

A National Bank for Genetic Data of Disappeared Children in Argentina:  
Task up to 2050.

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Between the years 1975 and 1983 in Argentina, hundreds of children were kidnapped with their parents or were born during the imprisonment of their mothers in secret detention camps and were then given to persons or families generally connected with the repression body. As demonstrated by the investigating Committee, the Democratic Government set forth to investigate human rights violations during the said period, this monstrosity was the product of a deliberate, organic and systematic plan put into execution by the Military Dictatorship in order to produce terror among the people and achieve their objectives. In general, the parents of these children are still missing.<sup>(1)</sup>

In 1977 the Grandmothers of Plaza de Mayo is created, an organism for human rights, recognized world-wide because of the efforts in trying to return these children to their legitimate parents (families). So far, the Abuelas de Plaza de Mayo (APM) have received reports regarding the disappearances of 255 children, 71 of them kidnapped and 131 having been born in imprisonment. The overall number of disappeared children is estimated to reach 500, all of them on political reasons.

Forty-one (41) of these children have been found as the result of the tireless search their next of kin underwent with the support of the people of Argentina. Four of the children found had died, three of them murdered by the Armed Forces and the other was left to die, abandoned in a hospital.

Eleven (11) children bearing their real names, aware of their background and history and still maintaining a relationship with their real original families, do presently live with the ones who raised them as a result of agreements between the families involved. Nineteen children have been restituted to their relatives, 7 of them on a Court ruling to do so.

The way in which the restitution is carried out, has been adapted considering the circumstances of each case in particular, counting with the support of a group of persons belonging to different professions formed by doctors, psychologists, lawyers, etc. None of the children suffered psychological descompensation whether at the time of restitution, nor afterwards. In all the cases, the restitution has been a positive and therapeutical event for the child, and all the children enjoy both physical and mental health.

None of these cases proved to call for a return to the situation previous to the restitution. A variety of judges throughout the country have favoured restitution of the disappeared children to their legitimate families, even of those who were not kept by people connected in any way to the apparatus of repression. The cases of seven children whose original families are known, are being considered by the justice. The expropriators of three of these children fled the moment they learned of the Courts intention to take decisive measures regarding the minors wellbeing.

It was during the last Congress held by the Society for Forensic Haemogenetics that we stressed the fact that most judges and physicians in the Forensic Medical Body lacked the knowledge of the studies on filiation, families looking for their missing children had to face the payment of large sums to obtain analysis and an adequate legal framework get to be set forth, made it tremendously difficult the task of identifying the disappeared children.(2)

These days, part of this situation has been reverted. For instance and as a consequence of the widespread interest arising from the Court rulings ordering restitution of children after confirmation of their identities through filiation studies, today most of the people of Argentina are aware of the rates of great paternity taht help establish the biological link.

Also, the Parliament has passed two legislations in 1986 and 1987 amending the law on filiation, being the first one, an act incorporating the biological test to determine filiation, thus accepting the biological link.

A Bill regarding a NAtional Bank for Genetic Data on the Next of kin of Disappeared Children was elaborated under the active stimulus of the Abuelas de Plaza de Mayo, together with the Undersecretary of Human Rights, the Secretary for Human and Family Development, both national organizations, the Secretary of the Minor and Family, and the Secretary of Public Health of the Province of Buenos Aires, and the Service of Immunology of Hospital Durand in Buenos Aires. The bill, propelled by President Alfonsín himself, was finally passed last May as Law N° 23.511.

Such law has ultimately satisfied the long awaited wish of the Grandmothers of Plaza de Mayo for the establishment of practical conditions to enable the identification of their grandchildren however not present, faced with the impossibility of ascertaining when are they to be found. Or, in some other cases, it will be the children themselves, once they have grown up, that will be able to trace their origin through this law, which is likewise built to serve as a weapon against the traffic and trade of children, which is a great problem in our country.

Chief dispositions of this Law are:

- 1) The creation of the NAtional Bank for Genetic Data which will operate free of charge from the Service of Immunology at Hospital Durand.
- 2) The determination of the study, in all cases, of the genetic markers of blood groups, of histocompatibility, of seric proteins and erythrocyte enzymes.
- 3) Keeping blood samples of all next of kin to enable perform the necessary studies arising in the future.
- 4) Rendering it mandatory for every justice in the nation to perform the pertaining studies of genetic markers on any child with doubtful filiation, to be later checked against those kept at the National Bank for Genetic Data.
- 5) A set of standards for the procedure and identification of the studies carried out at the NBGD, elsewhere in the country or abroad.

According to life expectancy in Argentina, this NBGD should be operating until, at least, the year 2050.

As from 1984, when the first study was performed, to date, 9 children have been identified through the analysis of genetic markers. In seven cases, the Argentine Courts ruled the plain restitution to the original families, whereas the remaining 2 children are still living with the families who raised them.

But for one case where both parents and 2 brothers could be studied, the rest, as their progenitors could not be made available, were elucidated through the study of grandparents, uncles, aunts, brothers and sisters, great-uncles and great-grandparents.<sup>(3)</sup>

In 7 cases the connection with the biologic link was dismissed. In these cases, none of the families keeping the children they alleged to be biologically theirs, and even despite this, would submit to the filiation study.

One abandoned child, after discarding his being a disappeared child and thanks to the efforts of the Abuelas de Plaza de Mayo, could be sent with the mother when the link was confirmed through the study of the genetic markers.

There are Court rulings to analyse 15 children. The abductors of 8 of these children fled once they learned there was a judiciary determination to carry out the studies. These situations, undetached, evidence coarse failures of judiciary and Police custody regarding children suspected of being disappeared ones.

A total of 345 individuals have been studied for the NBDG pertaining to the groups of relatives of 81 disappeared children.

In order to protect their validity, all studies were carried out under the provisions of a Court ruling, or by the Undersecretary of Human Rights.

The support of the international scientific community has been invaluable for the setting out of the National Bank for Genetical Data, especially through the granting of reactives by some centers and also by the contribution of computer programs useful in this field.

We are still in need of such support. For the prosecution of this work a continuous help from the international scientific community is necessary in the following items:

- a) Donations of reagents and technical supplies to assure perpetuation of studies, due to Argentina's severely affected economical situation.
- b) Assistance to solve complicated scientific and legal problems. e.g. Long time preservation of blood samples with sustained legal validity.
- c) Assistance and support for free haemogenetical analysis of relatives living in foreign countries, mainly Europe and United States.
- d) Scholarships and scientific assesment.
- e) Moral support for those forensic scientists who, by doing this concerned work, receive pressures and threats against their lives.

With this short presentation we want to summarize the contributions of science in general and haemogenetics in particular in favor of the prevalence of Children's Rights, and, among them, specially the fundamental right of identity.

#### REFERENCES

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## VII. Biostatistics

