

## ***“Baby-Hatches” in Japan and Abroad: An Alternative to Harming Babies***

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### **Abstract**

A “baby hatch” system is prevalent worldwide. Mothers or parents, who cannot bring up a child by themselves, leave their baby in a safe space, which is contentious in Japan as well as in many other countries. Its modern origin is found in the German “Babyklappe” and the Japanese baby hatch was set up on this model. While it is multiplied in Germany, Japan has still the only one since the starting. The aim of the system is to prevent abandoning or killing a baby, but at the same time, it is regarded as a last resort to protect baby’s life and to help out a mother or parents in a difficult situation. Several measures are therefore taken to prevent parents from actually using the baby hatches. The radical criticisms for the system are that it endangers the life both of a baby and a mother tolerating private childbirth and that it does not ensure the child’s right to know of its origin. The system of “confidential childbirth” is considered one of the most effective alternatives to overcome these limitations, in which mother’s information is kept sealed up until her baby grows up. Germany has legalized this system and the Japanese hospital where the sole baby hatch is set up has started to seek to adopt it. We examine thus the context around Japanese baby hatch system comparing the German, and insist that it should be developed complemented with other systems to prevent terminating the life of a baby.

Keywords: Baby hatches, Japan, anonymous childbirth, confidential childbirth, newborn adoption

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## Introduction

A “baby-hatch” is an arrangement that has appeared in various countries worldwide<sup>1</sup> in which mothers or parents who cannot bring up a baby themselves leave their baby—in most cases a newborn—in a safe space set up outside a hospital or similar institutional building. The aim of the system is to prevent the parent from abandoning or killing the baby, which is an issue in many countries, including Japan. However, in contrast to most countries with baby-hatches, where these arrangements have become systematic, there is still only one baby-hatch in all of Japan, established in the city of Kumamoto in 2007.<sup>2</sup>

One common criticism of baby-hatches in Japan and factor discouraging the establishment of more of them is the concern that they could promote the abandonment of babies. Their supporters, on the other hand, focus on the difficult and urgent situation of many new mothers or parents and the necessity of shelter for newborns who are at risk of parental abuse<sup>3</sup>. According to them, baby-hatches are an effective and necessary alternative to baby abuse, abandonment, and killing by mothers or parents in distress. Parental distress caused by undesired childbirth, which is frequently followed by abuse, is nevertheless so socially invisible that it tends not to be viewed as a largescale problem.

In this presentation, we will address the issue and situation of baby-hatches in Japan, focusing on mothers’ or parents’ conflict around whether the child will be born and how it will be cared for, which tend in Japan to be considered as private affairs, rather than viewed from a broad or institutional perspective. We will see that baby-hatches can be a viable alternative to abandoning or killing a baby, as long as they are closely interconnected with other systems like anonymous/confidential childbirth and newborn adoption and are reserved as a last resort for mothers or parents in need.

## Baby-hatches in Japan and Germany

While the baby-hatch has a long history in Europe, going back to the Middle Ages, its modern origin is found in the German “Babyklappe.” The first baby-hatch in the world was set up in Hamburg, Germany, in 2000 by a private social welfare organization to help address the problem of abandoned babies, of whom there were around a thousand every year in Germany. Its purpose is to secure the life of the baby, preventing it from being deserted or harmed<sup>4</sup>.

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<sup>1</sup> There are similar systems, for example, in Germany, Italy, Austria, the Czech Republic, India, Latvia, Poland, Switzerland, the United States, China, South Korea, Russia, and South Africa. cf. the *Mainichi Shimbun*, May 17, 2018, Tokyo, Morning, p. 15; Saegusa 2008.

<sup>2</sup> It was reported in February 2017 that a group was going to set up a baby-hatch in Kobe, which if realized would have been the second one in Japan. However, this group reportedly abandoned the plan in the end, as they could not secure a doctor to be permanently stationed at the maternity home where the baby-hatch was to be placed, while assigning a permanent doctor was a requirement of Kobe city for administrative approval of the baby-hatch. That group later started a hotline service in place of the baby-hatch, but is still working toward the establishment of a baby-hatch in the area. *The Mainichi Shimbun* 2017, February 7; *The Asahi Shimbun* 2018, June 5.

<sup>3</sup> There occur over 70 deaths as a result of child abuse a year these days in Japan. About 60 % of them, excluding murder-suicides, are reportedly under 1-year-old. *The Asahi Shimbun* 2016, September 17.

<sup>4</sup> Cf. Hasuda, & Kashiwagi 2016, Chap. 2; Tagiri 2016, Chap. 2.

The director of the Jikei Hospital in Kumamoto, Taiji Hasuda, inspected the Hamburg Babyklappe and shortly thereafter set up the first Japanese baby-hatch, named Crandre of Stork (*Konotori no Yurikago* in Japanese), commonly known by the name of Baby-Postbox (*Akachan-Posuto* in Japanese) at his hospital, in 2007, adopting some devices of the German system: keeping a proper temperature in the container to protect newborns, a door that is only openable from inside once it is closed by the depositor, a letter left in the box addressed to the mother or other depositor urging them to leave some remembrance or information about the baby, and so on<sup>5</sup>.

Both the German Babyklappe and the Japanese Baby-Postbox are regarded as a drastic resort to protect the baby's life and to help out a mother or parents in a difficult situation. These facilities are therefore accompanied by several measures to prevent parents from actually using the baby-hatch, in particular counseling services for pregnant women and their partners who are experiencing conflict. Jikei Hospital also has a 24-hour hotline service, and counselors can reassure mothers in conflict about seeing an obstetrician at the hospital or can introduce them to the adoption system<sup>6</sup>. In addition, many Germany institutions with Babyklappen are practicing anonymous childbirth, in which a mother can give birth without revealing her identity.

As a result of these practices, in many cases mothers or parents in trouble have other resources as alternatives to leaving their babies in a baby-hatch, which nevertheless remains as not only a safety measure but also a means to connect these parents to support. It is of course desirable for people managing the baby-hatch that it be used as little as possible. Even after a baby is left at a baby-hatch, the staff try to identify and contact the baby's parent(s), not to accuse or penalize them but to urge them to reconsider and to offer alternatives. In Germany, once a baby is left, the Babyklappe puts a personal ad in the paper to appeal to the depositor to contact the facility. The baby-hatch in Kumamoto is designed such that an alarm sounds to allow hospital personnel to rush to it after the baby is deposited and ideally intercept and speak to the depositor before s/he goes away. Of course, the depositor's will to remain anonymous is prioritized most, but at the same time, staff try to assess and be sensitive to the depositor's hopes, fears, and situations. Through such efforts, quite a few depositors abandon their anonymity, having found a safe and reassuring alternative. As a result, cases in which depositors remain completely anonymous are much rarer among users of baby-hatches than the public often imagines—about 25% in Kumamoto. Indeed, in Germany, about 50% of mothers go back to pick up their child after seeing the ad in the newspaper<sup>7</sup>.

Anonymous and confidential childbirth, are also growing trends in Germany. In the former, mothers can give birth with full anonymity, while in the latter they leave their and their baby's sealed up information to facilities for future reference of former babies. It is reported, however, that even in the former about 90% of mothers who practice anonymous childbirth ultimately relinquish their anonymity as a result of care and counseling during their stay before and after childbirth in shelters for mothers and infants in need<sup>8</sup>. In contrast to confidential childbirth, which is established in law in Germany, baby-hatch systems and anonymous childbirth are situated in a legal gray

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<sup>5</sup> Tagiri 2016, Chap. 2, 3.

<sup>6</sup> Cf. Tagiri 2016, Chap. 4; Tagiri 2017, Chap. 6.

<sup>7</sup> Tagiri 2016, Chap. p.63; Hasuda, & Kashiwagi 2016, p.121, 123.

<sup>8</sup> Takahashi 2009, p.88-90; Kashiwagi 2013, Chap. 3.

zone in both Germany and Japan. In contrast, some countries in Europe and most states in the US have legalized them<sup>9</sup>.

The largest contrast between the German and Japanese baby-hatch systems consists in their extent, which is also related to the degree of administrative commitment. In Germany, Babyklappen now exist in all parts of the country—around 100 in all. While Babyklappen are run by private institutions, the German government supports them financially and has supplemented and supported their work with the legalization of confidential childbirth. In Japan, in contrast, no second baby-hatch has appeared in the 10 years since the establishment of the first, and the Japanese government continues to refrain from being actively involved in the issue. The hospital has received so far 137 babies at the baby-hatch<sup>10</sup>, and they were supposed to be brought from all over the country, since it is an only baby-hatch in Japan, although Kumamoto is situated at the southern end of Japan. However, this does not mean that there is no movement or development. In the nongovernmental sector, hotlines for pregnancy conflict and facilities for receiving (prospective) mothers and infants in need are gradually increasing in Japan. Moreover, it was reported in December 2017 that Jikei Hospital is considering introducing confidential childbirth, which it discusses with government, because the plan will require the cooperation of health authorities, including new legislation<sup>11</sup>.

### **From Anonymous Childbirth to Confidential Childbirth**

As suggested, leaving a baby anonymously at a baby-hatch is viewed as a last resort for a mother or parents who have no choice. Among conditions that might affect the matter of anonymity, the most significant are the child's right to know his origin and the security of both the mother's and the baby's life. These have given rise to interest in establishing some form of anonymity for parents in law outside the baby-hatch system, which has been done in Germany with the legal establishment of confidential childbirth arrangement<sup>12</sup>.

This issue has always been a core criticism of baby-hatches, worldwide, as a movement in favor of the child's "right to know" even against the parents' wishes has gathered momentum and as inquiries and appeals by former "hatch babies" have multiplied; in France, for example, this became a large organized political movement<sup>13</sup>. It is frequently reported that children who do not know who their parents are experience a lack of secure identity. Even some nurses involved in the baby-postbox in Kumamoto show anxiety about lack of information of an abandoned baby to provide to the former babies or foster parents and doubt the legitimacy of maintaining full anonymity of depositors. Hasuda, the founder of the Japanese baby-hatch and director of Jikei Hospital on the other hand, insists that the life of a baby should be prioritized over its right to know its origin, since naturally one cannot appeal one's rights if one is not living in the first place.

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<sup>9</sup> *The Asahi Shimbun* 2018, April 25; *The Asahi Shimbun* 2007, August 31; Kashiwagi 2013, Chap.5; *The Mainichi Shimbun* 2011, August 13; Saegusa 2008.

<sup>10</sup> As of March 31, 2017. *The Asahi Shimbun* 2018, May 28.

<sup>11</sup> *The Asahi Shimbun* 2017, December 15.

<sup>12</sup> Hasuda, & Kashiwagi 2016, Chap. 2; *The Asahi Shimbun* 2016, March 9.

<sup>13</sup> *The Asahi Shimbun* 2007, August 26.

The second main criticism regarding the safety of mothers and babies is more pressing. Most mothers who leave their baby at a baby-hatch have not had checkups in hospital during pregnancy, and quite a few of them give birth at home or in a hidden place like a car by themselves. This is obviously dangerous for both mother and baby. Therefore, contacting these women before their give birth and offering them a safer environment for childbirth is important.

These are salient reasons why establishing some level of anonymity in the childbirth system may be seen as better than using the baby-hatch approach, as noted. With regard to the child's right to know its origin, however, confidential childbirth is a better approach than fully anonymous childbirth. It was this recognition that pushed Germany to introduce confidential childbirth into law in 2014, while fully anonymous childbirth is still kept for mothers who wish keenly their anonymity for the reasons like rape or adulterous relationship. The precise difference between the two is that in anonymous childbirth, a pregnant woman can give birth in a hospital and leave the baby in hospital with total anonymity. Of course, hospital personnel will talk with her during her stay to suggest alternatives such as adoption or bringing up the baby by herself with support;<sup>14</sup> that is one benefit of anonymous childbirth as compared to the baby-hatch. In confidential childbirth, on the other hand, a mother leaves her own and her baby's information only at a pregnancy conflict counseling center, which keeps it sealed up until the child has reached a specific age (16 in Germany) and only if the child demands its disclosure. In this way, a person's right to know his or her origin is assured. That is why confidential childbirth is more desirable than anonymous childbirth, and concerned institutions in several countries (for example Switzerland and South Korea<sup>15</sup>) are considering a transition from anonymous to confidential childbirth, as is the Jikei Hospital in Japan, as noted previously. The Japanese approach begins with the same principle as the German, the child's right to know its parentage.

### **Newborn Adoption**

As seen above, a baby-hatch system is intrinsically interconnected with that of anonymous or confidential childbirth—and both are part of a series of supports for mothers or parents and infants in need. If we expand our scope to consider child-rearing environment, we can add one more important system to that series: newborn adoption. A safe, pleasant, homely environment is the best place for babies to be placed and grow up. However, there is a remarkable contrast in this regard between Germany and Japan. In Germany, most of all babies left at Babyklappen are handed over to adoptive parents while still babies, after being placed with temporary foster parents for 8 weeks to allow the depositor to reconsider their decision<sup>16</sup>. In Kumamoto, in contrast, most hatch-babies are once entered in infant home after child consultation centers took over them from Jikei Hospital, and only a few months or years later, some of them are taken in by adoptive or foster parents. However, more than 20% of them are forced to remain in a children's homes, not with individual

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<sup>14</sup> In Germany, 20% of women hoping to give birth at facilities with Babyklappen relinquished their anonymity because of hospital personnel's support before giving birth and 70% of women did so after giving birth. Tagiri 2017, p.141.

<sup>15</sup> *The Mainichi Shimbun* 2018, May 17; *The Asahi Shimbun* 2018, April 25.

<sup>16</sup> Ochi 2008, p.62-63; Kashiwagi 2013, Chap. 4.

adoptive parents<sup>17</sup>. Newborn adoption, which does not go through children's home, is still rare in Japan, although some child consultation centers<sup>18</sup> or non-governmental groups,<sup>19</sup> including Jikei Hospital, have promoted and supported newborn adoption, especially in the cases where they are consulted by pregnant women who got pregnant with undesired babies.<sup>20</sup> In the background, there are Japanese customs or policies which have been children's home-oriented. Indeed, among the left children in Japan in general, about 90% of whom grow up in a children's home, as compared to only 50% in Germany<sup>21</sup>. Nevertheless, the government has recently changed policies to promote fostering and adoption in preference to placement in a children's home<sup>22</sup>.

## Conclusion

Baby-hatches, implemented in combination with interconnected systems surrounding baby-hatches such as anonymous/confidential childbirth and newborn adoption, baby-hatches can be an effective and necessary means to address the issue of abandoned babies. Certainly, despite the undeniable downsides of baby-hatches, there are certain cases where only a baby-hatch can save a baby's life, due to the mother's wish for full anonymity or to various difficult external circumstances or maternal mental or emotional distress. This fact also shows us that it is necessary for Japanese baby-hatches' future development to also support the development of interlocking systems, especially confidential childbirth and newborn adoption, and to elaborate closer connections among them, like in Germany, given that these other systems are currently scarcely present in Japan.

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<sup>17</sup> *The Asahi Shimbun* 2018, April 25.

<sup>18</sup> The child consultation center of the Aichi prefecture leads this trend. The model of newborn adoption developed there is known as the "Aichi Style". cf. Yamanta, & Yorozuya 2015.

<sup>19</sup> Concerning the increase and the problems of non-governmental groups dealing with Newborn Adoption, see *The Asahi Shimbun* 2017, September 5.

<sup>20</sup> Tagiri 2017, Chap. 8. As for hatches-babies, newborn adoption is more difficult due to the lack of biological parents' consent, which is legally required. However, this requirement is reportedly going to be revised in the near future. *The Asahi Shimbun* 2018, May 25.

<sup>21</sup> Tagiri 2016, p. 123; *The Asahi Shimbun* 2016, March 9.

<sup>22</sup> *The Asahi Shimbun* 2017, August 3; *The Asahi Shimbun* 2017, January 21.

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