

## **THE LIVING DISAPPEARED**

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### **ABSTRACT**

*The Living Disappeared* is a provocative cinematic investigation into the trafficking of children across borders and the ways in which DNA can help reunite these children with their families. With firsthand accounts from immigrants who crossed as children and who were kidnapped, stripped naked, smuggled in with coyotes and crossed through the desert, we see the human side of the complex problem of identifying the dead and preventing human trafficking. The documentary is a succinct depiction of the issues that need to be confronted with regard to obtaining DNA samples for migrant children crossing the border and of why these issues matter. Policies concerning forensic analysis of DNA in human rights applications are presently being formulated. Uses of DNA databases, the question of who would have access to this data transnationally, how it would be controlled, and how it would be collected, invoke technical, ethical, privacy and security debates. While ethical and political concerns will remain difficult to negotiate, the film serves to further the conversation about minimizing the disappearance and exploitation of minors who cross the border.

### **Introduction**

This year has seen multiple major migration crises, including those in the Mediterranean and Andaman Seas where asylum seekers are fleeing Syria, Libya, Myanmar, and other regions of persecution and starvation.<sup>1</sup> Whether stateless or refugees, reunification of displaced children and relatives in these migrant humanitarian crises is vital for managing the influx of refugees. With resources scarce in times of crisis, science is often a last consideration – resources are needed for food, shelter, and victim support. But using genetic technologies for family reunification and DNA identification in conjunction with other efforts may expedite cases and relieve basic human rights needs.<sup>1</sup>

That said, there are significant challenges in applying genetic technologies to human rights issues, particularly when it comes to devising policy based on biological relationships. Some families are made up of unrelated individuals – adopted children, godparents, in-laws. In other cases, victims may be exploited by their own family members; parents might sell their children into slave labor or for adoption, or be complicit in the abuse of a child. These issues are critical to consider as we develop policies around the use of DNA in migrant cases.

### **A surge of crossing migrant children**

In 2014, more than 50,000 unaccompanied children from Central America crossed into the United States – double the number that crossed the year prior.<sup>2,3</sup> In response to extreme violence and economic instability in their home countries, children are increasingly migrating north to reunite with family members in the U.S. Efforts to divert these migrant children have reduced in number in 2015, but are still at greater numbers than before.<sup>2</sup> However, this journey is treacherous, and some migrants don't make it. Even the children who do make it are sometimes placed in strangers' custody with little vetting of whether the custodians are

traffickers or are, in fact, the relatives they claim to be.<sup>4,5</sup>

U.S. authorities have been struggling to house, screen, process and repatriate these thousands of children from Central America. With so many cases at hand, we risk sending some of the children into situations where they will be exploited or harmed. U.S. policymakers have struggled to determine a way to safely reunite children in detention centers with their families, whether in the U.S. or back in their home countries.

*The Living Disappeared* explores this challenge by investigating the potential use of DNA testing to reunite families. DNA testing could prevent a child from being handed over to a trafficker posing as a parent or uncle. A DNA system also would increase the odds of connecting detained migrant children with families in the U.S., and would help identify children who are killed or die during the journey.

### **The power of DNA**

Historically, DNA has proven to be instrumental in reuniting children with their families in Latin America. Las Abuelas de Plaza de Mayo, an organization of grandmothers of the 30,000 people that disappeared during the Argentine military dictatorship of 1974-1983, partnered with the Argentine government to set up the National Genetic Data Bank in 1985.<sup>6</sup> This DNA database was used to reunite over one hundred grandmothers with their grandchildren who had been adopted into families that supported the military regime at the time.<sup>6</sup> In Guatemala, DNA has been utilized to combat adoption fraud and reunite stolen babies with their parents.<sup>7</sup>

As humanitarians, we have an opportunity to develop methods for using DNA forensics to investigate human trafficking cases, reunify families, and identify victims. At the same time, we must address various ethical, legal, logistic, and political questions: Who would have access to the DNA? How would DNA be collected? How would DNA be shared transnationally? How would we define “family” and categorize non-blood-related relationships, such as a godmother or adopted parent? If misused, genetic technology could undermine efforts to protect victims or inadvertently lead to policy that values biological relationships over other family structures.

### **Documentary as a medium**

Migration is a controversial and complex issue, as is collecting DNA of non-criminals.<sup>8</sup> The documentary medium gives a voice to migrants themselves - whose stories are rarely heard - in the conversation about such issues. This film includes testimonies from seven migrants who crossed the border as children and highlights for viewers the complexities of their decision to make the journey and the dangers they face, without sensationalism and without speaking on their behalf. We see that these migrants are not traumatized, voiceless victims, but people with strength and personal stories to share. Their narratives are the backbone of the film. The documentary also allows for a visual and vocal conversation to take place between academics, journalists, policymakers, and migrants.

### ***The Living Disappeared***

*The Living Disappeared* explores what should be done to identify the thousands of unaccompanied migrant children crossing into the U.S. from Latin America, according to the scientists who pioneered forensic DNA testing and to human trafficking scholars. With firsthand accounts from immigrants who crossed as children – some of whom were kidnapped, stripped naked, smuggled in with coyotes, and crossed through the desert – we see the human side of

the complex problems of identifying the dead and preventing human trafficking. This film delves into some of the issues that must be confronted with regard to obtaining DNA samples for migrant children crossing the border. It also addresses the complex questions surrounding DNA databases, including that of who would have access to DNA data transnationally. We hope *The Living Disappeared* will bring us one step closer to establishing successful ways of reuniting missing children with their families, particularly those traveling to the U.S. alone along treacherous routes.

### **Acknowledgments**

The authors give special thanks to the immigrants that welcomed Alexa into their lives and lent their voices and stories to the film, including Elizabeth, Ester, Faustino, Luis, Manuel, Ricardo, and Silvia. We also wish to thank the experts in the film that contributed their time and energy, including Bruce Budowle, Hon. Ana Cuevas, Arthur Eisenberg, Jose Lorente, Oscar Martinez, Michelle Millan, and Rogelio Nunez. Finally, we thank Misha Angrist, Thomas Rankin, Cheri Ross, and Jon Stapnes for advising the film and thank Jennifer Wagner, Suzanne Shanahan, Robin Kirk and Seth Faith for their continued support of research into science, human rights and migration.

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