

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: KOR31652
Country: South Korea
Date: 18 April 2007

Keywords: South Korea – Orphans

This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

- 1. Do the authorities and society in South Korea commonly discriminate against orphans?**

RESPONSE

- 1. Do the authorities and society in South Korea commonly discriminate against orphans?**

No information on whether the authorities or society in South Korea discriminate against orphans was found amongst the sources consulted.

According to the US Department of State's *Country Reports on Human Rights Practices 2006*, South Korean law forbids discrimination on the basis of family status and the South Korean government "generally respected these provisions." The US Department of State reports that "while courts have jurisdiction to decide discrimination claims, many of these cases were instead handled by the National Human Rights Commission" (US Department of State 2007, *Country Reports on Human Rights Practices 2006 – Korea, Republic of*, 6 March, Section 5 – Attachment 1).

A person aggrieved by an unlawful discriminatory act or a human rights violation can file a complaint with the National Human Rights Commission of Korea (NHRC) by phone, mail, in person, fax or email. Attachment 2 provides information on the NHRC's complaint handling process ('Complaint Handling Process' 2004, National Human Rights Commission of Korea website <http://www.humanrights.go.kr/eng/complaint/process/com02.htm> – Accessed 18 April 2007 – Attachment 2; and 'How to File a Complaint' 2004, National Human Rights Commission of Korea website <http://www.humanrights.go.kr/eng/complaint/howto/com01.htm> – Accessed 18 April 2007 – Attachment 3).

According to the NHRC, it is unlawful to discriminate against a person on the basis of family status:

- In case there exists a discriminatory act of any violation of the right of equality by a juristic person, organization or private individual. That is, without any reasonable grounds, in case a person is unlawfully discriminated by gender, religion, disability, age, social status, regional, national or ethnic origin, physical condition such as physical features, marital status, pregnancy or delivery, family status, race, skin color, thought or political opinion, criminal record of which effective term of the punishment has expired, sexual orientation, or medical history ('How to File a Complaint' 2004, National Human Rights Commission of Korea website <http://www.humanrights.go.kr/eng/complaint/howto/com01.htm> – Accessed 18 April 2007 – Attachment 3).

According to the NHRC, the respondents and main grounds for complaints in the cases of human rights violations are as follows:

- Correctional facilities (excessive punishment for misconduct, cruel treatment, improper medical treatment, etc.)
- Police (random research, illegal detention, use of threatening words or actions, etc.)
- Public prosecutors office (enforcing unlawful indictment, violent and cruel treatment, etc.)
- State organs, local governments, armed forces, protective facilities ('Major Functions' 2004, National Human Rights Commission of Korea website http://www.humanrights.go.kr/eng/nhrc/intro/nhrc01_02.htm – Accessed 18 April 2007 – Attachment 4).

An article dated 10 June 2006 by Ron Fowler, founder of the [Y-Heesun Volunteer Support Group](#), reports that over the past five decades South Korea's unwanted orphans have been adopted overseas. Fowler reports that South Korea's "unwanted children have suddenly become Korea's most valuable human resources" with the South Korean government determined to keep them in orphanages "regardless of the poor quality of their lives." The article provides details:

Throughout, the past five decades Korea's orphaned, abandoned and unwanted children's only hope for a family was to be adopted overseas. During this same five decade period Korea has risen to the ranks of being one of the worlds largest industrial nations and pride themselves on their ranking at number 11. The drive to push forward in an effort to reach the top had a nation turning their backs on its most needy children.

However, the unforeseen disadvantages of changing to an industrialized nation have only recently begun to come to light and those who were once a nations unwanted children have suddenly become Korea's most valuable human resource and the government is determined to keep them at home in orphanages regardless of their right to have a family.

Throughout, the past five decades Korea and Koreans have driven ever so fast forward in their effort to become recognized by the world as a world leader. Recognition in an industrial world was met with industrial demands. Labor! In the beginning this labor force was filled with the country's men as men have been the natural bread winner while the women's place has always been at home. However, the unforeseen has finally become the nations reality.

Money once abundant from new jobs produced in a growing economy began to level off as more and more of the male labor force became skilled and educated enough to fill the positions. Being a country which was once unable to produce jobs for every abled body male. Money being pumped into the new industrial family brought on the want for more money. In

a nation where no end in sight to the production levels of its industry brought in the need for more workers. And so, the inevitable push for women's rights and equal employment opportunities. More importantly from the government and industrial perspective. It was also a cheaper work force as women felt lucky just to be able to work in a male dominated society.

So, how does this relate to orphaned children? Well, once males and females entered the workforce the dream of a man and a woman once getting married and having children and living happily ever after was lowered to just getting married and maybe having children later. If at all! Korea has risen to become the world's 11th largest economy as well as fallen to producing the world's fewest children.

This in turn has produced what will be one of the world's largest retirement age groups as well as the world's largest per capita retirement benefit groups. Without a workforce to sustain Korea's hunger to remain on top, 'The unwanted have suddenly become the wanted!'

...On the outside, Korea has shown its willingness to find families for the children. Thus the recently introduced commemorative holiday, 'Adoption Day' which falls on May 11th and is a nationwide effort to promote domestic adoptions. Internally however, it is a whole other story as the government has taken an even bigger step in the opposite direction to now require that both parents of the unwanted child in the orphanage system sign a document to give up the rights to the abandoned, unwanted and orphaned child in which they were produced.

'In most cases, the male and female which produced the child can not be located as the child was thrown away and has become an unwanted memory for the present and future.'

The benefit for the nation as a whole by keeping the children entrapped in its orphanage system is high and even greater than releasing the children to loving overseas families. This can be explained by the ever lowering number of children entering the orphanage system due to having the world's lowest birthrate. Which will continue to benefit society as the number of taxpaying persons employed to house and care for the children will remain constant, more overseas donations which bring more money into Korea and more political pockets being filled to protect the owners and founders of orphanages. An added benefit for the newly retiring community is that a larger low level workforce will be produced from the less educated and underachieving lower class adults who were once children living in the orphanage system. An even more important benefit for the government to confine these unwanted children in its orphanage system is even more evident in the decades to come as these children will produce more offspring which will help to rebuild its workforce and sustain a nation's hunger to retain its position as a World Class Industrial Leader (Fowler, Ron 2006, 'The Unwanted have Suddenly become the Wanted!', *Seoul Tribune*, 10 June http://www.seoultribune.com/news/show_news.php?subaction=showfull&id=1149926466&archive=&start_from=&ucat=6 – Accessed 13 April 2007 – Attachment 5).

An article dated 25 October 2002 in *The Korea Herald* reports that Ron Fowler is making his 10th trek across South Korea to raise public awareness on the issue of South Korean orphans:

"It is so difficult for these children to get a good start in life without family support, especially in a culture that puts such a strong emphasis on family life. Many turn to prostitution and crime to survive. Orphaned children tend to lose interest in education at an early age and set very low goals," Fowler says.

..."When they turn 18 and are no longer under state care, many search for family members, but others are forced to cope with little emotional or financial support," she says. "That is why any skills that will help them later in life are so valuable."

...Many children give up on education knowing they have little chance to study at a university, he says (Smith, Gina 2002, 'Trekking to create better lives for Korean orphans', *Korean Herald*, 25 October
http://www.koreanherald.com/news/show_news.php?subaction=showfull&id=1071616256&archive=&start_from=&ucat=1&category=1 – Accessed 13 April 2007 – Attachment 6).

List of Sources Consulted

Internet Sources:

Government Information & Reports

Immigration and Refugee Board of Canada http://www.irb-cisr.gc.ca/cgi-bin/foliocgi.exe/refinfo_e

National Human Rights Commission of Korea <http://www.humanrights.go.kr/eng/>

UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State <http://www.state.gov/>

United Nations (UN)

UNHCR <http://www.unhcr.ch/cgi-bin/texis/vtx/home>

Non-Government Organisations

Amnesty International <http://www.amnesty.org/>

European Country of Origin Information Network <http://www.ecoi.net/>

Freedom House <http://www.freedomhouse.org/template.cfm?page=1>

Human Rights Watch <http://www.hrw.org/>

ReliefWeb <http://www.reliefweb.int/>

Yheesun, Volunteer in Korea <http://www.yheesun.com/>

International News & Politics

Donga <http://english.donga.com/>

Hankyoreh <http://english.hani.co.kr/>

Korea Herald <http://www.koreaherald.co.kr/>

Korea Times <http://times.hankooki.com/>

Korea Web Weekly <http://www.kimsoft.com/korea.htm>

Seoul Times <http://theseoultimes.com/ST/index.html>

Seoul Tribune <http://www.seoultribune.com/>

Yonhap News <http://english.yna.co.kr/>

Search Engines

Google <http://www.google.com.au/>

Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. US Department of State 2007, *Country Reports on Human Rights Practices 2006 – Korea, Republic of*, 6 March.
2. ‘Complaint Handling Process’ 2004, National Human Rights Commission of Korea website <http://www.humanrights.go.kr/eng/complaint/process/com02.htm> – Accessed 18 April 2007.
3. ‘How to File a Complaint’ 2004, National Human Rights Commission of Korea website <http://www.humanrights.go.kr/eng/complaint/howto/com01.htm> – Accessed 18 April 2007.
4. ‘Major Functions’ 2004, National Human Rights Commission of Korea website http://www.humanrights.go.kr/eng/nhrc/intro/nhrc01_02.htm – Accessed 18 April 2007.
5. Fowler, Ron 2006, ‘The Unwanted have Suddenly become the Wanted!’, *Seoul Tribune*, 10 June
http://www.seoultribune.com/news/show_news.php?subaction=showfull&id=1149926466&archive=&start_from=&ucat=6 – Accessed 13 April 2007.
6. Smith, Gina 2002, ‘Trekking to create better lives for Korean orphans’, *Korean Herald*, 25 October
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