



**Policy on Human Remains
Royal Cornwall Museum,
Royal Institution of Cornwall
Truro**

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1. Introduction

Human remains hold a unique status in museum collections and this places a special responsibility on museums that hold them. The study of human remains provides one of the most direct and insightful sources of information about cultural approaches to death, burial practices and belief systems, including ideas about the afterlife. In addition to furthering the public understanding of other cultures, human remains in museum collections also help advance important research in fields such as demography, diet, growth and pathological conditions.

In the United Kingdom, there is a long tradition of excavating historic and prehistoric human remains, studying them and including them in museum collections and displays. Human remains have also been kept as specimens in medical teaching collections and museums. However, it is recognised that some human remains were obtained in circumstances that are considered unacceptable. For example, some were acquired between 100 and 200 years ago from Indigenous peoples in colonial circumstances where there was a very uneven division of power. Consultation with originating communities is essential to the current curation of human remains.

The Royal Institution of Cornwall has developed a policy relating to human remains according to the recommendations of *Guidance for the Care of Human Remains in Museums* published by the Department for Culture, Media and Sport (DCMS) in 2005.

The Royal Institution of Cornwall recognises, therefore, that it will be required by the Human Tissue Act 2004 to obtain a licence from the Human Tissue Authority if it wishes to acquire human remains under 100 years old (Note 1).

The Royal Institution of Cornwall acknowledges that human remains were once parts of living persons and will care for them in a culturally respectful manner while also making the collections available for research, learning and teaching where appropriate and in accordance with this policy.

2. Mission statement of the Royal Institution of Cornwall

The Human Remains Policy is consistent with the mission of the Royal Institution of Cornwall, namely:

"...to encourage and promote the study and knowledge of literature, natural science, archaeology, history, ethnology, and the fine and applied arts, with special reference to Cornwall, and to advance education in those fields by provision and maintenance, for the benefit of the public, of a museum, art gallery and library, the publication of a journal and such other methods as may from time to time be thought necessary."

3. Definition of human remains

Attitudes to human remains differ amongst institutions. The Royal Institution of Cornwall definition of human remains references a number of recognised criteria.

1. The Royal Institution of Cornwall acknowledges the definition of human remains given in the DCMS Guidelines, 2005 and bases its definition on it. The Royal Institution of Cornwall uses the term human remains to mean the bodies, and parts of bodies of once living people from the species *Homo sapiens* (defined as individuals who fall within the range of anatomical forms known today and in the recent past). This includes osteological material (whole or part skeletons, individual bones or fragments of bone and teeth), soft tissue including organs and skin, embryos and slide preparations of human tissue.
2. The Royal Institution of Cornwall also acknowledges the definition of human remains less than 100 years old as defined in the Human Tissue Act, 2004. This includes artworks composed of human bodily fluids and soft tissue. The Royal Institution of Cornwall is committed to treating all human remains in an ethical and socially responsible manner. The Human Tissue Act 2004 definition does not include hair and nails. However, the Royal Institution of Cornwall acknowledges that some cultural communities do give these a sacred importance and the Royal Institution of Cornwall recognises the ethical responsibilities invested in it through possession of such remains.
3. Human remains also include any of the above that have been modified in some way by human skill and/or may be physically bound-up with other non-human materials to form an artefact composed of several materials. Bound up material consists of objects or material other than human remains that are in some way physically bound or attached to them so to in effect be part of them. Finds from archaeological excavations found in association with human remains will be considered in context but not as human remains.
4. The Royal Institution of Cornwall recognises that other items in museum collections may be culturally sensitive. These include sacred and secret items, photographs and other depictions of human remains or people now deceased, and museum records relating to these. The Royal Institution of Cornwall endorses the Museum Ethnographers Group (1994) *Guidance Notes on Ethical Approaches in Museum Ethnography* (1994) concerning the storage, display, interpretation and return of human remains in ethnographical collection in United Kingdom museums.

5. Consent

The Royal Institution of Cornwall acknowledges that human remains are not neutral objects. In accordance with the Museums Association *Code of Ethics* (Museum Association *Code of Ethics 2002, 7.5*) the Royal Institution of Cornwall will:

“Respect the interests of originating communities with regard to the elements of their cultural heritage present or represented in the museum. Involve originating communities, wherever practical, in decisions about how the museum stores, researches presents or otherwise uses collections and information about them”

Consent of duly authorised representatives of genealogical or culturally affiliated groups will be sought in all cases of contested or identifiable human remains, irrespective of biological ancestry. The guiding principles for consent are that it is:

1. never assumed
2. never granted in perpetuity

5. Description/inventory of holdings

The holding and use of human remains and the handling of claims in relation to them have presented legal difficulties in practice. The laws of England and Wales do not recognise the concept of property (i.e. a right of ownership) in human bodies or tissue except where remains have been treated or altered through the application of skill. It may therefore be difficult for claimants (or indeed museums) to assert rights of ownership over remains in a legal sense. However, jurisdictions other than England and Wales, - for example, the Native American Graves Protection and Repatriation Act in the United States of America - may recognise certain rights over human remains, or the rights of burial. The Royal Institution of Cornwall recognises the ethical responsibilities invested in it through possession of such remains. The Royal Institution of Cornwall is committed to treating all human remains in an ethical and socially responsible manner.

The Royal Institution of Cornwall holds human remains by virtue of the historic nature of the collection it cares for. The Royal Institution of Cornwall believes in being open about the contents of the collection and making information available in response to enquiries. The Royal Institution of Cornwall has identified human remains as being currently curated in the Archaeology and World Cultures collections.

In due course, the Royal Institution of Cornwall aims to publish full details of its holdings in a printable format and as a searchable database on the Museum's website. Where making information public may offend affected communities, care, and consultation, where appropriate, will be undertaken to establish the risk of causing offence. This database will include the following data, where available:

1. *Numbers of remains*: Number of contexts (where information available) containing remains and whether they are cremated, disarticulated or articulated.
2. *Overall condition*: For example, good, fair, poor.
3. *Period/Date*: For example, Roman/200=300AD.
4. *Provenance*: For example, Site location, excavator and date of excavation.
5. *Status within collection*: Accessioned, loaned or deposited collections with Accession number or Loan Number.
6. *Soft tissue*: For example, Ast Tayef Nakht and 'bound up' finds, hair and tissue.
7. *Associated finds*: For example, a finds associated with an Iron Age burial.

In addition, the Royal Institution of Cornwall plans to publish a research framework and maintain a publicly accessible research register detailing all requests as well as research carried out. The register will list:

1. Project name.
2. Research objectives.
3. Research methodology.
4. Dates of research.
5. Research results.
6. Outputs – publications and data holdings.

6. Acquisition of human remains

At present the Royal Institution of Cornwall only expects to acquire human remains by transfer from another institution, donation or excavation in Cornwall and the Isles of Scilly. The Royal Institution of Cornwall publishes an Acquisition and Disposal Policy ([hyperlink to site](#)).

Once buried in England, a human body is protected in law. The Burial Act 1857 makes it a criminal offence to disinter a body without lawful authority. Development of burial grounds and the disturbance of buried remains are subject to a range of legislative controls. Where ground under the jurisdiction of the Church of England is involved, the permission of the Church must be obtained (CofE/EH, 2005). Remains removed in the course of archaeological excavations (including those resulting from development) are subject to a Department of Constitutional Affairs licence or directions, which may set a timeframe for any scientific research and include requirements for eventual reburial. Transfer of excavated human remains to a Royal Institution of Cornwall is permitted,

provided that the excavation and the removal of the human remains have been conducted in accordance with legal requirements and published professional standards of archaeological investigation as laid down by the Institute of Field Archaeologists. Where such remains were exhumed from ground that is under the jurisdiction of the Church of England, the relevant religious authorities must have been consulted and must have agreed to the subsequent disposition and treatment of the remains.

Human remains will only be acquired after full and open consultation and consent from genealogical and culturally affiliated groups. Acquisitions of human remains will be made with reference to the Royal Institution of Cornwall's Acquisition and Disposal Policy regarding the process to be followed. The policy is published on the Royal Institution of Cornwall's website ([hyperlink to site](#)).

7. Loans in

Where incoming loans for research or display are concerned, the nature of the research, the display content, the interpretation and the marketing of the exhibition will be discussed with the Curator of Archaeology and World Cultures. The Curator will advise and act in accordance with the RCM 'Loans In' Policy and the appropriate guidance for legal, ethical and practical considerations governing human remains (DCMS, 2005).

8. Loans out

All outgoing loans of human remains will be subject to approval by the Curator of Archaeology and World Cultures. Borrowing institutions will be required to satisfy the RCM 'Loans Out' Policy, the 'Guidelines for Archaeological display' and the legal, ethical and practical considerations outlined in guidance for human remains (DCMS, 2005). Loans of contested or identifiable human remains will only be made after due process of consultation and consent as specified in Section 4 above.

9. Research and sampling, learning and teaching

All requests for teaching and research, including sampling and analysis, must be made by completing the Royal Institution of Cornwall's Archaeology Research Request Form. Students must provide a letter/e.mail with a reference from their Tutor/Lecturer.

Where research access is granted the Royal Institution of Cornwall will ensure that all researchers are made aware of the Museum's and their own ethical obligations with regard to human remains, and that they are provided with access to this Policy and that they receive appropriate guidance in handling human remains from the Curator and/or Royal Institution of Cornwall's conservator.

The research will be listed on the Royal Institution of Cornwall's research register.

The Royal Institution of Cornwall reserves the right to seek external academic advice prior to approving any request for sampling and analysis. Such consultation may increase the time before a decision can be made.

All research samples will be treated as a loan for a fixed period and will be subject to a separate loan agreement. A complete record of the material analysed, the outcome of the analysis, and the resulting research, including copies of all publications, must be returned to the Royal Institution of Cornwall by a specified date.

If the human remains are to be altered into a form which the Royal Institution of Cornwall is unable to curate, an alternative place of deposit must be agreed upon prior to approval of the request.

The Royal Institution of Cornwall will not allow public access to any human remains while the outcome of a claim for their return to a source community is pending.

10. Exhibition and display

The Royal Institution of Cornwall is planning the redisplay of the main galleries. In future plans, where human remains form part of an exhibition, either long or short-term, they will be displayed in a culturally appropriate, contextually appropriate, sensitive and informative manner and will always be accompanied by explanatory and contextual interpretation. Display methods will aim to prepare visitors for viewing human remains respectfully, will warn those who may not wish to see them at all and will display them in such a way as to prevent people coming across them unexpectedly.

Human remains will only be referred to as a proper name where the proper name of an individual is known or the name of a cultural group or archaeological site is to be used. For example - Ast Tayef Nakht, Lindow Man.

11. Images

No images of human remains other than wrapped mummies will be available online or will be used for marketing purposes. All images of mummified human remains in the Royal Institution of Cornwall and on the Royal Institution of Cornwall's website will be displayed in context with appropriate accompanying interpretation.

Images of human remains may be requested in writing from the Royal Institution of Cornwall and will be subject to approval of the Curator of Archaeology and World Cultures. All requests for the use of images of human remains, or for filming of human remains within the Royal Institution of Cornwall will be made on the appropriate Request Form (hyper links to sites) and be submitted to the Curator of Archaeology and World Cultures for approval.

The photography of human remains for research, educational and general museum use will be approved in most cases. Where known, the views of cultural communities and genealogical descendants will be considered.

12. Collection management

The Royal Institution of Cornwall plans to store human remains in controlled conditions in a defined area within a store. Storage is actively managed and monitored and meets appropriate standards of security, access management and environment. Objects found associated with human remains are stored with other objects by site, period and culture, also in appropriate conditions.

Documentation, remedial or preventative conservation and physical access procedures will be carried out according to the general tenets of this policy.

13. Conservation

The integrity of human remains is important in many belief systems and is also crucial to future research and study. The principle of minimum intervention and reversibility should always be applied, avoiding treatments that will contaminate or damage human remains. Bone should always be kept clean and dry. Any intrusive conservation work should be carried out in accordance with strict protocols and policies and only undertaken when absolutely necessary. Any preventative and remedial conservation will be carried out on human remains will be supervised by the Curator and/or Conservator.

14. Repatriation, reburial and deaccession

The Royal Institution of Cornwall acknowledges the following: that

“The express recognition that the concerns of various ethnic groups, as well as those of science, are legitimate and to be respected will permit acceptable agreements to be reached and honoured.”

Vermilion Accord, World Archaeological Congress, 1989.

The Royal Institution of Cornwall will be proactive in repatriating human remains and will enter into full consultation with the appropriate claimants, named individuals and next of kin. Claims for repatriation and reburial will be determined on a case-by-case basis and may be supported by ancestral-descendant relationships or cultural or historical connections between an individual or group and the remains in question.

The Royal Institution of Cornwall accepts the view of the DCMS Guidelines that claims are unlikely to be successful for any remains over 300 years old and are highly unlikely

to be considered for remains over 500 years old, except where a very close geographical, religious or cultural link can be demonstrated.

All requests for repatriation, reburial and deaccession must be submitted in writing to the Curator of Archaeology and World Cultures. For any claim to be considered, the claimant would need to establish a sound evidential base for their claim. The Curator will seek external advice and where appropriate will form an advisory panel of experts to provide additional expertise, if necessary, on a case-by-case basis. Approval for transfer of human remains from the Royal Institution of Cornwall's possession is subject to confirmation by the Acquisition and Disposal Committee and to final confirmation by the Board of Trustees of the Royal Institution of Cornwall.

16 Guidance for all Royal Institution of Cornwall staff

Both a paper and digital copy of the DCMS (2005) *Guidance for the Care of Human Remains in Museums* will be available to existing staff of the RIC and will be brought to the attention of current trustees, staff, work experience appointees and volunteers by the Director who will ensure that they are aware of its content during induction.

17 Advisory Role

The Curator of Archaeology and World Cultures, in liaison with the Cornwall Collections Development Officer will advise all museums, galleries and other heritage institutions in Cornwall of regulations relating to human remains. The Curator will join other panels and Advisory Boards, as appropriate, to offer advice in this regard.

18 Policy implementation and management

This Policy and its implementation will be managed and monitored by the Curator of Archaeology and World Cultures.

(1) Section 14 of the Human Tissue Act 2004 sets out the activities within the remit of the Human Tissue Authority; subsection 14 (3) states: (3) An activity is excluded from the remit of the [Human Tissue] Authority if (a) it related to the body of a person who died before the day on which this section comes into force or to material which has come from the body of such a person, and (b) at least one hundred years have elapsed since the date of the person's death." This is a rolling 100-year period. The legislation was passed in November 2004 and the Human Tissue was established from 1 April 2005. Other parts of the Act will be brought in during 2006. Any offences relating to the consent provisions of the Act will come into force 3 months after our Codes of Practice have been established.

References

Church of England and English Heritage (2005) *Guidance for Best Practice for Treatment of Human Remains Excavated from Christian Burial Grounds in England* C. of E, English Heritage

DCMS (2005) *Guidance for the Care of Human Remains in Museums*. DCMS

DCMS (2004) *The Report of the Working Group on Human Remains*. DCMS

DCMS (2003) *Care of Historic Human Remains: A Consultation Report of the Working Group On Human Remains*. DCMS

Museum Association (2002) *Code of Ethics for Museums* (Museums Association)

Museum Ethnographers Group (Undated?) *Guidance Notes on Ethical Approaches in Museum Ethnography*

Museum Ethnographers Group (1994) *Professional guidelines concerning the storage, display, interpretation and return of human remains in ethnographical collections in United Kingdom Museums*. *Journal of Museum Ethnography*, 6.

Museums and Galleries Commission (2000) *Restitution and Repatriation. Guidelines For Good Practice*. Museums and Galleries Commission.

World Archaeological Congress (1989) *The Vermillion Accord, Archaeological Ethics and the Treatment of the Dead, A statement of principles agreed by archaeologists and Indigenous peoples at the World Archaeological Congress*.

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Appendix 1

Royal Cornwall Museum (Royal Institution of Cornwall) Archaeology Research Request Form.

Please note that information you give below will be added to a publicly accessible research register on the museum's website.

Project Name
Research objectives
Research methodology
Dates of research
Research results
Name of researcher
Contact details (address, telephone number & e.mail address)
Research institution/Employer/Funder
I agree to provide the museum with one hard copy and one digital copy of the research results and outputs and agree to this information being published on the museum's website.
Signature
Date of application