

# OXFORD UNIVERSITY GAZETTE



## POLICY ON HUMAN REMAINS HELD BY THE UNIVERSITY OF OXFORD'S MUSEUMS

SUPPLEMENT (2) TO NO. 4787

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Following publication in 2004 of the report of a Working Group on Human Remains set up by the Department of Culture, Media and Sport and the subsequent publication by the DCMS in 2005 of its *Guidance for the Care of Human Remains in Museums*, a working group of Council's Committee for the Museums and Scientific Collections has drafted a policy for the University's museums. The publication of such an institutional policy is one of the elements of good practice recommended in the DCMS *Guidance*. Council has approved the policy statement, which will be publicly accessible on the University's Web site.

### POLICY ON HUMAN REMAINS HELD BY THE UNIVERSITY OF OXFORD'S MUSEUMS

*This policy has been developed following the publication of the Department of Culture, Media and Sport's Guidance for the Care of Human Remains in Museums, 2005, and in line with its recommendations.* The policy specifies the standards the University's museums will adhere to with respect to the acquisition, storage, management, research upon, access to, and display of the human remains held in the museums' collections, the procedures which will be followed when claims are made for the repatriation of human remains, and the circumstances in which the University may accede to claims.

#### 1. Introduction

1.1 The University of Oxford's four museums (the Ashmolean, the Museum of the History of Science, the Oxford University Museum of Natural History and the Pitt Rivers Museum) hold internationally important collections built up over past centuries through gift, purchase and bequest. The collections include a great variety of artworks, artefacts of many kinds, and natural history and scientific specimens.

1.2 These collections are a most important resource for teaching and research, both to the University and to visiting scholars from around the world. Wherever possible and appropriate, the collections are also made widely accessible to members of the public by means of display, through educational programmes and through loans to other collections and via the web. All of the collections in the four museums have been 'designated' by the relevant national agency as being of national or international significance, and the museums themselves collectively receive almost a million visitors a year.

1.3 The collections of each of the four museums include human remains, whether unmodified or turned by human skill into artefacts or parts of artefacts. These include samples of hair and tissue, mummified bodies, skeletal remains, and artefacts made from or incorporating human remains.

1.4 Whether modified or unmodified, these human remains are of considerable significance for the understanding of biological processes, of disease and its history, of diet and population movements over time.

1.5 Human remains and artefacts made from or incorporating human remains also illustrate the variety of cultural practices world-wide, ranging from cultural ideas to do with bodily attractiveness, to indigenous medical practices, to burial customs and ideas about the afterlife. In addition to their significance for scholarship and teaching, such remains are also of wide public interest.

1.6 For these reasons, the presumption is that human remains and artefacts made from or incorporating human remains in the University's collections, like the University's collections more generally, will remain intact for future generations. As the *Guidance* (p. 8) observes, the vast majority of work on human remains in the United Kingdom is uncontroversial and has wide popular and academic support.

1.7 At the same time, the University recognises that certain human remains and artefacts made from or incorporating human remains have come in recent years to be regarded as of especial cultural sensitivity. As the *Guidance* notes, some human remains were undoubtedly obtained in circumstances that today would be regarded as unacceptable. The research and display value of human remains has to be balanced against the claims of genealogical descendants and cultural custodians. Those holding human remains have to evaluate these potentially conflicting interests.

1.8 The University therefore followed carefully the progress of the original Working Group on Human Remains, set up by the DCMS in 2001, and on which one of the University's academic staff served. The University also contributed to the DCMS consultation exercise which followed, and endorses the *Guidance* which arose from it. The University further recognises that in the light of the sensitivities referred to above and of experience of responding to claims this policy should be kept under review.

## 2. Definition of human remains

2.1 The definition of 'human remains' used in this policy derives from that of the DCMS *Guidance*. 'Human remains' comprise 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. The DCMS *Guidance* does not include hair and nails; however, the University notes that for certain communities these are on a par with the remains included in the DCMS definition.

2.2 Human remains also include any of the above that may have been modified in some way by human skill/ or may be physically bound up with other non-human materials to form an artefact composed of several materials. Another but much smaller category of materials included in this definition is that of art works composed of bodily fluids and soft tissue.

## 3. Types of 'human remains' in the collections of the University's museums

The University's museums hold an extremely wide array of unmodified and modified human remains, arising from the University's long history and the very many fields in which it is pre-eminent in teaching and in research, Europe being the most common source of material. Remains held range from pathology slides to Egyptian and Peruvian mummies, from excavated and other skeletal material to hair bracelets and brooches, and from bone fish-hooks, ornaments and musical instruments to the 'shrunken heads' formerly produced by certain Amazonian groups.

## 4. Inventory of collections

The University's museums are working towards a system of on-line databases of the human remains in their collections. In the meantime, records of all the Pitt Rivers Museum's collections, including human remains, are on-line at <http://www.prm.ox.ac.uk/databases.html#objects-intro> and can be searched. A listing of human remains in the collections of the Oxford University Museum of Natural History is given in Fforde, C. 'English Collections of Human Remains: an Introduction' (*World Archaeology Bulletin* 6, 32 et seq.); a revised database of holdings will be published later in 2006. The Ashmolean Museum will have a full catalogue of its holdings of human remains (about 220 in number) accessible to the interested public on its new Collections Management System. The Museum of the History of Science holds human tissue among its slide preparations.

## 5. Human remains policy

### 5.1 Acquisition

The University's museums may in certain circumstances consider acquiring further human remains—either unmodified or modified depending on the scope of the individual institution—e.g. because of their value to research or to the completeness of the existing collections. In this event, the museum must satisfy itself that the remains can be lawfully held, i.e. their provenance must be clearly established and there must be no suspicion whatsoever of illicit trade.

In the event of future acquisition of human remains, the receiving museum will be subject, as appropriate, to the legislation set out in the Human Tissue Act 2004 and will, where relevant, be guided by the Human Tissue Authority in that respect.

### 5.2 Loans

With the agreement of the individual museums' Boards of Visitors, human remains may be loaned to other institutions for display and/or research, provided that the borrowing institution meets the legal, ethical and practical considerations set out in the DCMS's *Guidance* or equivalent.

### 5.3 De-accessioning

Notwithstanding the University's general presumption that its collections should remain intact for the benefit of present and future generations, human remains may on occasion be de-accessioned, for instance (a) in response to approved claims for repatriation submitted in accordance with the University's procedure for the consideration of claims, or (b) in accordance with agreed inter-institutional policies for the location of certain types of material. On such occasions the de-accessioning museum will need to be satisfied that the remains will be appropriately dealt with within the accepted framework of legal, ethical and practical considerations and in conformity with the procedures required by the museum's status as a collection Accredited and Designated by the Museums, Libraries and Archives Council.

### 5.4 Claims for return

The procedure for the consideration of claims for the repatriation of human remains is set out below in sections 6 and 7.

### 5.5 Storage, conservation and collection management

The University's museums will store human remains professionally and respectfully. They will as a priority audit storage provision, using the document Benchmarks in Collections Care (Resource/MLA 2002), and identify any improvements necessary to meet good standards.

Human remains will be kept in suitably safe, secure, watertight premises, with stable, monitored environments, which are kept clean and regularly checked for pests.

Handling will be kept to a minimum, and, where appropriate, direct contact with skin avoided through the use of conservation standard gloves.

Access to human remains will be allowed only to authorised staff and visitors with specific permission under agreed supervisory arrangements.

Where unmodified human remains comprise a small proportion of a larger collection, curators will wherever practical identify a designated area where human remains will be stored, to create conditions likely to engender respectful treatment. Wherever possible, the remains of each individual will be stored in a separate storage box (or osteological storage box if appropriate) or container.

Where human remains require conservation, the principle of minimum intervention and reversibility will always be applied, avoiding treatments that will contaminate or damage human remains.

The request of any member of staff not to participate in any work directly involving the handling of human remains will be respected.

## 5.6 Display

The DCMS's *Guidance* cites the finding of visitor surveys that the vast majority of museum visitors are accustomed to the inclusion of human remains, usually skeletal, as an element in museum display. The University's museums display human remains only after sensitive consideration of the reasons for, and circumstances of, such displays, which will always be accompanied by explanatory and contextual information. As with other displays, the need for the display of human remains is kept under active review by the individual museums. Individual museums will give consideration as to how best to prepare visitors to view remains on display respectfully, and to warn those who may not wish to see them at all.

## 5.7 Access for research and educational purposes

Access to the human remains in the collections of the University's museums for research and educational purposes is provided through museum displays, inventory and documentation or, in appropriately supervised contexts, for the purpose of teaching or research.

The University's museums will each prepare and publish a research framework for the human remains in their collections which will build on the inventories referred to above and identify current and potential areas of research into them.

As the *Guidance* observes, research on human remains may benefit from analysis requiring sampling, which in some cases may be destructive. Such actions will only be undertaken to the highest standards by appropriately qualified staff and students. Consideration by individual museums of requests for scientific analysis of human remains, whether modified or unmodified, will take account, *inter alia*, of the condition of the item from which sampling is proposed, the credentials of the applicant(s), the merits of the project and whether due academic value can reasonably be expected to accrue, and other known reservations that there might be to such analysis.

It is a condition of access that the results of any research investigation will be deposited with the relevant museum and be in the public domain. Each of the University's museums will maintain for the human remains in its collections a publicly accessible research register which will include the project's name, the research objectives, the date of the research and research outputs and the sampling entailed.

Those afforded access for these purposes will be reminded of the ethical obligations with regard to human remains.

The University's museums will not normally allow access to unmodified human remains while the outcome of any claim for their return to a source community is pending.

## 5.8 Compliance

It shall be the responsibility of the director of the individual museums to ensure compliance with these policies in consultation with the relevant curator(s).

## 6. Claims for the return of human remains

6.1 As the *Guidance* observes, it is unquestionable that human remains had in the past, and continue to have, a key role in museum research and practice, and have the potential to make major contributions to the furtherance

of knowledge. It is equally clear that some were obtained in ways that would now be deemed unacceptable and that some individuals and communities wish to see the return of those remains or to gain some control over their future.

6.2 While the University of Oxford generally presumes that its collections should remain intact for the benefit of present and future generations throughout the world, it will on a case-by-case basis give serious consideration to repatriating human remains that were buried or were intended for burial,<sup>1</sup> if

(a) they are less than 100 years old and a claim for their return is being made by a genealogical descendant; or

(b) they are less than 300 years old, and

the claim is normally made by a source community which displays a cultural continuity with the remains in question, and

the claim is made through a national government, national agency, or equivalent, and

where, after taking any relevant independent advice on questions which the University formulates as needing an answer to help it make a decision, it is in its view likely that the cultural and religious importance of the human remains to the community making the claim outweighs any other public benefit.

6.3 The University of Oxford regards objects made from human remains that have been modified for a secondary purpose (e.g. made into a musical instrument) or are 'separable' (e.g. made from hair or nails) as falling into a different category from human remains that were intended for burial, and so is unlikely to agree to any claim for their repatriation.

6.4 The University of Oxford considers 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 and cultural link can be demonstrated.

6.5 The University of Oxford will normally only consider a claim for repatriation from a community if it has been made officially through a body generally recognised as responsible for the governance of the claimant community. The University will not normally consider a claim from a national government unless it is made on behalf of an identified source community.

6.6 For any claim to be considered, the claimant would have to establish a sound evidential base for a *prima facie* claim.

## 7. Procedure for making a claim

7.1 The University wishes to be open and transparent with regard to approaches from claimants wishing to see the return of human remains to communities of origin, and will try to ensure throughout the process that its actions are consultative and that negotiations are as equitable as possible.

7.2 Requests should be submitted in writing to the Vice-Chancellor of the University. The request should include as much information as possible about the human remains being claimed, the individual or community sub-

<sup>1</sup> The phrase 'human remains that were buried or were intended for burial' includes (1) human remains that were modified for this purpose (e.g. cremated) and (2) human remains that were used or intended for any other form of mortuary disposal, as appropriate to different societies.

mitting the claim, the reasons for making the claim, and the evidence that substantiates the claim.

7.3 The Vice-Chancellor will be the single point of contact for claimants and other interested parties throughout the process and all enquiries should be submitted to him/her.

7.4 The claim will be formally acknowledged in writing and will include an indication of how long it is likely to take the University to process the claim and of who will be consulted during this process. The time taken will in part depend on the quantity and quality of the information submitted with the claim, and on the timing of meetings, respectively, of the governing body of the relevant museum or collection (which will advise the University Council on the claim) and of the University Council itself, with which the final decision will rest.

7.5 Each claim will initially be considered by the governing body of the relevant museum or collection at its first meeting following the receipt of the claim. At this meeting the governing body will consider the information available and may either make a recommendation to the University Council based on that information; or may request advice from independent advisers or further consultation with the claimants and other interested external parties (including the national government and diplomatic representatives of the country in which the claimants normally reside) before formulating a recommendation.

7.6 After the governing body of the relevant museum or collection has submitted a recommendation regarding the claim to the University Council, the recommendation and the dossier of the case will be made publicly available giving an opportunity for all with an interest to comment. A notice announcing availability of the dossier will be published in the *Oxford University Gazette*. Any advice requested by the governing body or comments made to them will also be made available publicly.

7.7 Any comments received will be considered by the University Council in reaching a final decision on the recommendation submitted by the governing body of the museum or collection.

7.8 Once a decision has been made a written report will be prepared that explains how the decision was reached. Claimants will be informed of the decision in writing and at the same time the decision will be published on the University's Web site in order to provide all interested parties with access to the information.

7.9 If the decision is taken to return the human remains then the Director of the relevant museum or collection will begin discussions with the claimant as to when and how this will take place.

## APPENDIX: THE CRITERIA THAT THE UNIVERSITY WILL CONSIDER

### A. The status of those making the request

*Genealogical descendants.* Under normal circumstances the wishes of claimants will be seriously considered if they can demonstrate a direct and close genealogical link to the human remains being claimed. However, claimants should do everything that they can to ensure that they are the only possible claimants, and, if they are not, that there is agreement over who has the right to make the claim.

There may be exceptional cases where remains would not be returned to genealogical descendants, for example

if the remains are deemed to constitute evidence in a criminal investigation. However, it is expected that in the majority of cases human remains would be returned to demonstrated genealogical descendants.

In practice, individuals who died more than 100 years ago may have many descendants from more than one community, such that genealogical descent alone may not be a sufficient criterion.

*Community of origin.* Where a claim is submitted by a cultural community the University will seek to consult to verify that the claimants have the authority to submit a claim for the return of the human remains; or where there is more than one group of claimants that they are fully supported by the other claimants. In particular, the University will normally seek the advice of the relevant national government as to the authority of those submitting the claim, and so will ask claimants to make their claim through their relevant national government or agency.

For a group to be recognised and their claim for human remains considered the University would expect claimants to be able to demonstrate a continuity of belief, location and customs between themselves and those of the community from which the remains originate.

It would be unusual for the University to consider a claim from a community which did not either occupy the land from which the remains came, or practise the same religious beliefs, or share the same culture.

*The country of origin.* In some cases a nation may make a claim for remains, either on behalf of a particular community or for all of its nationals. The University will only normally consider claims made through a national government where the community from which the human remains originated has been clearly identified and where it is clear that the community wishes to see the human remains returned.

The University will provide all the information that it has regarding the relevant human remains to assist a national government in identifying the appropriate community.

### B. The cultural and spiritual significance of the human remains

It would be expected, but not regarded as essential, that the claimant group should demonstrate that the human remains and their treatment have a particular cultural or spiritual significance to their community. Examples might include the fact that the human remains were removed outside the laws and normal practices of the community at the time, or that the correct 'laying to rest' of remains was not followed. Demonstration of a very strong cultural or spiritual significance of the human remains, whose continued holding by the University perpetuates a strong feeling of grief amongst claimants, will be duly considered by the University when making a decision.

### C. The age of the human remains

Archaeological and historical studies have shown that in the vast majority of cases it is very difficult to demonstrate clear genealogical, cultural or ethnic continuity far into the past. For these reasons the University accepts the view of the DCMS *Guidance* that it is unlikely that a claim will be successful if the human remains being claimed are more than 300 years old, and highly unlikely if the human remains being claimed are more than 500 years old.

**D. How the human remains were originally acquired**

It is not normally the case that there is evidence that the deceased gave consent for his/her remains to be transferred to a University museum or collection. However, if there is evidence one way or the other then it would strengthen or weaken the claim for return accordingly.

**E. The potential public benefit of the human remains**

As noted in the Introduction to the policy, human remains have the potential through teaching, research and display to inform us about cultural differences, including approaches to death, burial practices and belief systems in

addition to advancing research in the fields of history of disease, changing epidemiological patterns, forensics and genetics.

When considering a claim the University will assess the research potential and public benefit of the human remains in question. This assessment will include a review of the research on the human remains that has taken place in the past and an assessment of the potential contribution that the human remains can make in the future based on the current understanding of the appropriate research field.