

- *PROVINCE OF MANITOBA* -

*POLICY CONCERNING THE REPORTING, EXHUMATION,  
AND REBURIAL OF FOUND HUMAN REMAINS*

October 19, 1987

## *PURPOSE*

To delineate a policy with respect to the protection and preservation of found human remains, including the reporting, exhumation and reburial of such remains, consistent with the provisions of *The Heritage Resources Act*.

## *DEFINITIONS*

The definition of human remains, for the purposes of this document, is that provided in *The Heritage Resources Act*, which reads as follows:

“human remains” means remains of human bodies that in the opinion of the Minister have heritage significance and that are situated or discovered outside a recognized cemetery or burial ground in respect of which there is some manner of identifying the persons buried therein; ....

It is common to find cultural heritage objects, or “artifacts”, associated with human remains, or as parts of grave furniture (coffins, etc.). These heritage objects, termed “grave goods” by archaeologists, are integral to the formulation of policy and procedures relative to the handling of human remains.

## *LEGAL PROVISIONS*

The legal provisions for human remains and associated heritage objects under *The Heritage Resources Act* are as follows:

- A. Where the Minister of Manitoba Culture, Heritage and Citizenship has reason to believe that heritage resources or human remains are likely to be damaged or destroyed by land development, the Minister may require that the development be stopped. If the development has not yet started, the Minister can order that it not be started. The Minister can then require the developer to submit an application for a heritage permit authorizing the development. If, after considering the permit application, the Minister is

still of the opinion that heritage resources and/or human remains are likely to be disturbed or destroyed by the development, the Minister can require the developer to submit a heritage resource impact assessment and/or development plan, and any other information required. The impact assessment, development plan or other information is to be prepared at the cost of the developer (Subsection 12:2);

- B. If the impact assessment demonstrates to the Minister's satisfaction that the development will damage or destroy heritage objects or human remains, the Minister may
- 1) approve the development, on the condition that the plan of development be altered to avoid damage or destruction of the objects or remains, and/or
  - 2) require the developer to mitigate, at his/her own expense, impacts on the objects or remains (usually by archaeological excavation of same) and any subsequent restoration or maintenance of the objects or remains (Subsection 13:1);
- C. The property in, and the title and right of possession to, any human remains found by any person after May 3, 1967, is and vests in the Crown (section 45);
- D. Anyone who finds an object that is believed to be a heritage object, or remains that are believed to be human remains, is required to report the find promptly to the Minister. The finder must not handle, disturb or do anything to the object or to the remains except in accordance with the Minister's directions (Section 46);
- E. Where the Minister has reason to believe that there are heritage objects or human remains on or under the land, and that they are likely to be damaged or destroyed by commercial, industrial, agricultural, residential or construction activity, the Minister may enter into an agreement with the owner of the land or the person undertaking the activity respecting the

searching for, and the excavation, investigation, examination, preservation and removal of any heritage objects or human remains found on or under the land (Section 50);

- F. No person shall destroy, damage or alter any heritage object, whether or not the person is the owner thereof, nor any human remains (Section 51);
- G. No person shall search or excavate for heritage objects or human remains except pursuant to a heritage permit and in accordance with such terms and conditions the Minister may prescribe in the heritage permit (Section 53). The administration of *The Heritage Resources Act* is the responsibility of the Historic Resources Branch, Manitoba Culture, Heritage and Citizenship. Accordingly, the protection, preservation and disposition of found human remains and associated heritage objects will be overseen by staff of the Historic Resources Branch.

*POLICY RESPECTING THE REPORTING, EXHUMATION  
AND REBURIAL OF FOUND HUMAN REMAINS*

1. No human remains should be disturbed or removed from their original resting place unless removal is unavoidable and necessary.
2. Reporting – Pursuant to Section 46 of *The Heritage Resources Act*, anyone who accidentally uncovers human remains, or material considered by the person(s) uncovering them to be human remains, shall immediately cease work and contact the Historic Resources Branch. Neither the remains, nor any associated artifacts shall be further disturbed until the arrival of personnel designated by the Historic Resources Branch as appropriately qualified to take further action with respect to the exhumation and removal of human remains and associated artifacts.

3. Where human remains may be traced to a particular cultural group, procedures with regard to exhumation, identification and reburial, as outlined below, will be reviewed with that community.
4. Exhumation – Personnel designated by the Historic Resources Branch shall carry out the exhumation and removal in accordance with professional archaeological standards. Out of respect for the found human remains, such work will be conducted as much as possible out of the public eye.
5. Identification of Human Remains – Identification procedures such as non-destructive analysis to determine tribal affiliation, physical characteristics, age, sex, or ethnic ancestry and cause of death, injuries and pathologies shall only be carried out by qualified personnel designated by the Historic Resources Branch.
6. Reburial:
  - A) Following identification, all human remains shall be immediately reburied in a place that will not be disturbed by subsequent or foreseeable land development or natural erosion.
  - B) Where identification procedures have:
    - i not traced the found human remains to a particular cultural group, or
    - ii no cultural group expresses an interest,the found human remains will be reburied in a location determined by the Province.

- C) Where it can be established that the found human remains can be clearly traced to an existing cultural group, an appropriate organization representing that group will be consulted regarding reinterment in a recognized cemetery.

*LIAISON WITH THE FORKS RENEWAL BOARD*

As owner of the public lands contained within the CN East Yard, The Forks Renewal Corporation is financially responsible for the protection and preservation of all found human remains and associated heritage objects that are discovered during redevelopment of this area. As administrator of *The Heritage Resources Act*, the Historic Resources Branch is responsible for ensuring that The Forks Renewal Corporation fulfills its legal obligations. To that end, close liaison will be maintained with the Board of Directors of The Forks Renewal Corporation.