

Policy on Human Remains 2010

1. Principles and Scope

1.1 Policy

1. The purpose of this policy is to articulate and update the general principles concerning the human remains in the Natural History Museum's collection. The policy covers:
 - a) the care, management and development of the human remains collection in the Museum;
 - b) access to the Museum's collection for scientific and other purposes;
 - c) how requests for return of human remains will be dealt with by the Museum.

1.2 *The human remains in the Museum's collections*

2. The Museum holds human remains in its collection and aims to maintain high collections management standards. The material is maintained as an essential reference resource, for scientific study. The Museum is convinced that there is continuing scientific value in the curated collections of human remains, and that they should continue to be the focus of active research.
3. There are almost 20,000 human remains in the Museum (many of which are partial skeletons or individual bones). These come from all over the world. More than half the remains are from the British Isles, some dating back many thousands of years. The Museum regards it as important to have a collection which is comprehensive and therefore useful for comparative research, or comparing human populations over time and from different places.

1.3 *Scientific research*

4. The Natural History Museum is founded on the principle that all items in the collection should be retained for the purposes of study and research for the benefit of all humankind. The Museum is committed to the scientific study of humans as part of its mission to promote the discovery and understanding of the natural world. Such scientific research includes: studying human origins and evolution; identifying patterns of normal variation within and between human populations over time and by geographical area; determining the impacts of diet and disease on particular populations; and exploring the nature of human interaction with the environment at different times in our past.

1.4 Cultural perspectives on human remains

5. While the Museum is committed to its collection and enabling knowledge about the natural world to be gained by current and future generations, the Museum is also sensitive to the views expressed by others about retention of certain remains in its collection. The Museum recognises that the significance of human remains differs between individuals and cultures and that there is a wide range of views as to the values which should inform the treatment of them. These different views lead to a range of perspectives on appropriate custody, care, location and use of remains and duties in respect of them. The presence of human remains in the Museum is seen by some as a source of benefit through scientific study; and by others as a cause for concern.

1.5 Access

6. The Natural History Museum is committed to the principle of access to its collections, scientific, intellectual and information resources. This applies to human remains just as to any other items in the museums in the collection in various ways: many visiting research scientists work directly on the collection, the wider scientific community benefits from specialist publications and the public are given access through popular publications, exhibition, considerable media coverage, and via the Internet.
7. The Museum continues to explore the provision of new forms of access to a greater diversity of people—a policy allowing access for non-scientists is set out in this document—and collections databases are helping to meet a range of new demands for information.
8. However, while one view might be that human remains are no different to the remains of any other species, the Museum recognises that because of their human origin there are particular sensitivities concerning the care and management of the human remains collection. The Museum therefore adopts specific practices concerning human remains in recognition of this sensitivity.

1.6 Dialogue, engagement and development of policy

9. The Natural History Museum acknowledges that there are various understandings of meanings, significance, values or duties with respect to the remains of particular people.
10. The Museum will enter discussions and work with those with an interest in: (a) return of remains to places or communities of origin; (b) development of information resources; involvement of indigenous peoples in determining the use of remains held by the museum; (c) systems of care for remains in the museum; (d) access for non-scientists to the remains; and (e) other issues.
11. The Museum has found that these dialogues lead to better understanding of its role, enables Museum staff to learn from the experience of others in this context, and supports the development of mutually acceptable solutions in areas where there are conflicting views.

1.7 Requests for return to places of origin

12. The Natural History Museum acknowledges that there are different views on appropriate custody, care, location and use of remains. The Museum will consider requests for

changes in custody, care, location or use of remains. This may, in some cases, include the return of human remains to places, communities or countries of origin or the development of other ways of working with communities in relation to the collection.

1.8 Collaboration and partnerships

13. The Natural History Museum advocates the need for national and international collaboration and partnership in furthering its objectives, on both a practical and policy level. The Museum will continue to be proactive in development of policy for human remains and welcomes wide-ranging discussion and policy collaboration that can inform thinking on policy and practice.

1.9 Scope: age and other matters

14. For the general purposes of this policy, the term “human remains” refers to those that are less than 10,000 years old. For the purposes of requests for return to countries of origin, only those human remains that are less than 1,000 years old may be considered.
15. The Human Tissue Act 2004 makes provisions with respect to the remains of people who died 100 years ago, or less: the Museum is subject to this legal and regulatory framework
16. This policy applies to human remains in the collection of the Museum. Other museums and academic institutions may have different policies.

2. Collections management

2.1 Collections management standards

17. The Museum’s Collections Management Policies and Procedures apply to human remains unless otherwise defined in this policy or in the related procedures for human remains.

2.2 Acquisition

18. In fulfilling its scientific role, the Museum may acquire human remains and incorporate them formally into the collection. The Museum will add remains to the collection when it is satisfied that the remains have an established provenance, a clear potential value for scientific research, and are held legally.
19. In making decisions to acquire human remains and add them to the collection, the Museum will make full consideration of all relevant issues including the relevant legal framework and guidance. In respect of human remains less than 100 years old the Human Tissue Act 2004, and the relevant code of practice as issued by the Human Tissue Authority will apply.

2.3 Temporary Holdings

20. The Museum may hold some human remains on a temporary basis for the purposes of scientific research. These remains should have proper documentation, have an established provenance and clear potential value for scientific research, be held legally, and comply fully with the Human Tissue Act 2004 and be guided by the relevant code of practice.

2.4 Storage and Security

21. The Museum will hold human remains in dedicated secure storage areas. Access to these areas, to adjoining workrooms, and to the remains themselves is allowed only to authorised staff or to visitors with specific permission and under agreed supervisory arrangements.

2.5 Care and Conservation

22. The Museum will care for and store human remains in conditions designed to preserve their physical integrity and scientific value, in accordance with defined collections standards.
23. Staff and visitors are required to follow handling and good practice guidelines for human remains and to treat the remains with respect.

2.6 Loans

24. The Museum may make and receive loans of human remains for the purposes of research or display. Any such loans would be subject to compliance with legal, ethical and practical considerations. Loans of human remains are made with reference to the Museum's general policies on loans but separately defined procedures for human remains will be used. If loans are made or received of human remains 100 yrs old or less then the provisions of the Human Tissue Act 2004 will be applied together with the relevant code of practice.

2.7 Information and documentation

25. The Museum will improve information on human remains in the collection and to this end will conduct an ongoing programme of data collection, inventory, databasing, documentation and information development.

3. Access and Use

3.1 Access for Research

26. Access to and use of human remains in the Museum for research is provided, subject to approval, to *bona fide* academic research workers affiliated to universities, governments and/or associated institutions.
27. Requests for access to existing data will be considered under the same conditions as for the remains themselves.
28. The Museum's Destructive and Invasive Sampling Policy applies when a request for destructive/invasive sampling of human remains is received from any member of staff, external person or institution.

3.2 Access for non-scientists to human remains

29. Access under defined conditions to human remains may be approved in response to a request from genealogical descendants or representatives of communities of origin with confirmed connexions to particular human remains.

3.3 Information access

30. The Museum is committed to the principle of access to its information resources, and will respond positively to those requesting information on the human remains in the collection. The Museum will work with the enquirer to determine how their information needs may be best satisfied.

3.4 Data collection

31. The Museum operates a Human Remains Data Collection Project (HRDCP) for a priority list of groups of human remains from both the UK and overseas with the following aims:
 - a. to improve knowledge of holdings of human remains, particularly in relation to the provenance of individual remains and their origin;
 - b. to reduce damage to the remains as a result of repeated identical observations being made by researchers using the same collections; and
 - c. to generate a database to be made available for research and other purposes.
32. Destructive and invasive sampling in the HRDCP may be approved where material for research cannot be acquired from a living population, either because the population represented by the remains no longer exists, or because the population is no longer sufficiently genetically isolated for meaningful analysis.

3.5 Display

33. Human remains from the Museum's holdings may on occasion be placed on public display or loaned for display if there is clearly demonstrable benefit in terms of communicating the results of science or another aspect of culture, public understanding of science, or public understanding of the role of the Museum. Any proposal to exhibit remains will be subject to approval following consideration of relevant legal, regulatory, ethical and other issues, including the Human Tissue Act 2004 and the terms of the NHM public display licence in respect of remains 100 yrs old or less .

3.6 Images and film

34. Photography or filming of human remains that are not on display will only be permitted where there is a clearly demonstrable benefit in terms of scientific enquiry, public understanding of science, or public understanding of the role of the Museum. Any proposal for photography or filming of remains will be subject to approval following consideration of relevant legal, regulatory, ethical and other issues.

4. Removal of human remains from the collection

4.1 The Human Tissue Act 2004

35. The Human Tissue Act 2004 gave the Trustees the power to remove human remains from the collection if the person concerned died less than one thousand years ago: this power came into effect with the publication of the Department of Culture, Media and Sport's *Guidance for the Care of Human Remains in Museums* in October 2005.

4.2 Removal, transfer and disposal of human remains that are not the subject of requests for return

36. Trustees may consider removal, transfer and disposal¹ of human remains for reasons other than a request for return to the country of origin: for example, in rare instances of deterioration beyond further scientific use.
37. In such cases, the possibility of future requests for return from genealogical descendants or communities of origin will be assessed. If there is a reasonable possibility of such future requests, the remains will be retained until a decision is made by Trustees to return in response to such a request, or the likelihood of a request for return is for whatever reason considered to be substantially reduced.
38. The scientific, cultural, historical, public engagement and other actual and potential values of the remains will be assessed to inform decisions concerning removal, transfer or disposal. This assessment will include reference to relevant issues in law, ethics, regulation, government guidance and good practice. Disposals will be made with reference to guidance and codes of practice relating to the Human Tissue Act 2004.
39. Options for the eventual location and responsibility of remains should be defined and may include:
 - a. Another appropriate institutional collection. This may be in an institution outside the UK or a UK museum or research collection;
 - b. Reburial, respectful storage or disposal in accordance with law and regulation and informed by good practice.
40. Options and recommendations will be presented to Trustees for decision.

4.3 Requests for changes in custody, care, location or use of human remains, including return to countries of origin²

41. Trustees may consider and decide to act upon requests for changes in custody, care, location or use of remains that may include the return of human remains to places, communities or countries of origin. Requests will be addressed on a case-by-case basis.³
42. Respect for all points of view is of particular importance in considering such requests. The Museum will communicate with those making requests for return and supports openness, consultation and transparency of action to make negotiations as equitable as possible. A degree of formality is inevitable in order to ensure consistency and accountability in ultimate decision-making pursuant to a formal request for return.
43. A human remains advisory panel (see section 5.4) may be convened by Trustees when advice is required on particular requests. Such a panel will then consider relevant information available and will advise Trustees on appropriate options for a decision. It may make a recommendation to the Trustees. A panel may also be asked to brief Trustees on other relevant issues that may from time to time arise.

¹ The term "disposal" is meant in a specialist museum sense: the process and act of formally removing an item from the collection before transfer to another person or organisation. It does not imply disrespect in any sense.

² Procedures relating to requests for changes in custody, care, location or use of human remains, including return to countries of origin will be made available to complement policy

³ The term "case-by-case" may be interpreted flexibly to cover groups of remains from particular locations or with common associations with particular communities, in addition to the remains of individual people

4.3.1 *Formal requests for return*

44. Formal requests for the return of remains should be made by a letter to the Director from a designated representative of the appropriate group, family or organisation. The Museum may publish and alter from time to time guidance relating to the procedure for making requests and the criteria which the Museum may take into account.
45. Consultation and communication with those making the request and others with interests or expertise will be conducted to ensure adequate information and to identify mutually acceptable outcomes. The Museum may hold meetings with appropriate representatives or may communicate or consult in writing.
46. The Museum will, where appropriate, consult with the national government or other relevant authorities in the country of origin to confirm that those making the request would have authority to do so in the country of origin; on confirmation of this status, the Museum will proceed to consider the request.

4.3.2 *Information needed in considering a request*

47. Information will be gathered to enable advice to Trustees to be developed. This will draw upon the evidence in the original claim, and would normally involve the gathering of new evidence concerning the request from Museum sources, those making the request, relevant experts and from other parties where appropriate. The Museum may request information from other relevant authorities or similar institutions to assist in determining any request.
48. Information on the nature, age and origin of the remains will be gathered and the history of the remains in the collections. The relevance for scientific study will be clarified. When a request is received for remains of which provenance is uncertain, a provenancing research project will be undertaken that may involve archival research, physical examination and documentation, and invasive techniques (the use of which would be discussed with the community making the request for return and their views taken into account in deciding on use). A report on the research will be shared with those making the request for return.
49. Information will be sought: on the cultural and spiritual values of the interested individuals or communities making the request and the strength of their relationship to the remains in question; on the cultural, spiritual and religious significance of the remains; on the scientific, educational and historical value, importance and potential of the remains; and on possible plans for the future of the remains if returned. The Museum may also consider or request information concerning the legal status of the remains.

4.3.3 *Trustees consideration and decision*

50. Information will be presented to Trustees to allow them to consider the request. Trustees may, before reaching a decision, ask for further information or further discussion on particular issues with those making the request. Trustees may decide to refer the case to a human remains advisory panel for specialist advice or Museum officials may make such a reference before inviting Trustees' decision.
51. Trustees may decide to convene specialist independent human remains advisory panels to consider ethical, legal and other relevant issues and submit analysis, reasoning and advice in a written report to Trustees.

5. Responsibilities

5.1 Trustees

52. The authority and responsibilities of the Trustees are set out in the British Museum Act 1963 as amended by subsequent legislation.

5.2 Director and Director of Science

53. The Director and the Director of Science are responsible for overseeing development and implementation of the Museum's policy and procedures on human remains.

5.3 Keeper of Palaeontology

54. The Keeper of Palaeontology is responsible for the management of the collection of human remains and for overseeing access, use, information collection and provision, and development of procedures to implement policy in these areas of activity. The Keeper of Palaeontology is the Designated Individual for the purposes of regulation under the Human Tissue Act 2004.

5.4 Human remains advisory panel

55. The Trustees of The Natural History Museum may convene a human remains advisory panel on such terms and conditions as they think fit. Terms of reference and procedures shall be defined for a panel's activities.
56. A panel will be convened when required to provide independent advice to the Trustees both on claims for return of human remains to countries of origin, and on issues as raised by Trustees, the Director or Director of Science relating to the Museum's activities.
57. The Trustees will take full responsibility for all the actions of a member of the panel in the course of their performance of his or her duties as a member of the panel other than those involving bad faith, wilful default or gross negligence.
58. The Trustees will make available such resources as they consider necessary to enable a panel to carry out its functions.
59. Advice from a panel shall not be binding on Trustees, who may decide to take action other than that recommended.

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Comment on updates at 110523	<ul style="list-style-type: none"> Additional sentences referring to the Human Tissue Act 2004 were inserted to comply with Human Tissue Authority requirements Paragraph numbers were updated and corrected, changing from the previous version
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