption, we not only earn about USD 130 in foreign exchange per child, but also manage to send our orphans housed in domestic shelters abroad, thus killing two birds with one stone.”<sup>206</sup> When Child Placement Services (the predecessor of Korea Welfare Service) applied for licensing as an adoption agency on October 10, 1967, its business plan stated that it would collect a fee of USD 130 per child from prospective adoptive parents in Sweden (with additional costs for childcare during the processing period after the adoption match) and USD 250 in the United States (including childcare after the match).<sup>207</sup>

<sup>205</sup> DIA-obtained document (Terre des Hommes), 144.

<sup>206</sup> Remarks by Oh Pyo, Director of Planning and Management, Ministry of Health and Social Affairs, as recorded in National Assembly, *Minutes of the 48<sup>th</sup> Session of the Health and Social Affairs Committee, No. 1* (March 3, 1965).

<sup>207</sup> Child Placement Services, “Application for Licensing as an Adoption Agency (October 10, 1967),” *Corporate Register (Child Placement Services)* (National Archives, BA0089646).

However, these fees were not stipulated anywhere in the *Act on Orphan Adoption* or its Enforcement Decree and Rules. In fact, when the 1965 amendment was under discussion, the Korean government attempted to insert a provision requiring foreign adoptive parents to bear “actual adoption expenses.” The legislature rejected the proposal, arguing that explicitly acknowledging children as a source of profit in law was inappropriate.<sup>208</sup>

The first statutory provision for charging adoption expenses appeared in Article 8 of the Enforcement Decree of the *Adoption Act*, which took effect on March 18, 1977. It provided that “adoption agencies may, within the scope determined by the Minister of Health and Social Affairs, receive full or partial reimbursement of adoption-related expenses from the adoptive parents by mutual agreement.” However, the Ministry never issued Enforcement Rules to set fee ranges. In practice, the ceiling was determined through negotiations between the agencies themselves. At a meeting on January 20, 1982, attended by agency directors and Ministry officials, the Director of the Family Welfare Bureau stated: “It is better to avoid the formality of government approval of the fees.” In response, Tak Yeon-taek, president of Korea Welfare Service at the time, explained that the agencies had agreed to set the ceiling at USD 1,450 per child.<sup>209</sup> This agreement remained in place through the late 1980s, and in May 1988 the Ministry notified the agencies that adoption costs were set at USD 1,450 per child for a six-month protection period (airfare excluded). By the 1990s, however, fees rose steeply.<sup>210</sup> Table 24 below, based on materials submitted to the Commission by Holt and Eastern Child Welfare Service, summarizes year-by-year changes in adoption fees.

Table 24. Changes in adoption fees per child, by year

Holt		ECWS	
Year	Fee	Year	Fee
1976	USD 800	1977	USD 700
1980	USD 1,200	1981	USD 1,400
1982	USD 1,450	1983	USD 1,450
1988	USD 1,525 (USA) USD 1,450 (Europe)	1986	USD 1,450
1989	USD 1,680	1986	USD 1,450
1990	USD 1,525 (USA) USD 1,450 (Europe)	1991	USD 1,450
1999	USD 4,650	1992	USD 1,450
		1993	USD 3,550
		1997	USD 4,200

The structure of intercountry adoption costs is shown in Figure 21. “Primary expenses” refers to the actual costs of taking in a child for adoption, which may legitimately be charged to prospective

<sup>208</sup> Remark by Assemblyman Han Tae-yeon, as recorded in National Assembly, *Minutes of the 54th Session of the Legislation and Judiciary Committee, No. 3* (February 2, 1966): “If this is enacted into law, foreigners will think that Koreans are taking money for adoption. I believe administrative objectives can be achieved without putting it into the law.”

<sup>209</sup> “Meeting Results of Adoption Agency Directors (January 20, 1982).”

<sup>210</sup> Ministry of Health and Social Affairs, “Measures for Improving Adoption Services (May 1988),” *Adoption Guidelines* (National Archives, DA0872941).

adoptive parents. In addition, adoptive parents may voluntarily make donations as an expression of gratitude for the adoption match. Scholars have pointed to such voluntary contributions as the factor distinguishing legitimate adoption arrangements from unethical “(black-market) child trafficking.”<sup>211</sup> In other words, while charging “primary expenses” is unavoidable, any additional payments—“secondary expenses”—must be left to the adoptive parents’ voluntary choice. When such payments are imposed compulsorily, the structure must be regarded as constituting child trafficking.

Figure 21. Structure of intercountry adoption costs

Adoption agency in sending country (Korea)				Adoption agency in receiving country						
Process	Child intake	→	Foster care	→	Departure	→	Handover to adoptive parents	→	Post-adoption services	Secondary expenses
Primary expenses	Agency operating costs		Foster care expenses		Departure processing fees, airfare, etc.		Pre-processing fees (home study costs, etc.)		Administrative expenses	Support for maternity homes, baby homes, and homes for unwed mothers

In reality, however, the “donations” paid by prospective adoptive parents to Korean adoption agencies were anything but voluntary. Above all, they served to compensate for shortfalls in official service fees. For example, a Terre des Hommes newsletter dated June 23, 1976, expressed concern about Holt’s financial situation and recommended “setting a minimum fee of DKK 6,500 and applying it to all adoptions.” Yet only a month later, in a letter to the Danish Ministry of Justice, the same organization reported: “According to Holt, it cannot charge more than DKK 2,900 as a fee,” adding that “parents should now give Holt a gift, but it must be entirely voluntary.”<sup>212</sup> In other words, although framed as “voluntary gifts,” these payments clearly functioned as compulsory charges designed to make up fee deficiencies.

All four Korean adoption agencies charged official fees alongside mandatory “donations.” For instance, Korea Social Service’s 1974 budget listed intercountry adoption income as a combined category of “fees and donations,” set at USD 300 per case. From 1982 to 1989, Holt requested that DanAdopt in Denmark separate adoption fees and donations in its records, billing donations ranging from USD 300 to USD 975 per child in addition to fees. In 1983, Eastern Child Welfare Service charged Australian adoptive parents USD 100 per child and American and French adoptive parents USD 170 per child in donations. In 1982, Korea Welfare Service collected a “domestic operation donation” of USD 200 on top of the USD 1,450 fee per child, stating: “If a donation of USD 200 is not permitted under the receiving country’s law, then the adoption fee will

<sup>211</sup> Zelizer, “From Baby Farms to Baby M,” 23–28. Zelizer explains that the decisive factor distinguishing legal adoption from black-market child trafficking is whether adoption costs are viewed as compensation for professional services, or as a “voluntary gift” or “token of gratitude.”

<sup>212</sup> DIA-obtained document (Terre des Hommes), 365–367.

be USD 1,650.”<sup>213</sup> These examples show that donations were in practice another form of mandatory fee, and thus cannot be considered properly voluntary.

Although the government did not directly impose fee ceilings, it did call on agencies to restrain “excessive increases in fees to prevent human trafficking and profiteering.”<sup>214</sup> Agencies sidestepped such pressure by collecting additional fees in the form of “donations.” In 1988, for example, when Denmark’s Adoption Center remitted USD 1,900 per child as a combined fee and donation, Korea Social Service asked the center to revise the payment record to show “USD 1,500 as fees and USD 400 as an ‘unspecified donation,’ since we cannot officially accept USD 1,900 as fees.”<sup>215</sup>

Adoption fee is US\$ 1,450 as of 1982 and there are additional US\$200 of contribution for domestic programs. The above two items are on the budget which SWS submitted to our Government at the beginning of 1982. On the other hand, the amount of money is almost identical with those of other adoption agencies in Korea. If the contribution of \$200 is not permitted by the country's law, we receive \$1,650 as adoption fee.

Item I. List of KSS Fee on July 18, 1988:

We need new list of the KSS fees for the month of July 1988 – just the same as before of US\$1,500. for each child. We are not supposed to receive \$1,900. as a fee for each case. We can accept \$400. as a donation for each without child's name. I am returning the list of the KSS processing fees on July 18, 1988 for new one.

Compulsory donations not only helped cover the actual cost of adoption (i.e., the actual costs of processing an adoption), but were also reinvested in facilities, such as orphanages, homes for unwed mothers, and maternity clinics, that provided a steady supply of children for adoption. In this way, they fueled the very cycle of intercountry adoption (see “secondary expenses” in Figure 21). Table 25, based on records confirmed by the Commission, summarizes how adoptive parents’ donations were allocated.<sup>216</sup> In short, the so-called “donations” amounted to obligatory fees that sustained the infrastructure of Korea’s adoption industry, underscoring its commercial character.

<sup>213</sup> DIA-obtained document (Adoption Center), 57; DIA-obtained document (DanAdopt), 30–65; Pyeongtaek County, “Consultations on the Establishment of Infant and Maternity Facilities by Eastern Child Welfare Service (March 21, 1983),” *Eastern Child Welfare Service* (National Archives, BA0663448); Korea Welfare Service, “Correspondence with Partner Agencies Concerning Adoption Fees” (October 20, 1982).

<sup>214</sup> “Meeting Results of Adoption Agency Directors.”

<sup>215</sup> DIA-obtained document (Adoption Center), 184.

<sup>216</sup> These figures reflect only data confirmed during the Commission’s investigation, and do not represent the full scope of donations actually collected from adoptive parents.

Table 25. Use of adoptive parent donations

Adoption agency	Overseas counterpart	Source	Donation details
Holt <sup>217</sup>	Terre des Hommes (Denmark)	Newsletter, June 1981	Compulsory donation of DKK 1,800 to Holt's Ilsan orphanage
	DanAdopt (Denmark)	Letter from Holt, November 13, 1986	Compulsory donation of USD 400 to Holt's Ilsan orphanage
		Letter from Holt, December 3, 1988	Donation for Ilsan orphanage, special medical expenses, domestic adoption costs, USD 975
Korea Social Service <sup>218</sup>	Adoption Center (Denmark)	Letter from AC, January 12, 1987	Medical donation of USD 350
Korea Welfare Service <sup>219</sup>	Glemte Børn (Denmark)	Letter from KWS, January 28, 1975	Overseas adoptive parents required to pay costs even if the child (1) was returned to birth parents, (2) died, (3) was disabled, or (4) was adopted domestically.
	All partner agencies	Letter from KWS, October 20, 1982	Domestic program support fund of USD 200
Eastern Child Welfare Service <sup>220</sup>	Australia, U.S., France	Business plan, March 21, 1983	Construction support for infant and maternity facilities: USD 100 (Australia)–USD 170 (U.S. and France)

#### 4) Inter-agency investments to secure adoptable children

In addition to the fees paid by adoptive parents during adoption proceedings, Korean and overseas adoption agencies exchanged funds in the form of donations, loans, and gifts in kind. At a meeting of adoption agency directors on January 20, 1982, the Director of the Family Welfare Bureau at the Ministry of Health and Social Affairs remarked: “It is better to present adoption funding as being invested in other social projects, thereby fostering a positive public image and opening up opportunities for children.”<sup>221</sup> This shows that the Korean government was aware of the practice of monetary transfers between Korean and foreign adoption agencies and in fact encouraged using those funds for projects beyond the actual costs of adoption. Though framed as humanitarian support for Korean welfare programs, these donations functioned in practice as investments to

<sup>217</sup> DIA-obtained document (Terre des Hommes), 445; DIA-obtained document (DanAdopt), 57, 63.

<sup>218</sup> DIA-obtained document (Adoption Center), 167.

<sup>219</sup> DIA-obtained document (Terre des Hommes), 317; Korea Welfare Service, “Correspondence with Partner Agencies.”

<sup>220</sup> Pyeongtaek County, “Consultations on the Establishment of Infant and Maternity Facilities.”

<sup>221</sup> “Meeting Results of Adoption Agency Directors.”

secure a steady supply of adoptable children. This is evident in records of discussions between Korea Social Service and Denmark's Adoption Center in 1972.<sup>222</sup>

FLN: The children referred to AC are often weak children coming mainly from the Nam Kwang. Why is this?

P: We cannot place Nam Kwang children to the U.S. because they require a special medical embassy check-up and an immigration officer interview. The children are often weak, because they are small. With older children, medical problems will be less.

Undernourished, weak children need special care. KSS hopes to establish a 10-bed clinic for such children at the Nam Kwang, the Chung Hyon Baby Home (in Kwanz Ju) and the Star of the Sea

The Nam Kwang and the Star of the Sea have the worst health state of the young children. KSS will participate directly in establishing such special clinics and will share the expenses with the baby homes in a ratio of 2 to 1. To establish them, the following facilities will be indispensable:

- 1) Medical knowledge (medical nurse in charge)
- 2) Special funds
- 3) Special baby food
- 4) Medication

The NKCF, Holland, has already agreed to support one such 10-bed clinic and is donating \$250-300 a month + has elicited offers for free donations of baby food. The first 10-bed clinic is [redacted] to be established at the Star of the Sea Catholic Baby Home.

(...)

KSS has a multiple approach, i.e. they try to support and help the co-operating baby homes to raise their general standard, also for the children who are not eligible for adoption, because KSS is concerned for the welfare of all the children and considers adoption just one of the ways of helping children to a fuller life. Another way is to help the mother or the family and KSS is at present supporting many mothers who are thus able to keep their children. Naturally, by supporting the baby homes and raising their general standard, more children will become eligible for adoption and the homes will be more co-operative. As an example may be mentioned that CPS (Child Placement Service) last year received a government subsidy of \$20,000, but KSS did not receive any. Yet, KSS donated about \$20,000 to local agencies. Consequently, Pusan City, for instance is very favourable to KSS. This is multiple approach.

Following these discussions, the Adoption Center provided Korea Social Service with funds for the construction and operation of a hospital annex, the purchase of X-ray machines, ambulances, and incubators for Namkwang Baby Home, and the building of Korea Social Service's Cheongryeo Training Center ("Green Hill"). By the late 1980s, the Danish agency was also sending support for facilities for maternity and unwed mothers.<sup>223</sup> Records of the 1982 meeting make clear that such support was not intended primarily to enhance child welfare in Korea but rather "to enable more children to become adoptable." In other words, these funds were investments aimed at securing the resources of the adoption business itself.

In the lead-up to and aftermath of the 1988 Seoul Olympics, when public criticism of "child exports" was mounting and the government began moving to sharply reduce the scale of intercountry adoption, the true nature of these inter-agency transfers rose to the surface, as evident

<sup>222</sup> DIA-obtained document (Adoption Center), 29–30.

<sup>223</sup> Appeals Board, *Report*, 118–123.

in the following transcripts of two telephone conversations between the Adoption Center and Korea Social Service, which took place in May and July of 1989.<sup>224</sup>

FLN siger, at han så muligvis vil rejse tilbage lidt tidligere, men han vil gerne tale med Mr. Kim før han taler med Mrs. Paik. FLN spørger om unge Mr. Paik også er i Korea? Mr. Kim svarer vistnok bekræftende. Det er godt, siger FLN, for som Kim ved, finder han det nødvendigt at tale med både Mr. Kim og Mrs. Paik angående KSS' fremtidige policy. Vi ved ikke ret meget om deres hensigter: vil de fortsætte som adoptionsformidlende organisation eller vil de koncentrere sig om Greenhill? Dette

FLN siger, at det vil være nødvendigt, at han kan møde både Mrs. Paik og unge Mr. Paik (Mr. Shook?), når han kommer til Korea. Mr. Kim spørger, hvad han vil foreslå dem? FLN siger, at vi har behov for at vide, hvad KSS' hensigter og fremtidsplane er nu, da antallet af børn falder drastisk. Mr. Kim bliver meget ophidset og råber, hvorfor FLN absolut skal tale med Mrs. Paik og unge Mr. Paik om det? På grund af lånet, siger FLN. Vi skal vide, hvad der vil ske med lånet, vi har givet KSS og fremtidige donationer. OK, OK, siger Kim fornærmet. FLN siger, at han mener, vi skal tale med Mrs. Paik herom. OK, siger Kim.

The Adoption Center voiced concern that after years of substantial contributions to Korea Social Service for the purpose of securing adoptable children, the sharp decline in adoptions since 1988 meant their investments were no longer worthwhile. They pressed Korea Social Service to clarify its future plans. These exchanges made it unmistakably clear that inter-agency donations were not acts of humanitarian generosity but payments in exchange for the continued supply of children.

All four Korean adoption agencies depended heavily on donations from adoptive parents and overseas partners to sustain their operations. Based on materials secured by the Commission, the following table summarizes projects funded by overseas donations to Holt and Korea Welfare Service.<sup>225</sup>

Table 26. Overseas agency investments in Korean adoption agencies

Adoption agency	Year	Support provided	Supporter/investor overseas
Holt	1976	○ Denmark Holt Children's Program – support for a facility for children with polio in Jeju	Terre des Hommes (Denmark)
	1988–1991	○ Support for homes for unwed mothers	DanAdopt (Denmark)
	1982–1986	○ Holt Iksan Welfare Town – a facility for children with disabilities	Holt International Children's Services and partner agencies in six countries (U.S., Europe)

<sup>224</sup> DIA-obtained document (Adoption Center), 191–193.

<sup>225</sup> See *Fifty Years of Holt Children's Services* and *Fifty Years of Korea Welfare Service*. As the Commission was able to consult only a limited range of materials, Table 26 must not be understood as representing the full scope of inter-agency financial transactions.

		Holt-affiliated clinics	○ Funding for CT and MRI scans	Bethany Christian Services (U.S.)
			○ Hospitalization costs for premature infants	Children of the World (Norway)
			○ Prenatal care for unwed mothers	Terre des Hommes (Germany); DanAdopt (Denmark)
			○ Early physical therapy for children with disabilities	AIAE (Luxembourg)
			○ Subsidy for X-ray equipment	Associated Catholic Charities (U.S.)
Korea Welfare Service	1976	Establishment of Jeonnam Temporary Shelter for Infants		Friends of Children (Connecticut, U.S.); Terre des Hommes (France)
	1977	Purchase of headquarters site and construction costs		Children's Foundation (Connecticut, U.S.); Charitable Foundation (California, U.S.); OURS (Minnesota, U.S.); AIAA (Michigan, U.S.); Medical Missionary Society (Germany)
	1980	Construction of Hanseo Hospital		Swedish Donors Association
	1992	Construction of Amsa Rehabilitation Center		Spence-Chapin Services to Families and Children (Sweden/U.S.); International Social Service Germany; Children of the World (France); Children of the Orient (France), etc.

Denmark's Appeals Board (Ankestyrelsen) likewise observed that the financial support provided by Danish agencies was closely tied to the number of adoptions. In effect, Korean adoption agencies—already dependent on foreign fees and donations—may have been pressured to procure children for adoption. This dynamic was particularly evident in DanAdopt's financial support for Holt's maternity clinics.<sup>226</sup> The Netherlands Intercountry Adoption Commission, while not citing Korea directly, noted in its report that when Dutch agencies provided financial support to adoption agencies in sending countries, the transaction risked the appearance of payment for adoption services.<sup>227</sup> Similarly, a 2016 report by a United Nations Human Rights Council special rapporteur warned that when childcare facilities depend financially on adoption agencies, their very survival hinges on maintaining a steady supply of adoptable children, which, in turn, increased the likelihood of illegal adoptions.<sup>228</sup>

<sup>226</sup> Appeals Board, *Report*, 11.

<sup>227</sup> Committee of Inquiry on Intercountry Adoption, *Report* (2021), 129. In the Netherlands, the “Foundation to Support a Child in Korea” (Stichting Steun een Kind in Korea) was established in 1968, consistently supporting Korea Social Service while securing children for adoption. In April 1978, the Embassy of the Republic of Korea in the Netherlands reported that Dutch adoption agencies were publicly highlighting Korea's dark side—the inferior social status of women, the issue of unwed mothers, and the lack of a social welfare system—to encourage adoption by Dutch citizens, which created negative publicity for the nation as a whole. The embassy recommended halting intercountry adoption. (Embassy of the Republic of Korea in the Netherlands, “Overseas Adoption of Korean Orphans and Public Relations Measures,” April 4, 1978, Seoul Archives)

<sup>228</sup> United Nations Human Rights Council, *Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography*, December 22, 2016, A/HRC/34/55.

Korean adoption agencies collected mandatory donations from adoptive parents, along with financial contributions from foreign agencies that were effectively payments in exchange for children, to acquire extensive real estate holdings and expand into other areas of social services. According to press reports, Korea's intercountry adoption agencies amassed substantial property portfolios with funds generated from overseas adoptions, particularly during the real estate boom of the 1970s and 1980s, purchasing large tracts in Ilsan, Pyeongtaek, Gangnam, and Dongtan. In the mid-1970s, Holt acquired 110,000 square meters of land in Ilsan, Gyeonggi-do, to establish a "welfare town," and in the 1980s added properties in Daegu, Seoul's Hapjeong-dong, and Suwon. The current value of Holt's real estate is estimated at more than KRW 200 billion. Beginning in 1982, Eastern Child Welfare Service purchased land in Pyeongtaek, Gyeonggi-do, to establish Eastern Welfare Town, which included facilities for unwed mothers and childcare. That property is now valued at roughly KRW 65.1 billion. Korea Welfare Service purchased office buildings in Seoul's Gangnam District in 1979 and 1983, with an estimated combined value of KRW 61.3 billion today. In 1977, Korea Social Service bought 600,000 square meters of land in Dongtan, Hwaseong, Gyeonggi-do, to build welfare facilities. That site is now operated as a paid family campground and is valued at about KRW 49.8 billion.<sup>229</sup>

## **5) Discounted fees for the adoption of children with disabilities**

That fees and donations were collected as a natural part of the process for meeting the demand from parents seeking to adopt shows that children were treated as commodities. It also meant that children could be graded and priced according to adoptive parents' preferences.

In the early years of intercountry adoption in Korea, during the 1950s and 1960s, most adoptees were mixed-race children. Before traveling to the United States, they underwent rigorous medical examinations to ensure they met the criteria set by adoptive parents. Because most American adopters preferred "Caucasian-mixed" children, information was demanded on appearance, skin tone, hair color and curl, and eye color, i.e., traits then regarded as indicators of racial type.<sup>230</sup>

This practice of selecting children based on parental preference extended beyond mixed-race adoptees, with disability status becoming the most decisive factor. A June 28, 1972 report prepared by representatives of Denmark's Adoption Center after visiting Namkwang Baby Home in Busan noted in candid reflection: "In Europe, declining birth rates and growing prosperity have created a shortage of adoptable children. Families are now able to support more children in addition to their own. (...) Yet in practice, what takes place in Korea appears to adhere to the so-called

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<sup>229</sup> Newstapa, "Overseas Adoption and Money Series Part 10 – Survey of Real Estate Held by Adoption Agencies: Did They Become Property Tycoons by Selling Children?", February 14, 2024.

<sup>230</sup> Min Byeong-woong, "The Adoptability and Hierarchy of 'Mixed-Blood' Bodies: Science and Medicine in the Transnational Adoption between South Korea and the United States in the 1950s-60s," *Society and History* 135 (2022), 35-80.

*hunting principle*: Namely, only healthy, normal children are sought, while those deemed less suitable are excluded.”<sup>231</sup>

Despite such moments of self-criticism, the practice of screening children by health status continued. In 1981, for example, a Danish adoptive family that had received a boy requested an additional developmental assessment, citing concerns that his birth parents, who were older than average, might have passed on chromosomal risks. In 1983, another Danish adoptive family, after learning that the child they had taken in was diagnosed with an intellectual disability, declared themselves unable to raise him, returned him to an institution, and asked the adoption agency to send a different child.

Item IV: Supplementary Information

The boy [REDACTED], has been approved for placement with the family [REDACTED]. However, the child's biological parents are rather old [REDACTED] and therefore there is a slightly increased risk of chromosome disturbances in the child.

The family and the Social Center realize that it will be extremely difficult to have a chromosome test done on the child, and they therefore ask for a new height, weight and head circumference and an evaluation of the mental development of the child. With this information they feel that they could perhaps make an adequate evaluation of whether any chromosome disturbances are present, affecting the child's development.

Item V: [REDACTED]

The above-mentioned child arrived to Denmark on [REDACTED], and was placed with [REDACTED]. In the end of September, 1983, the girl was hospitalised for a specialist's examination as she was not developing normally. It was found that she is deeply mentally retarded, and it has been decided by the prospective adoptive parents to let her stay in an institution which is able to care for her adequately, as they feel unable to do so.

Enclosed we send you the discharge letter from the hospital with the complete diagnosis of the child, and a translation of it we have done.

The family [REDACTED] decided that they would like to receive another child some time early next year. Do you still have their homestudy, or shall we send you a new homestudy with photos of the family?

According to an adoptee, when a child sent to Denmark contracted meningitis and was placed in intensive care immediately after arrival, the adoptive parents notified the adoption agency of the situation. The agency reportedly replied: “Don’t worry, ma’am. If your baby dies, you can adopt

<sup>231</sup> “Europe has a shortage of children for adoption due to declining birthrates and increasing prosperity, with families able to support more children than they themselves give birth to. This may also be explained by the desire to help a child. Nevertheless, the help offered is limited, as one operates according to what in Korea is called ‘The Hunting Principle,’ where healthy and strong children are sought and the less suitable are discarded. This is strongly criticized by the Korean population.” (Original text: “Europa har mangel på børn til adoption p.gr.a. faldende fødselshyppighed og stigende velstand med muligheder for at forsørge flere børn end den, man selv vil sætte i verden. Dette kan også begrundes med ønsket om at hjælpe et barn. Alligevel er hjælpen så som så, idet man arbejder ud fra det man i Korea kalder ‘The Hunting Principle’, hvor man jager de sunde og raske børn og kasserer de mindre egnede. Dette kritiseres meget stærkt af den koreanske befolkning.”) DIA-obtained document (Adoption Center), 20.

another one.”<sup>232</sup> Agencies treated children with disabilities as commodities that could be returned or exchanged, even advising adoptive parents on how to request a replacement.

For the Korean government and adoption agencies, however, one of the chief purposes of intercountry adoption was to reduce domestic welfare expenditures. For that reason, increasing the number of children with disabilities placed for adoption was considered essential. When the government imposed monthly quotas on the number of children sent to Northern Europe in October 1975, children with disabilities were explicitly not included.<sup>233</sup> For that very reason, adoption fees for children with disabilities were set at steep discounts compared to those for healthy children. An article published in the Danish tabloid *Ekstra Bladet* on November 26, 1975, advertised that a healthy child could be “purchased” for DKK 10,000, while a child with disabilities cost less than half that amount—DKK 3,600.<sup>234,235</sup>

<sup>232</sup> Pressian, “Your adopted child is dying? We’ll send you another one,” August 23, 2022.

<sup>233</sup> DIA-obtained document (Terre des Hommes), 148, 158.

<sup>234</sup> *Ekstra Bladet*, a tabloid published by JP/Politikens Hus, was first issued in 1904 as the evening edition of *Politiken*. *Politiken*, founded in 1884, is Denmark's largest daily newspaper.

<sup>235</sup> PJA-obtained document (*Terre des Hommes*), 174.

Not all Danish agencies accepted this practice. In response to Korea Social Service's inquiry about other agencies' fee policies, the Adoption Center reported: "Terre des Hommes charges lower fees for children with disabilities," adding, "This is an attempt to give children with disabilities a 'special discount' for money, and we find it shameful."<sup>236</sup> While the Adoption Center did not explain why it found the practice "shameful," it likely feared that once fees were differentiated in this way, they would no longer reflect the administrative costs of arranging an adoption but instead assign monetary value to children according to perceived desirability.<sup>237</sup>

By the 1980s, however, discounting fees for children with disabilities had become standard across agencies. Specific amounts varied, but the fee applied to healthy children under nine was considered the base or reference fee. Children over 10 and sibling groups of three or more were typically discounted by about 30 percent from it, while children with severe disabilities were discounted by 50 percent. These guidelines were communicated to adoption agencies in receiving countries as official policy.<sup>238</sup>

<u>Re: Adoption fee and donation for 1988</u>		
Because of some inevitable circumstances we are confronted with, we are kindly asking you to divide the adoption fee and donation as follows:		
<u>Adoption fee</u>	<u>Donation</u>	
\$1450	\$825	For a child up to 9 years of age
\$1000	\$825	For a child 10 years old and over
\$1000 x 3	\$825 x 2	For a sibling group of 3 and over
\$725	\$500	For a severely handicapped child
Please be informed that the four overseas adoption agencies here in Korea have discussed required fees and agreed to charge the same amount (\$1,680) per child to the adoptive parents adopting Korean children in European countries. Therefore, please refer the following to your families in the future.		
	Fee	Donation
0-9 years	\$1,680	\$745
10 years and older	\$1,230	\$745
3 siblings and over	\$1,230 x 3	\$745 x 2
Special needs children	\$ 840	\$385

<sup>236</sup> DIA-obtained document (Adoption Center), 65.

<sup>237</sup> Martha Ertman addressed this issue directly through a case involving American adoptive parents. She recalled being asked whether she would pay the standard fee reflecting administrative costs, or a special half-price rate for "an older child, a Black child, or a child with other disabilities." She commented: "Suddenly what had been a price system based on services rendered became clearly, sickeningly, a price system for 'goods', a sale for chattel. ... I was unable to choose a fee schedule. I was unable to conspire in putting a price on my child's head." (Martha M. Ertman, "Commodification and Adoption," in *Routledge Handbook of Commodification*, Routledge, 2023).

<sup>238</sup> DIA-obtained document (DanAdopt), 56.

## 6) Conclusion

The report of the Netherlands Intercountry Adoption Commission noted that the very emergence of an adoption market, in which children are rendered tradable commodities, can itself be regarded as a form of abuse. Marketization of adoption, it argued, reduced adoption to a private matter both in the sending country and in the Netherlands, resulting in gaps in legislation, weak oversight, and corruption. In the end, only the interests of adoptive parents were prioritized, while the rights of adoptees and their birth families were dealt short shrift. The report further observed that by actively catering to the demand of adoptive parents, agencies created a situation of “supply-transcending demand,” which structurally motivated the abuse of children in adoption.<sup>239</sup>

Korea’s intercountry adoption policy exemplifies precisely the problem identified by the Dutch committee. Korean adoption agencies treated a large proportion of children in need of protection as adoptable and agreed with overseas counterparts to send a set number of children abroad each month. These arrangements took the form of private transactions between agencies. There is no evidence that the Korean government sought to regulate such transactions. Rather, it imposed temporary adoption quotas only when international criticism of “child trafficking” grew intense, lifting them again once the controversy subsided. The Korean government also left adoption fees to be decided by agreement between agencies, condoned the practice of forcing adoptive parents to pay “donations,” and turned a blind eye to the use of overseas partners’ investment funds as a means of securing adoptable children. With the government’s tacit approval, agencies used these funds to purchase extensive real estate holdings and expand into other areas of business.

Because intercountry adoption was conducted with the aim of satisfying the demand for children for adoption, agencies sought to shorten the process as much as possible. In the course of doing so, children who had been lost and were not reunited with their birth parents were mistakenly classified as abandoned and sent overseas for adoption, without either the agencies or the government taking responsibility. To expedite the placement of less “desirable” children, such as older children and those with disabilities, agencies offered discounts, further reinforcing the grading of children according to adoptive parents’ preferences.

From the 1960s onward, as foreign aid declined, the Korean government continually sought ways to reduce spending on children in need of protection. It scaled back home-based and institutional care programs that required public funds, fostering instead an environment in which intercountry adoption was promoted. Adoption proceeded exclusively through a handful of licensed agencies, which, without government subsidies, sent hundreds of thousands of children abroad. In doing so, they not only collected official fees but also compelled donations and received investments from overseas agencies in exchange for children—sums that sometimes exceeded the Ministry of Health and Social Affairs’ entire budget for infant and child protection.<sup>240</sup> With the

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<sup>239</sup> Committee of Inquiry on Intercountry Adoption, *Report*, 127, 136.

<sup>240</sup> It is difficult to determine the full scale of the intercountry adoption market that arose from the commodification of children, as the amount of informal donations added on top of official fees is impossible to calculate with precision. However, if one uses only the official fee as a standard, the market size in 1986 can be estimated. With 8,779

Korean government turning a blind eye, adoption agencies used these revenues to purchase large tracts of real estate and expand into other areas of service business, thereby enabling the government to address a range of social welfare needs through private organizations without committing additional public funds.

## 4. Human rights violations in intercountry adoption

For decades, the Korean government approached intercountry adoption with the assumption that “children sent abroad are living relatively happy lives after adoption,”<sup>241</sup> or that “although intercountry adoption may be positive for the child’s future given the difficulty of domestic adoption, if continued it will become a matter of national reputation.”<sup>242</sup> Efforts to reform the system or reduce its scale were attempted only sporadically in response to North Korean propaganda or international criticism.

The United Nations *Convention on the Rights of the Child* declares that in all actions concerning children, whether carried out by public or private social welfare institutions, courts, administrative authorities, or legislatures, the best interests of the child must be a primary consideration.<sup>243</sup> From this perspective, the Convention stipulates that intercountry adoption may be considered only when a child cannot be cared for in any suitable way in the country of origin.<sup>244</sup>

In Korea, however, children born to Korean parents were separated from their families and sent abroad to acquire new identities, new families, and new nationalities, without any choice or agency in the process. Even children whose parents could have been located, or whose parents had never consented to adoption, were made into “paper orphans” and hastily dispatched overseas, demonstrating that intercountry adoption was not treated as a last-resort option but as a default solution. In some cases, the identity documents of children who died or were returned home after a canceled adoption were fraudulently reused to send other children abroad, meaning that those children effectively obtained citizenship in the receiving country under names that were not their own. Such practices cannot have been in the best interests of the child. Children sent to unqualified adoptive parents who only obtained citizenship as adults, or those who suffered abuse, disruption, or placement in institutions abroad, had their very right to survival violated. The routine creation of orphan registers and falsification of records by adoption agencies—with the Korean government

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intercountry adoptions and the agreed fee among domestic agencies set at USD 1,450 per child (then KRW 881 to USD 1), the total amounts to about KRW 11.2 billion. By comparison, the Ministry of Health and Social Affairs budget for infant and child protection that year—including day care, child protection, and maternal care—was only KRW 8.62 billion. The Korean government thus effectively evaded its public responsibility for children in need of protection, outsourcing it to the private sector at a cost 1.3 times greater than its own budget.

<sup>241</sup> Remark by Minister of Foreign Affairs Park Dong-jin, as recorded in National Assembly, *Minutes of the 98<sup>th</sup> Session of the Foreign Affairs Committee, No. 8* (October 25, 1977).

<sup>242</sup> Remark by Minister of Health and Social Affairs Moon Tae-jun, as recorded in National Assembly, *Minutes of the 146<sup>th</sup> Session of the Plenary Session, No. 4* (May 15, 1989).

<sup>243</sup> *Convention on the Rights of the Child*, adopted November 20, 1989, entered into force September 2, 1990, but not until December 20, 1991 for the Republic of Korea as Multilateral Treaty No. 1072.

<sup>244</sup> *Convention on the Rights of the Child*, Article 21.

looking the other way—has also placed formidable obstacles in the way of adoptees seeking to trace their origins. None of these harms were of the children’s making, yet the irreversible consequences have been borne by adoptees, compounding over decades.

## **A. Loss of identity and family records through illegal adoption**

### **1) Intercountry adoptions carried out without meeting legal requirements**

Even children whose births had been registered by their parents and entered into the family register were easily transformed into “paper orphans” by local authorities, institutions, and adoption agencies, and sent abroad without parental consent.

Petitioner Kim ◊★ (2-ra-16758) and her younger brother Kim ○○ are children whose identities are fully traceable in resident registration records and elementary school records, including the names of maternal relatives with whom they lived. After their parents’ divorce, they were admitted by their mother to Angels’ Home, a childcare facility, around May 1982. In December 1983, the facility prepared documents falsely stating “parents missing” and “custody relinquished,” and transferred the siblings’ information to Holt.<sup>245</sup> The siblings then underwent adoption processing, including the creation of orphan registers, and were sent to France on May 30, 1984.

Under the former Civil Act (prior to its amendment into Act No. 3723 on April 10, 1984), custody after divorce was granted to the father. Yet no records can be found on the father’s consent to adoption in the Kims’ case.<sup>246</sup> The family section at the bottom of the *Angels’ Home Personal Record Card* states: “Agreed to adoption together with mother and maternal grandaunt,” but the only existing document is a “Consent for Overseas Adoption Emigration” signed on May 15, 1984, by the maternal aunt and her husband, just two weeks before the children’s departure. This is

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<sup>245</sup> For details on how documents were fabricated for the Kim siblings, see Section 3 of this report, “Problems in the intercountry adoption process – A. Securing children for adoption – (1) Admission of children from childcare facilities.”

<sup>246</sup> Civil Act (Act No. 3051, partially amended December 31, 1977), Article 909 (custody):

- (1) Parental authority over a minor shall be jointly exercised by the parents: Provided, That if their opinions differ, the father shall exercise it.
- (2) If either parent is unable to exercise custody, the other shall exercise it.
- (3) Where a child is born out of wedlock and there is no person to exercise custody under the preceding paragraph, the mother shall exercise it.
- (4) The natural parents of an adopted child shall not exercise custody over such child.
- (5) Where the parents divorce or, after the father’s death, the mother is reinstated into her family register of origin or remarries, the mother shall not exercise custody over the children born of her former marriage.

plainly inconsistent with the facts.<sup>247</sup> The mother's act of placing her children in a childcare facility does not, by itself, constitute a relinquishment of custody or consent to adoption.<sup>248</sup>

Around 1993–1994, the petitioner located her birth parents with the help of a friend. Both parents denied that they had ever consented to adoption, but the petitioner did not believe them for many years and remained estranged. Only in recent years, after requesting disclosure of her adoption records, orphan register, and resident registration documents, did she discover that she had been turned into a paper orphan and that no parental consent forms existed. She testified: “Adoption is what separated me from my parents. (...) My identity was turned into that of an orphan so I could be sent abroad for adoption. I see this as a violation of my human rights.”<sup>249</sup>

The birth parents of truth-seeking subjects Kang ◊♣ (2-ra-14897-2) and his brother, petitioner Jeong ◊▷ (2-ra-14877) and her sister, petitioner Park ◊□ (2-ra-14824), and petitioner Song ○♟ (2-ra-14689) were, first, denied legitimate custody of their natural children by unauthorized relatives acting without parental consent, and second, endured their kids being laundered into “paper orphans” through multiple institutions before being sent overseas.

Although Kang ◊♣ and his brother were duly entered in their family register, their paternal aunt Kang ★▲ referred them on January 17, 1974, to the Namkwang Baby Home Child Counseling Center (then the Busan liaison office of Korea Social Service), claiming that “the father is deceased and the mother missing.”<sup>250</sup> The adoption record prepared by Namkwang misreported their names, dates of birth, and parental information, and on the basis of this false information, orphan registries and other adoption-related documents were produced.<sup>251</sup> At the time of the referral, under Article 909 of the *Civil Act*, their legal guardian was their birth mother Bae ○○.<sup>252</sup>

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<sup>247</sup> The “Consent for Overseas Adoption Emigration” form preserved by Holt, dated May 15, 1984, was filled out by persons identified as Park ○○ and Kang ○○, who are shown to bear relations to the children as “maternal grandaunt and her husband,” respectively. The birth mother, with the family name Kang, had been registered during her marriage to Kim ○○ as the daughter of Kang ○○ and Park ○○, but her original registration was as the daughter of Kwon ○○ and Park ○○ (current identity). The “Park” woman identified as the mother of Kwon ○○ in the mother’s original register, and “Park ○○,” who signed the “Consent for Overseas Adoption Emigration” form for the petitioner siblings, were sisters. Sources: Kim ○○’s *certified copy of deleted family register*; Kwon ○○’s *certified copy of deleted family register and certificate of family relations*; and Kang ○○’s *certified copy of deleted family register*.

<sup>248</sup> The petitioner testified that her birth mother had placed her in the childcare facility, but such an act cannot be regarded as relinquishment of custody or consent to intercountry adoption. A comparable case in the United States, *Doan Thi Hoang Anh v. Nelson*, 245 N.W.2d 511 (Iowa 1976), concerned a Vietnamese birth mother seeking the return of her child after adoption. The court ruled that because the mother had entrusted the child to an orphanage in Vietnam without signing any written consent to adoption, her act could not be considered abandonment. It further held that unless ordered or required by a court, or unless parents sign a written consent transferring permanent custody or guardianship to a state-licensed agency, no parent may transfer, relinquish, or surrender the rights and duties concerning the permanent care or custody of a child under 14.

<sup>249</sup> Recorded testimony of petitioner Kim ◊★, September 15, 2023.

<sup>250</sup> According to a *certified copy of deleted family register* of Kang ○○, the great-grandfather.

<sup>251</sup> In the “Mother” section of the adoptee record, the entry reads “missing,” while under the “Special notes on upbringing and medical history,” it states “parents deceased.” The father did die on September 21, 1971, but the mother was alive. Thus, the statement “parents deceased” in the adoptee record is false.

<sup>252</sup> Following the father’s death, the mother retains custody over children from the former marriage until she is reinstated into her family register of origin or remarries [*Civil Act* (Act No. 2200, partially amended June 18, 1970), Article 909 (custody), paragraph (5)]. Bae ○○ was reinstated into her family register of origin on June 1, 1982.

Article 2(1)2 of the *Act on Orphan Adoption* allowed for intercountry adoption of a minor under the age of 18 with the consent of a legal support provider (guardian). The order of such liability was: direct ascendants (the mother), the head of the family register (the grandfather), and then relatives living in the same household. Yet the resident registration form apparently attached by the aunt, Kang ★▲, when submitting the “Consent for Overseas Adoption Emigration” form contained no indication that she resided with the children, and thus did not prove her standing as a third-rank support provider. No explicit adoption consent from the birth mother—who, as both legal guardian and first-rank support provider, held the paramount right to decide—exists.<sup>253</sup>

Petitioner Jeong ◎▷ and her twin sister, born April 22, 1982, were children whose father had registered their births and entered them in the family register. Around 1984, without the explicit consent of their birth parents who were their lawful guardians, their maternal grandmother placed them in a facility for children with disabilities through an acquaintance. On January 24, 1986, they were transferred to Holt.<sup>254</sup> In Holt’s English-language records, the sisters’ date of birth was altered to March 20, 1982, and it was falsely recorded that they had been found abandoned in front of the Cheongdo County Office in Gyeongsangnam-do before entering the facility. An orphan register was then created on February 27, 1986. On February 21, 1986, the Jeong sisters were presented by Holt’s Daegu branch to a U.S. military couple stationed in Korea and formally handed over on March 14, 1986.

The adoptive parents’ paperwork was not submitted to the adoption agency until March 20, 1986, a week after the children had already been placed in their custody. The adoption was finalized on August 16, 1986.<sup>255</sup> During the Commission’s investigation, the petitioner testified: “At the time, my (adoptive) mother wanted to adopt, especially twins. (...) My adoptive father later said he thought it was strange that after applying for twins, the agency was able to find them so quickly, and he became suspicious.” Because the Jung sisters were processed for adoption under the identity created in the orphan register, their original family register was later deleted on grounds of “residence unknown.”

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<sup>253</sup> Petitioner in Case No. 2-ra-14897-1. She submitted a written statement to the Commission on behalf of her spouse, Kang ◎♣, who died on July 12, 2019. Seo ◎♀, “Statement for Intercountry Adoption Investigation,” May 11, 2024.

<sup>254</sup> The “Consent to Adoption” form, dated January 24, 1986, was issued under the name of Baek Yeong-gi, director of Seongnagwon. The facility was licensed as an infant home, re-licensed in 1976 as a home for infants with disabilities, and in 1982 as a residential facility for persons with severe disabilities. See the history section on the website of Gyeongsan Yeorae Home (경산여래의집.com).

<sup>255</sup> Jeong ◎▷’s certified copy of deleted family register (orphan register); Seoul Family Court, Decision 1986-Jeu-970 (adoption approval), August 16, 1986.

Table 28. Changes in identity information of Jeong ◎▷

	Family register	Seongnagwon Baby Home	Holt	Orphan register
Name	Jung ◎▷ (鄭◎▷)	No record found.	Jung ◎▷	Jung ◎▷ (丁◎▷)
Date of birth	April 22, 1982		March 20, 1982	March 20, 1982
Father	Jeong ★▽		—	—
Mother	Lee ★▼		—	—
Registered domicile	Jinju, Gyeongsangnam-do		—	Mapo-gu, Seoul
Place of birth	Jinju, Gyeongsangnam-do		—	—
Address	Jinju, Gyeongsangnam-do		Cheongdo, Gyeongsangnam-do	Mapo-gu, Seoul

Petitioner Park ◎□ was born June 17, 1977. After her father's sudden death on October 5, 1978, her mother struggled for several months to raise her alone in Uljin and Tongyeong, small towns at the time in Gyeongangbuk-do and Gyeongsangnam-do, respectively. Her paternal uncle, the late Park ★◁ of Chuncheon, Gangwon-do, took over her care but, citing financial hardship, relinquished custody on June 27, 1979, to Chuncheon City Hall.<sup>256</sup> That same day, Park ◎□ was placed in Osunjeol Baby Home by the city authorities, transferred to Holt on July 6, 1979, registered as an orphan on August 6, 1979, and sent to Denmark on November 21, 1979. At the time her adoption was arranged, her legal guardian under Article 909 of the *Civil Act* was her birth mother, Lee ▽♣,<sup>257</sup> who had never consented to either adoption or institutional placement, nor had any court declared her loss of custody. The uncle was not a legal guardian, and because Park ◎□ had been duly registered at birth, she could not properly be considered "a child without an identifiable support provider." In an interview with the Commission, the birth mother stated: "I never agreed to place my child in an orphanage or for her to be adopted. I was never told that her uncle had relinquished custody, nor that she had been passed from city hall to the orphanage and then to an adoption agency for adoption overseas."<sup>258</sup>

<sup>256</sup> After relinquishing care of his niece Park ◎□, the late Park ★◁ moved to Jecheon, Chungcheongbuk-do, in April 1980 and was reported deceased on February 13, 1984. Chuncheon City Hall's *child record card*; the late grandfather Park ○○'s and the late father Park ○○'s *certified copies of deleted family registers*; abstract from the late uncle Park ★◁'s *resident registration*.

<sup>257</sup> Under Article 909(5) of the *Civil Act*, following the father's death, the mother retained custody over children from the former marriage until she was reinstated into her family register of origin or remarried. The late Park ★◁ never adopted his niece Park ◎□, and the mother, Lee ▽♣, was not reinstated into her family register of origin until June 19, 1984. Thus, during the entire period in which the petitioner's intercountry adoption was being arranged, custody belonged to the birth mother.

<sup>258</sup> Recorded testimony of witness Lee ▽♣ (April 15, 2024); Park ◎□ 's DNA test report, November 15, 2024. The birth mother testified: "Since I never intended to relinquish custody, had I known of the late Park ★◁'s situation, of course I would have taken my daughter back to raise her. But in those days, there was no public assistance for single-

Table 29. Changes in identity information of Park ◎□

	Family register	Chuncheon City Hall	Osunjeol Baby Home	Holt	Orphan register
Name	Park ◎□ (朴▼♣)	Park ▼♣	Park ◎□ / Park ▼♣	Park ◎□	Park ◎□ (朴▼☆)
Date of birth	June 17, 1977	June 17, 1977	June 17, 1977	June 17, 1977	June 17, 1977
Father	Park ○○	—	—	—	—
Mother	Lee ▽♣	—	—	—	—
Registered domicile	Uljin, Gyeongsangbuk-do	—	—	—	Mapo-gu, Seoul
Place of birth	Uljin, Gyeongsangbuk-do	—	—	—	Mapo-gu, Seoul
Address	Uljin, Gyeongsangbuk-do	—	—	—	Mapo-gu, Seoul

Petitioner Song ○♣ was likewise sent for intercountry adoption after his paternal uncle, who had assumed his care following his mother's death, referred him on October 30, 1979, through the Namkwang Baby Home Child Counseling Center and Korea Social Service. In the process, his original family register identity and the identity created in the orphan register diverged, as shown below.

Table 30. Comparison of Song ○♣'s identity information in family register and orphan register

Category	Name	Date of birth	Parents	Registered domicile
Family register	Song ○♣	November 17, 1976	Song ☆☆, Kim ★◀	Buk-gu, Pohang, Gyeongsangbuk-do
Orphan register	Song ○♣	October 23, 1976	—	Ssangmun-dong, Dobong-gu, Seoul

As in the case of petitioner Kang ◎♣, the information recorded about Song ○♣'s parents and family background differed from the facts confirmed in resident registration records. His mother had died on March 10, 1977, while still married. Yet in the statement his paternal uncle submitted to Namkwang Baby Home, it was written that "the mother is missing and the father, mentally ill, has abandoned the family." Namkwang Baby Home's adoption record further claimed: "After a temporary extramarital cohabitation, the mother left the baby with her sister-in-law two months

parent households, and it was difficult to endure the stigma from both family and society as a young woman raising a child alone."

after birth and disappeared, while the father also left home.”<sup>259</sup> In reality, the child was handed over, by someone who had no custody over him, to a private child counseling center that had no license to arrange intercountry adoptions. From there he was transferred to Korea Social Service and, barely two months later, on January 17, 1980, sent abroad. His birth father did not learn of his adoption until March 15, 1982, when he was contacted by Namkwang Baby Home.

The petitioners in these cases all had clear entries in their original family registers and resident registration records, and their legal guardians existed and had not consented to adoption. They should never have been made subject to intercountry adoption. Yet once third parties referred them to counseling centers or childcare institutions, they were “laundered” into paper orphans, and adoption overseas could proceed with nothing more than a guardian’s consent. Local authorities, rather than verifying whether the individuals relinquishing children were in fact the legal guardians and pursuing lawful protective measures, accepted those individuals’ unverified claims and facilitated unlawful adoptions. No institutional safeguards prevented private counseling centers from accepting unlawful relinquishments of custody and transferring children to adoption agencies. As a result, crucial information about children’s identities and backgrounds was lost.

These petitioners ended up with dual registrations, i.e., both their original family registers and the orphan registers created for adoption. Even if the original register was deleted on grounds of “residence unknown,” the orphan register often remained intact because adoption agencies and the Ministry of Justice failed to verify whether adoptees had obtained nationality in the receiving country. Some petitioners may therefore still, unwittingly, be in a state of dual nationality.

Even more serious than problems of nationality or recordkeeping is the rupture of family ties caused by wrongful adoption. Some petitioners, as adults, have reunited with their birth families through adoption record searches and DNA testing, but linguistic, cultural, and emotional barriers remain difficult to overcome.

In one case, the Commission located the birth mother, original family register, and institutional records of petitioner Park 𩔠, once classified as “an abandoned child taken in from an institution,” and confirmed kinship through DNA testing. In her statement, the petitioner said: “I do not remember anything from my childhood in Korea. I suffered from mental, psychological, and emotional problems that came from being labeled an abandoned child and from my life as an adoptee. (...) I told the Commission I would agree to DNA testing if they found my family, but I was not sure I was ready to meet or reconnect with a blood relative.” Although her adoption has been confirmed as illegal, carried out without the consent of her birth mother, Park has still not been reunited with her. Even if she and her mother were to wish for reunion or contact, no program or organization exists to provide support. While in her case DNA testing was possible, in cases where immediate family members in Korea have died, there is no way to establish kinship, leaving adoptees at risk of permanently losing their original identities and family ties.

## 2) Deliberate substitution of children’s identities

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<sup>259</sup> A certified copy of the deleted family register of Song 𩔠’s father (Song ☆☆); Namkwang Baby Home Child Counseling Department, “Adoption Record (Song 𩔠).”

When an adoption proceeding could not go forward (for instance, because the child died before departure or was reclaimed by relatives) agencies sometimes substituted another child, sending the replacement abroad under the identity of the child originally designated for adoption.

These were not simple changes to a single child's records but cases in which two children's identities were swapped. The resulting violations were especially grave, since the adoptee not only entered the receiving country on another child's passport and visa but also underwent adoption screening and acquired citizenship under that stolen identity.

One such case involved a petitioner adopted abroad under the identity of a child who had already been reclaimed by his family. Petitioner Kang ◆▷ (2-ra-17274), born in 1957, was adopted to an American family under the falsified identity of Cha ◆►, born in 1956. Cha had been brought to Seondeok Baby Home in Jeonju, Jeollabuk-do, on December 18, 1963, referred by the police and the city's Social Affairs Division. Between July 14 and 20, 1965, she was referred to International Social Service (ISS), which began processing her adoption to the United States.<sup>260</sup> While Cha was still at Seondeok, a foundling discovery report was filed on September 23, 1965: "Discovered on September 22, 1965, at 90-1 Munjeon, Chungjeongno 1-ga; cared for at an ISS-affiliated baby home." On October 23, 1965, the Seoul Family Court granted permission for the establishment of a family name and origin for her, and on October 30 the head of the Seodaemun-gu Office issued a certificate of orphanhood. On February 12, 1966, an application for an emigration permit was submitted to the Ministry of Health and Social Affairs, which approved it two days later. In reality, however, Cha had returned home on February 10, 1966, and the adoption information management system of today's Korea Adoption Services records her adoption as "withdrawn."<sup>261</sup> The child report prepared by ISS during the process falsely stated that Cha's mother had died while giving birth in February 1962 and that her father had committed suicide in November 1963, after which relatives had placed her in the baby home through the city's Social Affairs Division. The truth was that Cha had been a missing child who was retrieved by her father.

According to Seondeok Baby Home's "Individual Child Survey," petitioner Kang ◆▷ was brought to the facility with siblings on referral from the city's Social Affairs Division on May 17, 1965, after his father's death. The form recorded "father deceased, mother missing," but this was only partly true.<sup>262</sup> Following her husband's death, Kang's mother had entrusted a few children to the facility. Although she was repeatedly urged to place one daughter for adoption and eventually agreed, she never signed a consent form and was never informed of the adoption schedule or the

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<sup>260</sup> When ISS withdrew from Korea, its records are believed to have been transferred to the Child Placement Service (now Korea Welfare Service). Between 1956 and May 1961, ISS arranged 222 intercountry adoptions. *Dong-A Ilbo*, "Hurrying the Adoption of Mixed-Race Children to the United States," June 16, 1961.

<sup>261</sup> Seondeok Baby Home's "Admission Register," date unknown.

<sup>262</sup> In Seondeok Baby Home's "Admission Register," the entry for Kang ◆▷ notes that the child "departed for America on March 3, 1966" and lists her post-discharge address as "Canada." Yet the 1965 emigration permit register contains no record of an application for adoption to Canada, and in 1966 there is only one entry, for an infant named An ○○ adopted to Canada from Incheon on October 29, 1966. This suggests that the *admission register* also contained false or erroneous entries.

identity of the adoptive parents. Kang was sent to the United States in March 1966 with a passport and visa issued for another child, Cha ♦►, and later acquired U.S. citizenship. Because she was eight years old at the time, she remembered her original identity and was reunited with her birth family in the 1980s. Yet since her identity had been laundered under Cha's name, her current identification documents still bear Cha's date of birth, and even to apply for an F-4 visa she must submit Cha's orphan register as supporting documentation.<sup>263</sup>

Petitioner Jang ♦◆ (2-ra-14726) lost her mother, after which her father signed a "Consent for Overseas Adoption Emigration" form at Korea Social Service on October 20, 1973, relinquishing custody. Just a week later, on October 28, she was sent to Denmark. Such rapid transfer was possible because her identity was substituted for that of another child, Park □, whose adoption proceedings were already underway. Park □ had been admitted to Star of the Sea Baby Home on May 8, 1973, as a foundling. On May 30, 1973, Korea Social Service prepared her adoption record and began processing her adoption to Denmark. On June 8, however, a U.S. serviceman signed a custody declaration and took the child to raise.<sup>264</sup> Korea Social Service retained only Park's identifying information, completed the paperwork for overseas adoption, and on October 21, 1973, disguised the newly admitted Jang ♦◆ as Park □ and sent her abroad instead.

Figure 26. Petitioner Jang ♦◆'s adoption record (top section)

-1-				
AC 片 Aix				
依頼機関名	記録者 姓名			
記録年月日 1973. 10. 21.				
児童姓名 朴 (男) 生年月日 1973年 9月15日 當年齢 7個月				
卽決	會長	副會長	部長	責任

Petitioner Kim ○♀ (2-ra-14497)'s adoptive younger sister, Seong ★▷, was also sent abroad under the identity of another child named Nam ▽□.<sup>265</sup> The siblings' adoptive mother, witness "I.L.O" (Danish national), testified before the Commission that she had realized when the child arrived

<sup>263</sup> Kang ♦▷ (Cha ♦►), "Statement for Intercountry Adoption Investigation," May 21, 2024; *First Person Plural* (2000), an adoption documentary produced by the petitioner herself.

<sup>264</sup> The personal file of Park □ held by Star of the Sea Baby Home contains an email request from Park □ (American name with initials "D.M.") in 2015 for his own records and a reply from the institution. According to the reply, the letter "K" marked in the 1973 list of children indicated that Korea Social Service (KSS) had requested custody of Park □ for adoption. However, this was interrupted, and his private adoption by a U.S. serviceman ("...you were adopted privately by US Army...") may have been carried out at the suggestion of foreign nuns then working at the baby home. Star of the Sea also noted the possibility that Park □'s adoption was arranged through Catholic Relief Services-National Catholic Welfare Conference (NCWC), one of the adoption agencies licensed at the time.

<sup>265</sup> Not among the petitioners in the present case.

that it was not the one originally described, but that the Korean agency admitted this only in 2004, when she visited the institution:

Investigator: So before your daughter arrived, you received no notice that the child would be changed?

I.L.O.: I heard nothing in between. I had been told she was a round-faced girl of eight months, so I assumed it was her. When I asked, I was told only then. I found out about this discrepancy when I visited the institution in 2004. I asked then what had happened. But regardless, this child is my child. (...)<sup>266</sup>

The child, Nam ▽□, whom the couple had originally been scheduled to adopt, had been recommended by the Namkwang Baby Home Child Counseling Division to Korea Social Service on September 29, 1976, for overseas adoption. On October 23, 1976, however, his mother canceled the adoption consent and took him home. By October 22, Korea Social Service had already prepared the English-language documents required by the receiving country, and by December 14 had completed the creation of an orphan register and secured an emigration permit. In place of Nam who had returned home, KSS substituted Seong ★▷, admitted on November 10, and sent her abroad under Nam ▽□'s already-prepared identity.

Some petitioners were sent abroad under the identities of children who had died while adoption proceedings were underway. Petitioner Kim •♀ (2-ra-14769), believed to have been born on February 9, 1976, received her name after being privately entrusted to a local family following her birth to unidentified unmarried parents, and was later referred to an adoption agency. Her precise actual identity remains unknown.<sup>267</sup> All of the documents and photographs her adoptive parents received during the adoption process, however, belonged to another child, Park •♣, born on April 9, 1976. Kim departed Korea under Park's passport, and her legal identity continues to rest on Park's information.

Her Danish adoptive parents had proceeded on the basis of Park •♣'s file, which Korea Social Service had prepared after she was transferred from Busan's Namkwang Baby Home. Park had been relinquished by the mother of her unmarried father, and her "Adoption Record" contained family details. In an interview with the Commission, the petitioner stated: "When I traveled to Korea around 1997, Korea Social Service gave me information about my grandmother and father. With police assistance, I located my family. After being told of my father's death, I was given my

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<sup>266</sup> Interview transcript of witness I.L.O., June 18, 2023.

<sup>267</sup> According to witnesses' statements, the adoptive record for the child was created by the family of Kim ○○, who had cared for the child privately. They chose the child's name themselves and estimated the date of birth. Recorded testimony of petitioner Kim •♀ (Park •♣), June 15, 2023.

mother's information and reunited with her. But our DNA test results did not match. Only then did I realize I was not Park ♦♣.”<sup>268</sup>

Korea Social Service's “Post-Adoption Counseling Log,” dated May 28, 2023, records that Park died of dysentery on August 2, 1976, while adoption was being arranged. Two days later, on August 4, the organization substituted Kim ♦♀, an unregistered child newly admitted to its care, and sent her abroad under Park's identity. Because Park had no family register, creating an orphan register for her was legally allowed.<sup>269</sup> But when a child dies in care, the head of the facility where they were being cared for is required to file a death report. Instead, Korea Social Service laundered Kim's identity through Park's papers, so that Park's expunged register records not her death but the date she acquired Danish nationality.

Petitioner Kwon ●● (2-ra-14712) was born out of wedlock and never entered in a family register. After her parents separated, her paternal uncle placed her with Korea Social Service for adoption on March 14, 1977. Just one day later, on March 15, she was sent to Denmark under the identity of Eom ●◎.

Figure 27. Adoption record of petitioner Kwon ●● (top section)

Eom ●◎ had been found abandoned on a street in Seoul on December 15, 1976. Her name was taken from two characters of the name of the police officer who referred her to the adoption agency. Korea Social Service sent Denmark false documents stating that she had been referred from the Namkwang Temporary Shelter for Children in Busan and been granted an emigration permit on February 16, 1977. Eom appears to have died just before departure. In her statement, Kwon recalled: “My adoptive parents had been told that Eom ●◎ was scheduled to arrive in Denmark on March 2, 1977, but were later informed that the child had fallen ill. The child who arrived on March 16 was not Eom but me. My parents were never told of the substitution. It was only in 2009, when I visited Korea Social Service with my parents, that we learned I had been sent in Eom's place.”<sup>270</sup>

<sup>268</sup> Petitioner Kim ♦♀ (Park ♦♣), “Statement for Intercountry Adoption Investigation,” May 23, 2023; interview transcript of Kim ♦♀ (Park ♦♣), June 15, 2023.

<sup>269</sup> The “Adoption Record” for Park ♦♣ suggests that her name was decided upon her referral to Korea Social Service by combining characters from the names of her grandmother Park ○○, who signed the adoption consent, and her birth father Oh ○○.

<sup>270</sup> Interview transcript of petitioner Kwon ●● (June 20, 2023).

Petitioner Son ◇▷ (2-ra-16096) experienced a similar fate. In mid-June 1976, her uncle—who had no legal authority to consent to adoption—placed her with an agency. Barely two weeks later, on July 1, she departed for Denmark.<sup>271</sup> Such rapid transfer was possible because her papers had been falsified under the identity of another child, Lee ◇▶, for whom departure proceedings were already complete and a travel certificate issued before she died.<sup>272</sup> When Son’s adoptive parents saw that the child who arrived in Denmark did not match the photographs they had received, they alerted the agency about the discrepancy, only to be told that “the child looks different because she had a bout of diarrhea.” According to Son, it was not until a visit to Korea in 2004 that she learned from Korea Social Service staff that she had been sent under Lee’s identity.<sup>273</sup> Because Lee’s papers were used to send her abroad, Lee’s expunged register does not record her death but instead notes that she lost Korean nationality on July 17, 1977, upon acquiring Danish citizenship.

For adoption agencies, substituting one child for another saved both time and money. As long as neither adoptive parents nor officials in the receiving country detected the switch, the child could be sent abroad on schedule, sparing the agency from refunding fees for a canceled adoption. There was also no need to do the necessary paperwork for the replacement child, including English-language documents for the receiving country’s agency, creation of an orphan register, issuance of a passport, and application for an emigration permit.

These practices of falsifying records, substituting children’s identities, and misusing passports issued in other children’s names were not only illegal but also profoundly unethical. They made it extremely difficult for adoptees to trace their origins or confirm their identities. Yet the Korean government took no effective measures to monitor or prevent these violations. The consequences fell entirely on adoptees, who lost their original identities and were forced to live under false ones.

## **B. Human rights violations of abuse and leaving someone without a nationality**

Of the 98 petitioners who gave testimony to the Commission, 31 reported suffering abuse in their adoptive homes.<sup>274</sup> The perpetrators included adoptive mothers, adoptive fathers, and siblings, in

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<sup>271</sup> Petitioner Son ◇▷ was born out of wedlock. Her birth mother’s identity is unknown, while her birth father acknowledged her but raised her without registering him in the family register. Between June 14 and 16, 1976, her paternal uncle referred her to Korea Social Service and signed a “Consent for Overseas Adoption Emigration” form, listing himself as guardian. Since Son ◇▷ had never been registered at birth, however, the uncle cannot properly be considered her guardian with the authority to consent to his adoption.

<sup>272</sup> Records for Lee ◇▶ note that at the time, the father was unable to work due to accident-related injuries and the mother was suffering from uterine cancer. They also confirm that Lee had three older siblings whose births had been duly registered. The expunged family register of her father, Lee ○○, shows that Lee ◇▶ herself had never been registered, and her mother is recorded as having died on April 5, 1976, just two days after the child was placed with the adoption agency.

<sup>273</sup> Interview transcript of petitioner Son ◇▷ (June 18, 2023).

<sup>274</sup> In total, 32 petitioners gave affirmative responses when asked whether they experienced abuse in their adoptive homes, though one was excluded from the valid tally for failing to provide complete answers to follow-up questions.

that order of frequency. Some endured abuse for only a year or two, while others continued to suffer until adulthood or independence.

Several cases show how the adoptive society and culture served as unsafe environments, in addition to abuse suffered at home. Petitioner Jung □◆ (2-ra-17302), adopted to Sweden, testified that he dropped out of high school after repeated instances of racial discrimination, bullying, confinement, and physical assault. At home, his adoptive parents subjected him to racial slurs and mocking gestures such as pulling their eyes into a slant, making life intolerable.<sup>275</sup>

Petitioner Seo ◇♣ (2-ra-17256), adopted to Australia, described how community racism and anti-Asian prejudice, combined with years of physical and emotional abuse from his adoptive mother and witnessing her abuse of his Korean-born adoptive sister, made him feel unsafe as a Korean child in that environment. His sister eventually fled the home, and around age 16 he himself was reported to police after resisting his mother's abuse, leading to his confinement in a juvenile detention facility.<sup>276</sup>

Petitioners Kim △► (2-ra-14885) and Kim ◇★ (2-ra-16758) testified that, as teenagers, they lived in shelters and other welfare facilities because of ongoing sexual abuse by a member of their adoptive family and neglect by the others.<sup>277</sup>

Table 31. Types of abuse reported by first-round truth-seeking petitioners  
(Total: 98 respondents, multiple answers permitted)

	Physical abuse	Sexual abuse	Emotional abuse	Neglect	Other
Respondents	14	10	27	11	5

Yet of those who reported abuse, only five said they had ever reported it to public authorities (police, school, etc.) in the receiving country, and none had reported it to a Korean embassy. Petitioner Kim □◎ (2-ra-17291), for example, suffered abuse at a time when, because of a legal defect in her adoptive parents' status, she had not been able to acquire citizenship in the receiving country. Such cases raised a troubling question: When a child sent abroad for adoption remained a Korean national because citizenship in the receiving country had not been granted, who bore responsibility for protecting that child if abuse occurred?

<sup>275</sup> Interview transcript of petitioner Jeong □◆, April 20, 2023.

<sup>276</sup> Interview transcript of petitioner Seo ◇♣, July 12, 2023, and his “Statement for Intercountry Adoption Investigation,” May 31, 2024.

<sup>277</sup> Petitioner Kim △►, after suffering abuse and attempting suicide, was placed in foster care by Norwegian public authorities. There he again endured abuse from a foster father with a criminal record for sexual offenses, and at age 16 he entered a youth shelter. His testimony of abuse appears repeatedly in the medical records he voluntarily submitted. See the interview transcript of petitioner Kim △►, June 19, 2023 and the recorded testimony of petitioner Kim ◇★, September 15, 2023.

Table 32. Lawsuits involving children who failed to acquire citizenship in the receiving country

Newspaper / Date	Title	Summary
<i>Dong-A Ilbo</i> , Sept. 8, 1978	“Adoptive Parents Sue Agency: Legal Dispute in France over Korean Children”	In September 1975, a boy and girl adopted through Terre des Hommes and Holt Children’s Services began attending school in France under the names Magali and Joachim. School reports noted multiple bruises on their bodies and symptoms of psychological distress. Based on these reports, the local welfare director notified the French adoption agency, which secured a court order restoring guardianship to the agency. The adoptive parents, however, claimed the agency had kidnapped the children and filed a civil suit demanding their return. Although the court ruled three times in favor of the Brancos and ordered the children returned, the agency refused to comply. The couple then escalated the matter by filing criminal charges against the agency for child abduction.

The case reported by the *Dong-A Ilbo* in September 1978 (Table 32) detailed allegations of abuse involving a Korean brother and sister whose adoption and citizenship procedures had not been completed in France. The dispute pitted the adoptive parents against the French adoption agency. During the criminal proceedings, the agency, Terre des Hommes, requested confirmation from the Korean Embassy in France about Korean adoption practices regarding how the children’s nationality status should be understood and who retained guardianship if the adoption had not been finalized. The query was relayed from the Ministry of Foreign Affairs to the Ministry of Health and Social Affairs and the Ministry of Justice. The Ministry of Justice’s reply was: “Until the adoptee acquires foreign nationality, he or she is deemed to retain Korean nationality, (...) and until the adoption is finalized, the head of the adoption agency shall naturally perform the duties of guardian.” The Ministry of Health and Social Affairs added: “If the adoption is not finalized, responsibility rests either with the adoption agency that acted as intermediary on behalf of the Korean government or with the legally designated guardian in the receiving country.”<sup>278</sup> According to this interpretation, children like petitioner Kim ☐, whose adoption and nationality procedures were incomplete, remained Korean nationals. In such cases, the primary responsibility for protecting their safety and rights lay with the Korean adoption agency that had acted as intermediary.

In practice, however, Korean adoption agencies did little more than receive occasional home-visit reports and photographs from their partner agencies abroad. As described earlier in subsection “2) Failure to perform guardianship duties” in Section “C. Inadequate child protection mechanisms,” some agencies even abandoned their guardianship before the child departed.

<sup>278</sup> Office of Legal Counsel, Ministry of Justice, “Request for Confirmation of Customary Law on Orphan Adoption (May 19, 1979)” and “Reply to Request for Confirmation of Customary Law on Orphan Adoption (June 12, 1979),” *Opinions* (2)(3-3) (National Archives of Korea, CA0027016).

Figure 28. Guardian's Statement, Holt

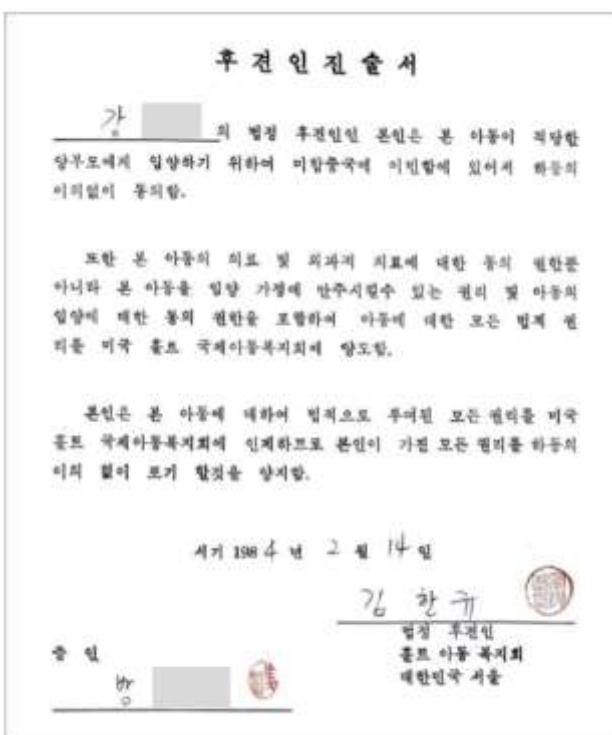
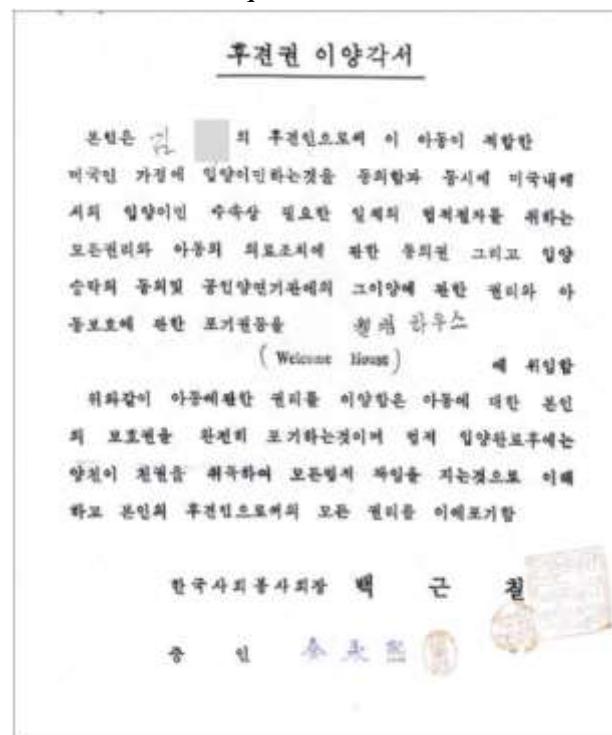


Figure 29. Declaration of Guardianship Relinquishment, KSS



The Korean government likewise failed to monitor whether adoption agencies were fulfilling their post-adoption responsibilities. Even with audits, the Korean authorities failed to detect instances where agencies had unilaterally relinquished guardianship.

Petitioner Seo ② (2-ra-14797), for example, has never been reported as having acquired Danish citizenship, and her Korean nationality has therefore not been formally terminated.<sup>279</sup> What the agencies and government overlooked in her case was not only her nationality status. Her adoption had originally been arranged by Holt and Denmark's Terre des Hommes to an unmarried woman, a Ms. B. The information still on file with Holt and Korea Adoption Services lists Ms. B as her adoptive parent. But the adoption was canceled after her arrival in Denmark. In her testimony, Seo stated: "I was supposed to be adopted by a single woman, but she realized she could not manage as a single parent and placed me in foster care. I remained there until I was eventually adopted by another couple."<sup>280</sup> The Korean government, meanwhile, simply trusted that adoptive parents abroad would "as quickly as possible take the necessary steps" to complete the adoption proceedings and "show goodwill to the adopted child." By relying solely on the receiving country, it failed to protect the children during the critical period between their arrival and the completion of their adoption, leaving them in precarious situations.

<sup>279</sup> Petitioner Seo ②'s expunged family register and basic certificate.

<sup>280</sup> Petitioner Seo ②, "Statement for Intercountry Adoption Investigation," date unknown.

Until adoption was finalized, children lived in foster care under the oversight of adoption authorities in the receiving country. Yet placed in an unfamiliar environment, unable to speak the language, and wholly dependent on adults, it was nearly impossible for them to report threats to their safety or abuse. Hidden abuse sometimes escalated into grave harm, even death. As early as the 1970s, reports surfaced in the Korean press and through diplomatic channels of adoptees who had been abused by adoptive parents abroad—some narrowly rescued, others killed.

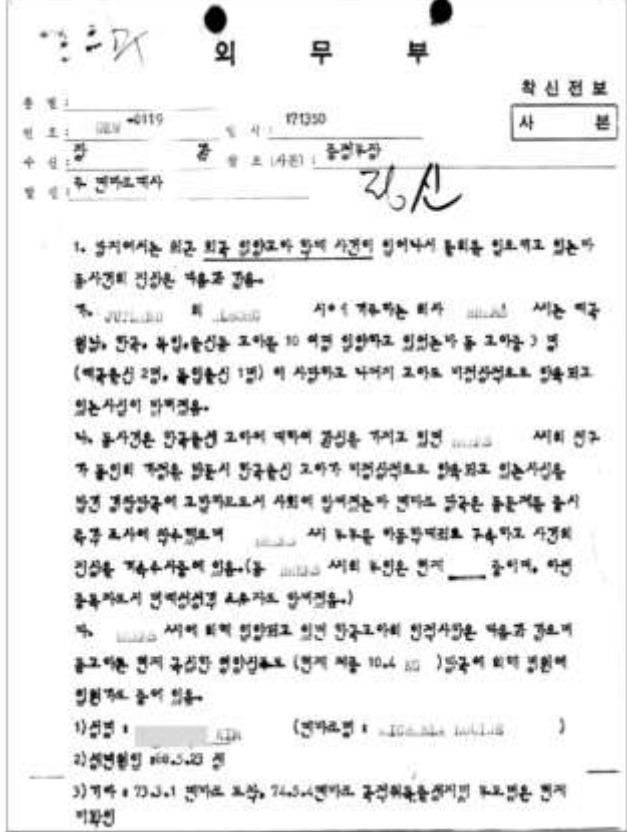
Table 33. Reports of deaths of Korean adoptees abroad due to abuse

Newspaper / date	Title	Content
<i>Kyunghyang Shinmun</i> , Feb. 2, 1973	“American Adoptive Mother Confesses to Killing Korean Orphan”	An American adoptive mother confessed to killing her two-year-old Korean daughter because the child refused to eat.
<i>Dong-A Ilbo</i> , May 28, 1979	“American Woman Convicted of Poisoning Korean Adopted Daughter”	Priscilla Phillips, age 33, was found guilty by a San Rafael jury of killing her adopted Korean daughter by feeding her food laced with large amounts of baking soda.

In January 1975, when Danish police arrested child psychiatrist with initials “O.B.” for abusing adoptees, it was revealed that one of his victims was a Korean child, Kim ▽◆. The Korean ambassador to Norway reported the case to the Ministry of Culture and Public Information and the Ministry of Foreign Affairs, urging that the incident be publicized in Korea “to raise awareness among birth parents and officials and to demonstrate the continuing concern of our government and people for adopted children abroad.”<sup>281</sup> Yet the case was never reported in Korean media, nor did it lead to stricter screening of adoptive parents or stronger child-protection measures.

<sup>281</sup> O.B., a child psychiatrist in Jutland, Denmark, adopted 10 children from Thailand, Korea, Vietnam, Germany, and other countries and subjected them to systematic abuse. The case was exposed when a visitor to his home noticed the children were being kept in abnormal conditions and reported it to police. Two Thai adoptees and one German adoptee were found dead, while the remaining children were hospitalized with severe psychiatric disorders. Among them was Kim ▽◆, a Korean child born in 1968, who weighed only 10.4 kilograms at the time of rescue due to extreme malnutrition. See *Dansk Politi* (journal of the Danish Police Association), “Politihistorie: Dødens hus” (*Police History: The House of Death*), November 2021 (<https://dansk-politi.dk/nyheder/politihistorie-doedens-hus>); Ambassador to Norway, “Incoming Telegram” (exact date unknown), *Overseas Adoption of Koreans (Nordic Countries), 1974–81*

Figure 30. Telegrams reporting abuse of a Korean child adopted to Denmark

<b>Ministry of Foreign Affairs – Incoming Telegram</b>	
 <p>Class: [Unidentified] Number: DEW-0119 171350 Date: [Unknown] Recipient: Minister of Foreign Affairs Sender: Ambassador to Denmark</p> <ol style="list-style-type: none"> <li>1. 농지에서는 최근 한국 청양고추 향의 사건의 침미나서 사회를 일으키고 있는 바 증사건의 진상을 다음과 같다. 즉, BREMS 외 10명의 세수를 하는 의사 _____씨는 미국 한국, 북한 출신을 고아를 10 명을 입양하고 있었는가 등 고이등 3 명 (백화출신 2명, 풍양출신 1명) 이 사망하고 나머지 고아도 비정상적으로 접촉되고 있는 사실이 밝혀졌다. 나. 증사건은 한국출신 고아의 척박의 진상을 가지고 있던 _____씨의 친구 가 출입의 차운을 빙둘시 한국출신 고아가 비정상적으로 접촉되고 있는 사실을 발견 경찰당국이 고발자로서 사회에 알리었는가 면밀로 한국은 물론 미국, 러시아 등 해외에서 살수하고 _____씨 등을 비동부여권으로 구속하고 사건의 진상을 계속수사중에 진통-(痛) _____씨의 노년은 현재 _____ 중이다. 이전 증후자로서 면역성성경 흐우자로 알리졌다. 다. _____씨의 회적 청양고추 및 한주고아의 친구사람은 박용과 강소미 등고이등 한자국장을 청양성우로 (한자 측정 10.4 kg) 등과 함께 회적 청원에 입원하고 있어 있음. 1) 성명 : _____ (한국어명 : _____ ) 2) 성별 : 여 52세 3) 기록 : 73.0.1 전마로 표상, 74.0.4전마로 국경위축증증상으로 노고증은 현재 비활성</li> </ol>	<ol style="list-style-type: none"> <li>1. A public scandal has erupted in Denmark over the abuse of foreign adopted children. The details are as follows:             <ol style="list-style-type: none"> <li>a. A doctor identified by family name BREMS in Aalborg, Jutland, adopted nearly a dozen orphans from Thailand, Vietnam, Korea, Germany, and elsewhere. Three of these children (two from Thailand and one from Germany) were found dead, and the others were also found to have been kept in abnormal, improper conditions of living.</li> <li>b. The case rose to surface when a friend of Dr. Brems, who was herself interested in adopting a Korean orphan, visited the doctor at home, discovered the children in poor conditions, and reported the matter to the local police. The Danish authorities commenced an investigation immediately, arresting Brems and his wife on charges of child abuse. The matter is still under investigation. (Brems' wife is currently in _____, known to be an opioid addict with a perverted personality.)</li> <li>c. The Korean orphan who was found in the Brems household currently weighs only 10.4 kg due to extreme malnutrition and remains in hospital. Her details are as follows:             <ol style="list-style-type: none"> <li>1) Name: [redacted] KIM (Danish name: Michaela Louise)</li> <li>2) Date of birth: May 23, 1968</li> <li>3) According to the July 3, 1973 list of children sent abroad, the adoptive family's address was recorded as 746-5 Seongdong-gu, Seoul. Birth parents yet to be identified.</li> </ol> </li> </ol> </li> </ol>

의무부		작성 전보
문서:	번호: 4110	일자: 2016.3.30
전화:	주제: 관광	부서: 관광국
수신:	주제: 관광국	부서: 관광국
발신:	주제: 관광국	부서: 관광국
1. 최근 전국에서 발생한 화재 및 사용설명서 부재로 인해 화재 위험 고마 무역주(총인은 한국, 일본, 미국 등에서 10곳의 고마 무역 위험, 화재 으로 3곳의 홀리데이 나마리는 경영이 가능으로 결론)은 주제국 언론에서도 연일 오류 보도되고 있음.		
2. 우리나라 주제국에는 약 1,300개점의 한국 식당과 가게 300여개, 최근 우편번호가 위한 푸드케이터 고마 무역(구제조자)이라는 회사의 회고록(이하: 놀은 이들은 여행의 푸드케이터로 지내는 여행의 회고록)은 고마 무역을 둘렀다고 한국의 경제적 위험의 기초로 삼았을 뿐만 아니라 있는 상황임.		
3. 이러한 경향을 보면 주제국장을 격려하면서 격려 조치방안.		
4. 본 전국무장의 우편번호의 고고경으로서 주제국인 우리 식당과 가게 300여 개에서 경영을 놓이고 놓았고 다른 300여개의 주제국과 같은 경제의 재난을 방지함.		
5. 전국에서 푸드케이터 고마 무역 회고록에서 놀은 경제학자의 회고를 통하여 주제국이 고고경으로서 회고록으로서 격려한 조치를 통지함.		

**Ministry of Foreign Affairs – Incoming  
Telegram**

Class: [Unidentified]

Number: NRW-0110 201630

Date: [Unknown]

Recipient: Minister of Foreign Affairs  
C/C: Minister of Culture and Public Information  
Sender: Ambassador to Norway

1. The recently discovered abuse of adopted foreign orphans by child psychiatrist, OLE BREMS, in Denmark, who adopted 10 orphans from Korea, Vietnam, Germany, and so forth, three of whom were found dead and the remaining ones now hospitalized with psychiatric conditions) continues to make headlines in the Norwegian media as well.
2. There are nearly 1,300 Korean orphans adopted to Norway. The exaggerated reports in the foreign media following the Korean government's recent attempt to regulate adoptions to the Nordic countries (which itself was a reaction to the re-admission of adoptees in child protection facilities due to high divorce rates among adoptive parents) continue to strain Korea-Norway relations.
3. Given the current political environment, I hereby suggest the following:
  - a. Let the Korean media report on the Danish case to raise awareness among Koreans and decision-makers in relation to foreign adoptions and also to demonstrate that the Korean state and public remain invested in the wellbeing of Korean adoptees.
  - b. Let the Korean government make an official statement explaining its recent restriction on adoptions to the Nordic countries so as to undo misunderstanding wrought by exaggerated foreign reports.

The abuse and discrimination many adoptees endured in childhood, compounded by their precarious status as intercountry adoptees, violated their fundamental right as children to protection by both family and state. These experiences often led to psychiatric struggles including depression and suicidal impulses, elongating their suffering into adulthood. In fact, since the Commission commenced its investigation, petitioner Kim □ (2-ra-16079, born December 31, 1973) ended her own life on October 8, 2024.

### C. Loss of the ability to trace one's origins

Stories of adoptees returning to Korea in search of their birth families appeared in the press as early as the mid-1960s, often focusing on those adopted during the Korean War. But it was not until the 1990s, when the vast numbers of children sent abroad during the adoption boom reached adulthood, that the search for roots and kinship spread widely. Many of the petitioners in the present case, now entering middle age, continue to search for their origins. Their motivations vary. Some want answers to genetic questions for themselves or their children; others, to find someone resembling them after years of being stigmatized for looking different. But most fundamentally, because they all hold a right to identity.

The right to identity is the right to have one's existence socially and legally recognized, and to preserve and express that identity through name, nationality, and family ties. First set out in the 1948 Universal Declaration of Human Rights, it has since been protected in numerous international treaties.<sup>282</sup> More recently, Korea's Constitutional Court and Supreme Court have affirmed that the right to birth registration—the foundation of Koreans' right to identity—is a constitutional fundamental right.<sup>283,284</sup>

Every child, therefore, has the right to have basic identifying information—date and place of birth, name, and parental details—entered into official records from birth, and those records must reflect the truth. Yet government inaction and the malpractice of adoption agencies violated Korean adoptees' right to identity and undermined their chances of tracing their origins.

Petitioners testified that the first documents they encountered in their searches were travel certificates, orphan registers, and English-language child reports kept by their adoptive parents. The orphan registers, authorized by family courts and issued by administrative offices, certified that all 98 petitioners were parentless orphans and therefore formed the basis for granting them

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<sup>282</sup> The Universal Declaration of Human Rights, adopted on December 10, 1948, proclaimed in Article 15 that “everyone has the right to a nationality.” This principle was later developed in the Convention on the Rights of the Child, adopted on November 20, 1989, which recognizes every child has the right to a name, nationality, and, as far as possible, to know and be cared for by their parents, all of which the State is to protect and implement (Article 7), and that States have the obligation to preserve and protect the rights of the child essential for their identity (Article 8). Likewise, Article 24 of the International Covenant on Civil and Political Rights and Article 18 of the Convention on the Rights of Persons with Disabilities both stipulate that all children must be registered immediately after birth.

<sup>283</sup> Constitutional Court Decision 2021-Heonma-975, March 23, 2023. The Court held: “Birth registration is the act of recording a birth in the official family register. It serves an essential role as the first step in the realization of personality and the basis for developing one's identity.” The Court further reasoned: “Through birth registration, a child is distinguished from others. It must therefore include at least the basic details of date and place of birth, the child's name, and the parents' information. In particular, parental information not only affirms the biological relationship with the child but also publicly declares that the rights and duties of raising the child rest with the parents.”

<sup>284</sup> Supreme Court Decision 2020-Seu-575, June 8, 2020. The Court ruled: “In modern society, an individual must have a recognized legal status, such as resident registration, to access state systems. Acquisition of this legal status begins with birth registration. Therefore, a child born as a Korean national has the right to be registered at birth immediately. If this right is not guaranteed, children face the risk of abandonment, illegal adoption, and human trafficking.”

permission to emigrate for adoption. Seven were later found to have original family registers created by their parents, meaning the orphan registers issued in their names were demonstrably false.

Another 40 petitioners did not have confirmed family registers, but agency files nonetheless contained details about their birth parents and relatives. The English-language child reports prepared during the adoption process, however, not only omitted such family information but often included falsehoods, adding to adoptees' confusion. These reports served as catalogs from which prospective adoptive parents abroad could select children. In the case of petitioner Jang ○▷ (2-ra-14490), the first page of the file provided to her adoptive parents claimed that Director Park ○○ of Namkwang Baby Home in Busan consented to the child's adoption and that a slip of paper with the child's name and date of birth was found in the child's clothing. Both statements were entirely false. Believing these documents and the orphan register, the adoptee and her adoptive parents assumed she had no family. Only after her birth mother asked, in 2006, the adoption agency to arrange a reunion, did they finally meet in 2011. At that point they learned that the claim she had been found abandoned in Busan was fabricated.<sup>285</sup> Records obtained by the Commission confirmed that the agency in fact possessed accurate details about her mother, the circumstances of relinquishment, and her family background. This child had been an unregistered minor relinquished by a legal guardian, yet the agency fabricated false documents and used them for intercountry adoption. At least 12 petitioners adopted through Korea Social Service received similarly standardized English-language child reports containing falsified information during the adoption process.<sup>286</sup>

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<sup>285</sup> Interview transcript of petitioner Jang ○▷ (June 15, 2023).

<sup>286</sup> In the materials reviewed for this first truth-finding decision, the English-language reports for petitioners Jang ○▷, Kim ●♦, Son ◇▷, Lee ■●, Cho ◇△, Kim ○◊, Park ●★, Kim ○□, Kim ◇□, and Jang ●♦ contained false statements claiming the child had been admitted through facilities in regions where they had never resided. (In some cases, the children were "relinquished children," meaning the adoption agency actually possessed details of the guardian and family background, but withheld them from the English reports.) Petitioner Song ○♦ had indeed stayed at Namkwang Baby Home, but the claim that "a slip of paper with the child's personal information was found in the child's clothing" was false. In the case of petitioner Lee ○★, although her birth mother had personally entrusted her for adoption as a relinquished child, the English-language report falsely stated: "Foundling referred by ○○ Police Substation, with a slip of paper containing personal information discovered in the child's clothing."

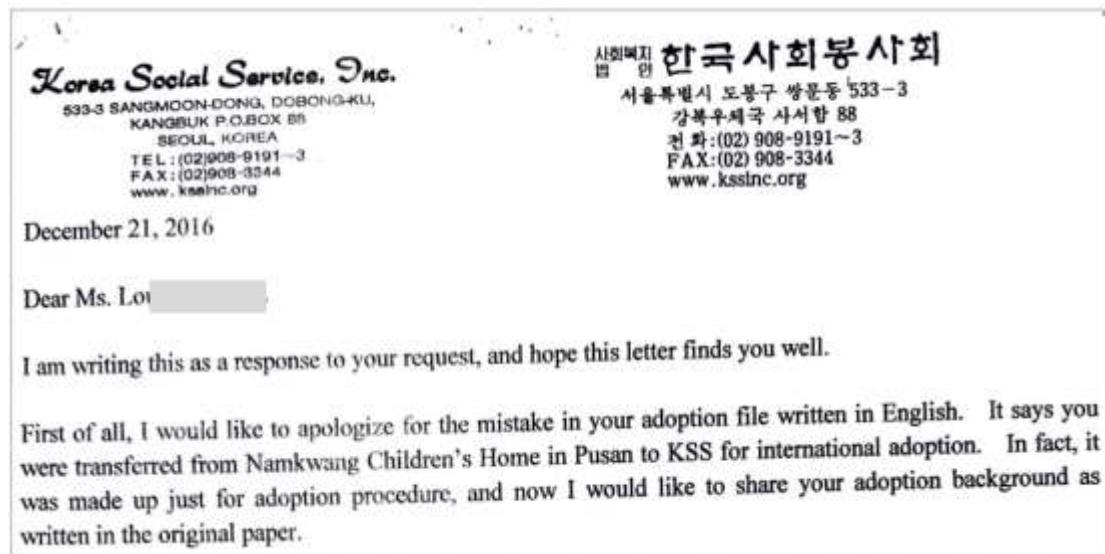
Figure 31. Petitioner Jang ○▷, *Information for ADOPTION in Denmark of a foreign child*

<b>ADOPTION CENTER</b> ECKERBERGSGLADE 17 <sup>th</sup> • 8000 ÅRHUS C	
<b>Information for ADOPTION in Denmark of a foreign child.</b> (Information concerning the child and his/her mother)	
The below particulars should, if possible, be supplied by the foreign institution referring the child for possible adoption in Denmark.	
<b>A. Data relating to the child.</b>	
1. Full name .....	CHANG (Female) Case No. K-51166
10. Any other information?..	<p>The baby was referred and released on December 1, 1975 for overseas adoptive placement by Mr. Tae Duk PARK, Superintendent of Nam Kwang Children's Home located in Pusan City. Director of Korea Social Service, Inc. is to be appointed as the legal guardian of this baby around January 14, 1976. The referral records of the above-said Home indicated that the baby was placed to the Home on November 1, 1975 as an abandoned baby through Pusan City Office and her name and birthdate were known by a paper-slip, found in her clothings at that time of placement to the Home. Information about the baby's parents is not available from the record.</p>

(u 00,0-103a)

Petitioner Kim ○◇ (2-ra-14449) was likewise represented in English-language documents as having been transferred from Namkwang Baby Home in Busan, with medical records issued under the name of Namkwang Clinic in Busan. Yet the agency's internal files contained her parents' details, which later enabled a successful reunion. In a letter to her dated December 21, 2016, the agency admitted that the information in the English-language documents was fabricated for the adoption process, thereby acknowledging it had deliberately falsified her background records.

Figure 32. Letter from Korea Social Service to petitioner Kim ○◇ (December 21, 2016)



In some cases, adoption agencies did not deliberately fabricate documents but nonetheless omitted or oversimplified crucial background details, making it far more difficult for adoptees to trace their families. Petitioner Park ○● (2-ra-14447), born in 1967, was admitted to Holt on October 29, 1971, and sent abroad on April 14, 1972. Holt's file on him contained no information about where or with whom he had lived in the years after birth. The only clue to his background lay in the "Initial Social History," an English-language document.

Figure 33. "Initial Social History" on petitioner Park ○●

4. When and under What circumstances did he become an orphan ?  
Child was referred by C C F to CAPOK, Daegu on 9/4/67. No further information available.

5. List locations of child as farback as Known.  
1, 9/4/67 To CAPOK from C.C.F.  
2, 10-29-71:To Holt Adoption from Director of CAPOK.

This record stated that he had come to Holt via Christian Children's Fund (CCF) and the Christian Adoption Program of Korea (CAPOK) in Daegu. Both were foreign aid organizations involved in child sponsorship, assistance for unwed mothers, and adoption. CAPOK was later merged into Holt in the 1970s. The petitioner, who remembered his life in Korea, testified that he had not been an orphan but was nonetheless classified as one with "unknown parents." From 1993 through 2024, he repeatedly requested disclosure of CAPOK's records from Holt and the National Center for the Rights of the Child (NCRC), but was denied.<sup>287</sup> In truth, CAPOK's files contained his father's

<sup>287</sup> Park ○●, "Statement for Intercountry Adoption Investigation," July 9, 2024.

personal information and the circumstances of relinquishment. In 2024, while Holt and NCRC were checking the father's resident registration to confirm consent for disclosure, they discovered he had died in 1994 and conveyed this to Park, who lamented: "Had Holt told me about my father in 1993, I could have met him before he died."

Petitioner Park ◎□ faced similar difficulties. Her "Initial Social History" recorded only which facility had referred her to Holt and which organization was caring for her when the document was drafted. The child card held by NCRC listed only the date of admission. If she had relied on these documents alone, any attempt to find her family would have failed. Park's background, along with the details of the relative who arranged the adoption, were ultimately uncovered in records in the archives of Chuncheon City Hall.

Cases like those of Park ○● and Park ◎□ show that when children passed through institutions before reaching an adoption agency, there often are records from which their original identities and family ties can be reconstructed. Regulations required care facilities to transfer a child's documents when moving them to other care facilities, but no such rules applied once the files were handed to adoption agencies.<sup>288</sup>

Adoption agencies' negligence also meant that children's files were sometimes switched or poorly maintained, further obstructing searches for their roots. In the case of Park ◆● (2-ra-17265), adopted through Eastern Child Welfare Service, and petitioner Kim ●▷ (2-ra-14750), adopted through Korea Social Service, even their names could not be confirmed with certainty. Park ◆● reunited with a woman named Kwon ○○ in 2007 on the basis of agency documents in Korean and English that included parental information and the circumstances of relinquishment. But in 2012, DNA testing proved they were not related. Kwon's daughter may have been switched with Park in infancy at a hospital, an adoption agency branch, or in a foster home, but the details could not be determined. The petitioner has since continued searching for her family through Korean police, media, and private DNA testing.<sup>289</sup>

Petitioner Kim ●▷'s records contained two conflicting identities, both with the same name and year of birth.<sup>290</sup> She was adopted under Identity No. 1 listed in Table 34, but in the 1990s received a letter and photographs from the birth mother of Identity No. 2. In 1995, during a family visit to Korea, she met the birth mother and maternal uncle of Kim ○○, believing them to be her blood relatives. In 2022, with the mother now deceased, the petitioner underwent a DNA test with the maternal uncle, only to find out that they were not a match at all, proving she was not the

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<sup>288</sup> The Enforcement Rule of the Child Welfare Act (Ordinance of the Ministry of Health and Social Affairs No. 105, March 26, 1963), Article 9(3): "When a child housed in a facility is transferred to another facility pursuant to paragraph (1), the head of the facility shall deliver the records concerning that child to the receiving facility."

<sup>289</sup> Interview transcript of petitioner Park ◆●, July 11, 2023.

<sup>290</sup> The adoption file under the name Kim ●▷ also contained an "Affidavit of Support" and a "Statement of Adoption," both signed in the adoptive father's name and dated May 14, 1980, referring to "Kim ●▷, one month old." Korea Social Service explained that these forms were prepared in advance on May 14, 1980, with the child's identifying information printed later once the adoptee had been confirmed. Since similar forms appear in the records of petitioners adopted through other agencies, this issue has been excluded from further review.

daughter of the woman she had thought was her birth mother until then.<sup>291</sup> Possible explanations include a switch between Kim ○○’s daughter and the petitioner, half-sibling discrepancies, or the possibility that the petitioner was never Kim •▷ at all. The agency, having treated the two identities as one person, preserved the records in a single file. But the maternity clinic where Kim ○○ gave birth closed as of March 9, 2001, and her sister—whose DNA could have confirmed maternity—is deceased, leaving the truth unresolved.

Table 34. Identity records for petitioner Kim •▷

No.	Name (Date of birth)	Background information
1	Kim •▷ (Aug. 16, 1980)	<ul style="list-style-type: none"> <li>- Parents unknown.</li> <li>- Listed in adoption record as being in the care of KSS since Aug. 16, 1980.</li> <li>- Identity appearing in the orphan register and in the English documents provided to adoptive parents.</li> </ul>
2	Kim •▷ (Aug. 7, 1980) <sup>292</sup>	<ul style="list-style-type: none"> <li>- Daughter of unwed mother Kim ○○ (born Aug. 24, 1948).</li> <li>- Listed in adoption record as being in the care of KSS since Aug. 8, 1982.</li> <li>- Identity appearing in the Aug. 7, 1980 birth certificate and relinquishment form.</li> </ul>

Petitioner Lee ◇★ (2-ra-17263), adopted through Eastern Child Welfare Service, faced even greater obstacles locating her blood relatives because of agency negligence compounded by misconduct by her birth parents and the maternity clinic. She was adopted abroad under Identity 1 in Table 35, as detailed in her orphan register. Later, when searching for her family, she was matched on the basis of Identity 2 that remained in agency records and reunited with parents on October 21, 2011, accordingly. DNA testing, however, revealed they were not related. After disputes with the agency, Eastern Child Welfare Service located adoption records for “③ Kim ★★,” taken from the same maternity clinic on the same day, listing birth mother named Lee ★☆. When contacted, however, Lee ★☆ admitted she had lent her name and was not the real mother. DNA testing conducted on March 10, 2015, confirmed that the petitioner was the child of Cho ★★. Wanting a son, Cho’s parents had conspired with the doctor and a maid’s niece, borrowing Lee ★☆’s identity to create false birth documents under Identity 3, which were then passed to the agency. In truth, the petitioner who had been adopted abroad as “Lee ◇★ 1” was in fact “Lee ○○ 4.” The petitioner testified to the Commission: “The emotional fallout from being reunited with a false family continues to affect my wellbeing to this day. The family I mistakenly reunited with still grieves our false ties, while my adoptive family has felt powerless after years of trying to set the record straight. Korea must ensure greater transparency.”<sup>293</sup>

<sup>291</sup> Interview transcript of petitioner Kim •▷, June 18, 2023.

<sup>292</sup> It remains unclear whether “1982” was a clerical error for 1980, or whether it referred to a child actually admitted in 1982. The supporting documents attached to the adoption record (the birth certificate issued by a maternity clinic and the relinquishment form) are dated August 7, 1980, while a document titled “maternal information” was drafted two years later, after the relinquishment form had been filed.

<sup>293</sup> Interview transcript of petitioner Lee ◇★, July 11, 2023.

Table 35. Changes in the identity of petitioner 2-ra-17263

	Lee ♦★ 1	Lee ♦★ 2	Kim ★► 3	Lee ○○ 4 (true identity)
	Yes		Yes	
Date of birth	Nov. 1, 1982	Nov. 1, 1982	Oct. 31, 1982	Oct. 31, 1982 (estimated)
Place of birth	Unknown	Kim ★❖ Maternity Clinic, Incheon	Kim ★❖ Maternity Clinic, Incheon	Kim ★❖ Maternity Clinic, Incheon
Parents	Unknown	Lee ★❖ (DNA not a match), Shin ★♣ (DNA not a match)	Kim ★♣ Lee ★☆ (name lender)	Lee ○○ Cho ★★ (confirmed as birth mother)
Date of referral	Nov. 2, 1982	Nov. 2, 1982	Nov. 2, 1982	Nov. 2, 1982
Date of departure	Feb. 11, 1983	Feb. 11, 1983	Feb. 5, 1983	Feb. 5, 1983
Receiving country	United States	United States	United States	United States
Source	Orphan register	Records preserved by adoption agency	Records preserved by adoption agency	Petitioner's true identity

For children who should have been reported to local authorities as in need of protection but were instead handed directly to adoption agencies by unauthorized third parties, tracing their origins becomes nearly impossible. Petitioner Kim ●❖, cited earlier in the “child substitution” cases, had been passed from unidentified unmarried parents to a third party, a Mr. Mo, then privately fostered for about six months by another third party, a Kim ○○, before finally being referred to an adoption agency. The only information preserved about the birth parents was the vague note “unmarried couple, ages 20 and 22, staying at an inn,” of uncertain origin.

Petitioner Kim □♣ (2-ra-14701) is presumed from surviving records to have been the child of an unwed mother, yet the adoption consent form titled “Consent for Overseas Adoption Emigration” was signed by Kim ○○, an acquaintance of the petitioner’s maternal grandmother. This person had no legal authority to consent to adoption. Although the adoption record listed the birth parents’ names and dates of birth, when the petitioner attempted to locate her family in 2001 through the agency and police, the response was “no records.”

Petitioner Lee ▲☆ (2-ra-17311) was referred to an adoption agency by a neighbor, Yu ○○. A “Social Study” in English, dated May 3, 1971, recorded that the child’s father had died and the mother had abandoned four children, leaving the neighbor to care for them for several months before requesting intercountry adoption through Child Placement Service (now Korea Welfare Service). Given that the petitioner remembered her life in Korea and was five years old at the time, it is likely she had been registered in the family register. But instead of collecting information on

the child's household, siblings, or parents, the agency processed the case using only the neighbor's family register, leaving no traceable record of her true identity or family.<sup>294</sup>

Petitioner Kim □◀ (2-ra-14489) was recorded as an infant abandoned in front of a house, discovered by a peddler named Kim ○○, who cared for her for a week before bringing her to an agency and signing adoption consent.<sup>295</sup> The child's name appears to have been created by combining two characters of the peddler's name, and her date of birth taken from a note allegedly found with her. No other information useful for tracing her family was recorded.

Whether acting as brokers for agencies or as well-meaning neighbors, such third parties had no authority to consent to adoption. Nevertheless, agencies knowingly accepted their signatures, carried out no meaningful background checks, and proceeded to place the children with foreign adoptive parents. While the Korean government required that welfare facilities admit children only on the basis of municipal review and inspection, adoption agencies were not prohibited from directly receiving children until 1983.<sup>296</sup> There were regulatory provisions seemingly limiting agencies' authority, such as those requiring them to protect children or pregnant women in need of protection, to report them immediately to local authorities so as to keep them in custody or transfer them to other protective facilities under the instruction of the mayor and not at the agencies' discretion. Yet there were no measures to enforce these provisions or penalize breaches thereof.

The fabrication of documents for administrative convenience, poor recordkeeping, the indiscriminate intake of children from unauthorized third parties, perfunctory review and investigations, and the Korean government's failure to supervise agencies after intake all undermined adoptees' chances of tracing their origins. For those whose background information was missing or whose identities were confused with others, the only recourse today is to wait for a match through the public DNA analysis system for missing children or through domestic and international private DNA databases.

## D. Conclusion

Nearly all procedures for sending children abroad as adoptees were left to private agencies licensed by the Ministry of Health and Social Affairs. The state limited itself to rubber-stamping agency-prepared documents (for approving facility admission, creating orphan registers, and issuing emigration permits, for example) without examining whether the adoptive parents and children

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<sup>294</sup> Lee ▲☆, “Statement for Intercountry Adoption Investigation,” May 10, 2024. One passage reads: “The father died from health problems, the mother, unable to raise the children, abandoned them; the younger brother was placed in an orphanage, and the younger sister died in infancy.”

<sup>295</sup> The “Special Notes” section of the adoption record states: “Ms. Kim ○○ has long been acquainted with KSS as a collaborator (...)” This suggests that the person who referred the child may have acted as a broker for the adoption agency.

<sup>296</sup> Ministry of Health and Social Affairs, “Thorough Protection of Children in Need of Protection (May 18, 1983),” with attached document “Guidelines for Handling Children in Need of Protection,” in *Adoption Regulations Files* (Seoul Archives).

met legal requirements or whether intercountry adoption truly served the child's best interests. Children were sent abroad quickly, with the expectation that adoptive parents would finalize the process and secure citizenship in the receiving country, but no safeguards were in place to monitor or protect them in the interim. The only statutory measure was the 1977 Adoption Act, which designated adoption agencies as guardians until adoptions were complete. In practice, agencies often abandoned this role, leaving children unprotected in cases of adoption disruptions, abuse, or citizenship delays.

As a result, some petitioners were sent abroad illegally, with duplicate family registers created or their identities laundered under those of other children, even when adoption should have been legally impossible. The loss of information about their origins or the impossibility of reuniting with families after decades of forced separation constitutes a violation of the constitutional rights to human dignity, personal worth, and the pursuit of happiness, as well as the rights guaranteed under the Convention on the Rights of the Child, to know and be raised by one's parents and to have one's best interests safeguarded.

Petitioners who were sent abroad on the basis of false documents, only to be abused, abandoned, or denied citizenship well into adulthood, suffered violations not only of their dignity but also of their right to happiness and security. This was a breach of the state's duty under the Convention on the Rights of the Child to guarantee, to the maximum extent possible, children's survival and protection.

By fabricating identity papers, neglecting recordkeeping, and failing to preserve accurate information, adoption agencies left many adoptees unable to know their true identities or identify their families. These practices violated their rights under the Convention on the Rights of the Child to a name, to immediate registration at birth, and to know their parents whenever possible—rights integral to their dignity as former citizens of the Republic of Korea.

The Korean Constitution imposes on the state a duty to protect fundamental rights, a duty that must be realized through legislation. In reviewing whether this obligation has been met, the Constitutional Court applies the principle of minimum protection: Whether the state has taken appropriate and efficient minimum measures to safeguard the legal interests of its citizens.<sup>297</sup> Yet despite repeated and varied violations of adoptees' rights, the legislative, executive, and judicial branches of the Korean state neglected for decades to identify causes or pursue remedies, managing the system in a chronically negligent manner. Even if not strictly unconstitutional or unlawful, this amounted to a manifestly unjust exercise of state authority and a failure to provide the minimum protections owed to adoptees' fundamental rights.

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<sup>297</sup> See, e.g., Constitutional Court Decision 20-Heonma-110, January 16, 1997.

## **5. Case summary Finding of investigation by petitioner**

(\*This section has been distributed separately to the petitioner; translation is omitted.)

### **III. Conclusion and recommendations**

#### **1. Conclusion**

The essential purpose of intercountry adoption is to provide children in need, i.e., children who have lost the care of their parents or communities, with safe and secure family environments. Korea began intercountry adoption with a sense of great urgency in the aftermath of the Korean War to cope with the rise in the number of war orphans, and from the 1960s onward introduced legal procedures to regulate it. From the 1970s, however, once postwar recovery was complete and the country entered a phase of rapid economic growth, the state scaled back domestic welfare measures such as public relief and institutional care for children in need while expanding the pool of children sent abroad for adoption. In doing so, it pursued intercountry adoption in ways contrary to the spirit of the UN Convention on the Rights of the Child, which holds that adoption abroad should be considered only when no suitable care is available in the child's country of origin.<sup>298</sup> Through investigation, the Commission has confirmed that the following human rights violations occurred in the course of intercountry adoption from Korea over nearly half a century, beginning in the 1950s:

- a. From the 1950s onward, in the process of sending hundreds of thousands of children abroad as part of child welfare policy, the Korean government neglected its constitutional and treaty-based duty to protect its citizens' fundamental rights by failing to legislate properly, by neglecting oversight, and by not carrying out administrative procedures. In so doing, it violated the rights of adoptees guaranteed under the Constitution and international agreements.
- b. In devising child welfare policies, the Korean government reduced costly domestic measures such as public relief and institutional care, and turned instead to intercountry adoption, passing responsibility onto the private sector. After efforts to encourage domestic adoption faltered in the mid-1970s, the state effectively fostered an environment in which intercountry adoption was promoted.
- c. Despite persistent criticism of inadequate legislation, the Korean government failed to amend laws or introduce safeguards, leaving adoption agencies with de facto authority over adoption consent. Even as agencies repeatedly violated laws, regulations, and guidelines, the state neglected its oversight responsibilities and failed to properly enforce emigration reviews or protect adoptees overseas. The legislative, executive, and judicial branches collectively pursued policies of large-

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<sup>298</sup> Article 21(b) of the UN Convention on the Rights of the Child does demand that states "recognize that inter-country adoption may be considered as an alternative means of the 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." (*UN Convention on the Rights of the Child*, adopted November 20, 1989, A/RES/44/25).

scale intercountry adoption while chronically mismanaging the problems that arose, thereby exercising state authority unjustly over adoptees for decades.

d. Adoption agencies reinvested adoption fees and compulsory donations from adoptive parents into securing more children for adoption, and by the 1980s, with government turning a blind eye, expanded adoption into an industry. Korea came to be criticized internationally as a country “exporting children.”

e. Petitioners in this case were sent abroad through unlawful means that erased or falsified their identities and family information, or were negligently recorded. Even after departure, they were not adequately protected by either the Korean state or the adoption agencies serving as their guardians. Their rights to dignity and personal worth, to pursue happiness, to the safeguarding of their best interests as children, to know and be raised by their parents, to a name, and to immediate registration at birth were all violated.

f. The Commission recognizes 56 of the petitioners, including “J.P.” (Park ○●), as victims of serious human rights violations in the process of intercountry adoption.

## **2. Recommendations**

As the facts of this case have been established, the Commission, in accordance with Article 34 of the Framework Act on Settling the Past for Truth and Reconciliation, makes the following recommendations regarding measures the Korean state must implement:

a. The state should acknowledge that, by prioritizing the rapid dispatch of children abroad, it abandoned its responsibility to protect them, failed to safeguard their best interests, caused their loss of identity and family ties, violated their survival rights, and obstructed their attempts to find their family roots. It should issue a formal apology to adoptees.

b. Considering the economic and social development Korea has achieved over the decades, the state should recognize that sending Korean children into environments of different nationality and race was not in their best interests. In line with the spirit of the UN Convention on the Rights of the Child, Korea must prioritize domestic solutions whenever children in need arise. The state should also guarantee the rights of children who must inevitably be adopted abroad by strengthening child protection systems, and it should promptly ratify the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption that it signed on May 24, 2013.

c. The Ministry of Health and Welfare and the Ministry of Foreign Affairs should investigate cases in which children were adopted through unlawful means such as duplicate family registers or identity substitutions, and cases in which adoptees have yet to acquire citizenship in their adoptive countries. The ministries should consider creating a dedicated body to examine such cases and provide remedies.<sup>299</sup>

d. The Ministry of the Interior and Safety should correct public records, such as family registers, for people who unlawfully lost their nationality or identity in childhood, where records are missing or inaccurate and the victim of such loss so requests. The Ministry should also ensure that overseas adoptees can access such remedies without difficulty.

e. The Ministry of Health and Welfare should improve its system so that, in addition to agency files, adoption records include materials from care facilities, counseling centers, medical providers, and local governments that cared for the child before referral to an adoption agency. These records should be actively collected and preserved, and as much accurate information as possible provided, to guarantee adoptees their right to know their origins.

f. The state should establish a dedicated organization to provide practical support for restoring relationships between adoptees and their original families, including DNA testing, reunions, and resources for ongoing contact.

In addition, the Commission issues the following recommendations to adoption agencies, which, with the permission of the Minister of Health and Social Affairs, acted as intermediaries of adoption on behalf of the Korean government:

a. Each adoption agency should apologize to adoptees whose rights to identity were violated through invalid consent, falsified records, identity substitution, or poor recordkeeping, and to those who were adopted by unqualified parents, denied citizenship, or later abandoned. Agencies should also take active measures to help redress these harms.

b. Each adoption agency should cooperate fully to ensure that all records they hold on individual adoptees are transferred in their entirety to the national adoption archives.

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<sup>299</sup> In the case of adoptions to the United States, many children entered on an IR-4 visa under the *Immigration and Nationality Act*. This meant that adoption was not finalized in the child's country of origin, but rather completed later in a state court after arrival in the United States, followed by a separate application for citizenship at the federal level. Due in part to inadequate post-adoption oversight by the adoption agencies, some adoptees never acquired U.S. citizenship. No systematic survey has ever been conducted by either the Korean or U.S. government, and the issue has surfaced only sporadically, mostly concerning adoptees who became involved in criminal cases and faced deportation (see *Pressian*, "It Was Not Adoption. It Was Human Trafficking," November 15, 2017). The Commission notes, however, that because most of the adoptees who applied for its investigation were sent to Northern Europe, there were limits to its ability to examine citizenship problems specific to the United States.

## **Decision**

**April 29, 2025**

## **Truth and Reconciliation Commission**

Pursuant to Article 46-2(5) of the Rules on Applications for and Investigations into Truth-Seeking, certain personal details have been anonymized for the protection of privacy.

## Translated terms

(arranged in the order of Korean consonants and vowels)

Korean (original)	English (translated)
가톨릭구제회	Catholic Relief Services
거택구호	home care
고아입양특례법	Act on Special Cases concerning Orphan Adoption; abbreviated as the Adoption Act.
고아호적	orphan register
국제사회봉사회	International Social Service
기·미아 일시보호소	temporary shelter (for missing and abandoned children)
기아발견보고 / 기아발견조사	foundling discovery report
기아의명 및 본적을 정한 조서	report determining the family name and origin of a foundling
남광아동보호소 / 남광아동복지원 / 남광아동복지회	Namkwang Baby Home
동방아동복지회	Eastern Child Welfare Service
대구시립희망원	Daegu Huimangwon
대한사회복지회	Korea Welfare Service
보호시설에 있는 고아의 후견직무에 관한 법률 (시설미성년후견법)	Act on the Guardianship of Orphans in Protective Facilities; abbreviated as the Act on Guardianship.
부양의무자	a person liable for supporting
부양의무자확인공고	Public Notice of ascertainment of Support Provider
섭외사법	Foreign Affairs Law
성 및 본의 창설 허가 (성본창설허가)	(Court) permission to establish a family name and origin (for the foundling child)
성지원	Sungjiwon
송출국	sending country
수령국	receiving country
시립남부부녀보호지도소	Southern Seoul Women's Shelter
아동복리법 /아동복지법	Child Welfare Act
아동상담소	child counseling center
양지원	Yangjiwon
입양알선기관	adoption agency
입양특례법	Act on Special Cases concerning Adoption; abbreviated as the Adoption Act.
일가창립	establishment of family
조사개시의결	Decision to Commence Investigation
주민등록표	resident registration table
진술조사	private interview
진실화해를 위한 과거사정리 기본법	Framework Act on Settling the Past for

(과거사정리법)	Truth and Reconciliation; abbreviated as the Framework Act.
진실화해위원회	Truth and Reconciliation Commission
한국기독교양자회	Christian Adoption Program of Korea
한국사회봉사회	Korea Social Service
한국십자군연맹	Korea Christian Crusade
한국아동양호회 (대한양연회)	Child Placement Services
해성보육원	Star of the Sea Baby Home
호적법	Family Registration Act
홀트아동복지회 (홀트양자회)	Holt Children's Service
후생시설	childcare facilities