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## Professional Ethics: Forensic Anthropology and Human Rights Work

Jana Webb

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Professional Ethics:  
*Forensic Anthropology and Human Rights  
Work*

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April 2006

APPROVED

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## **Abstract**

Human rights forensic anthropology does not have an ethical code developed specifically for this field. Currently, forensic anthropologists look to ethical codes in different fields. These codes may offer differing opinions. They do not address the specific work and issues forensic anthropologists may encounter in the field.

An analysis of existing ethical codes in anthropology and forensic science was done to show which areas of the code were applicable to human rights forensic anthropology. Areas that these codes needed to address were also demonstrated. It was found that there was an emphasis on honesty and responsibility. Professionals had responsibilities to their subjects, to the profession, to their students, to the public and to publishing. On a whole these codes did not address expert testimony, publishing on a sensitive subject or the treatment of human remains.

A code was developed by drawing from existing ethical codes in related fields. The Proposed Code of Ethics and Conduct attempts to reconcile differences in the ethical codes reviewed. The Proposed Code addressed not only professional responsibilities but also the unique aspects of human rights forensic anthropology. The mission of this Proposed Code is to encourage discussion within the field of human rights forensic anthropology. Through discourse in the field, ethical guidelines can be further developed and adopted by human rights forensic anthropologists.

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## **Advice to Future Honors Students**

Dear Future Honors Student:

An honors thesis is unlike any other project you will undertake. You will be asked to create something entirely new and innovative. This process was different for me, because it required more than regurgitating information or researching a topic. As a result it will take more time than a normal project to write, organize, research, and edit. So I would advise that you keep this in mind as you begin to make plans for your own thesis.

I would recommend choosing a topic that is interesting to you. You will have to research and create information on this topic for two years. If you lose interest it is hard to complete a project. I would suggest that you start with a broad area of interest and come to a specific topic or question as you go. This process will give you a better idea of the research that has been done and what you can do with it.

Editing is something that will take a lot more time than you can ever imagine. Professors and advisors will need several weeks after each draft to edit a long paper or extensive project. My experience consisted of several short frantic periods of editing between each draft. This was followed by long periods of waiting for feedback. So I think it is important to remember that editing may take weeks or months to occur. In order to have this time for editing, your project will have to be complete in some shape or form after Winter Break of your senior year.

I would also recommend that you choose an advisor carefully. I have been very fortunate in my experience with my advisor but I know individuals who have not been as lucky. Your thesis advisor is someone you will work closely with over the next two years. You should select someone that you find to be reputable, with similar research or professional interests. You should find someone that you can get along with. This person is someone you will be taking criticism from, so it is important to choose an advisor that will not crush all your hopes and aspirations. I have found that it is helpful to have an advisor who works similarly to you. If you need work better with deadlines, find an advisor who will help you set a realistic timeline. Conversely, if you do not require that type of environment, select an advisor who will allow you to work at your own pace.

Funding opportunities for your thesis are available through the honors department, your own department and outside sources. Take advantage of them; even if it is only to aid in the expense of making copies of your thesis or buying books for research. Also, take advantage of opportunities for editing at the writing center. These opportunities are not always well advertised so do not be afraid to ask advisors or professors for help or information.

Lastly, I would advise you to have an individual who is not in your field of study assist you with your thesis. This individual doesn't have to be on your committee or an advisor or even a professor. Having outside opinions about writing style, the message you are conveying or even looking for typos

is very helpful. It is also beneficial to have some outside encouragement when things are frustrating.

Writing a thesis is filled with ups and downs. It will take a great deal of determination to complete it. I hope that your experience is as rewarding as mine has been. Good luck in your endeavor!

Sincerely

Jana Webb



## Acknowledgements

I would like to begin by acknowledging the help that I have been given by my thesis advisor, Dr. Susan Goode-Null. She spent countless hours of her own time editing drafts, giving input and encouraging me. The professional dialog I've had with her during this process has made me feel like a colleague, instead of a student under her direction. Without her mentoring and help it is likely that my thesis would not have been completed or professionally valid.

My second reader, Dr. Douglas Armstrong, has also been very supportive of me over the past year. I really appreciate his willingness to edit last minute drafts, and accommodate my hectic schedule. His differing perspective has allowed me to approach my thesis from different viewpoints.

I would also like to thank the anthropology department as a whole. They have opened numerous opportunities to me during the process of this work. The department has been supportive and helpful with any questions or problems I encountered. I am lucky to have such a wonderful group of professors and staff to learn from.

Lastly, I would like to thank my friends and family. Your encouragement, help and support helped keep me sane over the past two years. You never let me give up and encouraged me to do more.

## **Chapter 1**

### **Introduction**

Forensic anthropology is a relatively new field that developed out of physical anthropology (ABFA, 2004; Ubelaker and Scammell, 1992: 27). The first application of physical anthropology to forensic cases occurred during the 1950's and 1960's (Bass and Jefferson, 2003). However, forensic anthropology was not recognized as a distinct field of study until 1977 (ABFA, 2004). Even now, the majority of forensic anthropologists still receive their academic and methodological training through the field of physical anthropology. There are an increasing number of institutions that offer programs that give degrees in physical anthropology with an emphasis on forensics.

Forensic anthropologists analyze human skeletal remains to discover as much information as possible; this is done through the use of osteological techniques and methodologies originally developed in the field of physical anthropology to study archaeological populations and the evolution of humans (Ferllini, 2002: 10; Nafte, 2000: 25). In addition to using these techniques, forensic anthropologists use techniques from the field of forensic science to collect evidence from remains. There are many different applications of forensic anthropology. However, all of them focus upon the identification of the remains and the collection of evidence within a medico-legal framework (Park, 2005; Steadman 2003).

Mercedes Doretti and Clyde Snow, two famous forensic anthropologists, have outlined three main objectives they use while working

on a case (Doretti and Snow, 2003). The first objective is to "collect, preserve, and objectively interpret physical evidence that might be used to bring the perpetrators to justice" (Doretti and Snow, 2003: 309). The second objective is to document the findings so that the evidence will be useful to obtaining justice and to have history acknowledge that these crimes did occur (Doretti and Snow, 2003: 309-310). The last objective is to identify the victim (Doretti and Snow, 2003: 310). These objectives outlined by Doretti and Snow are useful in all the different types of cases in which forensic anthropologists may be involved.

A typical forensic anthropological case is done on a consulting basis. This means that most forensic anthropologists are practicing forensic anthropology on a part-time or case by case basis. As such, many professional forensic anthropologists are employed full-time elsewhere. Museums and academia employ the vast majority of forensic anthropologists; however, they are not limited to these areas (ABFA, 2004). For example, some forensic anthropologists are employed by the government or private archaeological firms (ABFA, 2004).

Forensic anthropologists are usually contacted by law enforcement when their assistance is required. Most forensic anthropologists work on a case every few months (Bass and Jefferson, 2003). However, some forensic anthropologists see hundreds of cases a year. Several states are beginning to employ a state forensic anthropologist, who is consulted on a regular basis by law enforcement personnel (Bass and Jefferson, 2003). Also, the military and

Federal Bureau of Investigation employ forensic anthropologists full-time. In the case of a mass disaster, such as a plane crash or bombing, forensic anthropologists are often utilized by the national government. Forensic anthropologists who are a part of the Disaster Mortuary Operational Response Team (DMORT) are trained specifically for these special situations (DMORT, 2006). Additionally, forensic anthropologists might be consulted on human rights cases, such as mass killings or genocide (Ferllini, 2002: 170). These forensic anthropologists often travel abroad as part of special forensic teams hired by the United Nations (UN) or specific countries (Ferllini, 2002: 170).

The application of forensic anthropology methodologies to human rights work is a relatively new venture. The first human rights case that utilized forensic anthropology was in the country of Argentina in 1984 by forensic anthropologist Clyde Snow (EAAF, 2006; Magnarella, 2002: 365). Since this preliminary application, forensic anthropologists have become increasingly involved in human rights work. In recent years human rights cases have been conducted by forensic anthropologists in Rwanda, Kosovo, Bosnia, Argentina, Chile and various other countries across the globe (Koff, 2004).

Forensic anthropologists become involved in human rights cases in which mass killing or genocide has occurred. Genocide has been defined as "the deliberate destruction or murder of a particular group of people" (Totten and King, 1989: 91). This group of people can be persecuted based upon physical traits or a cultural identity defined by the perpetrators of these crimes

(Barnett, 1988:26). Mass killing is different from genocide because the boundaries of the group being persecuted is not as accurately or narrowly defined and usually involves fewer deaths (Staub, 2002: 11). In the case of genocide or a mass killing, the perpetrators are members and/or leaders of the government (Nafte, 2000: 155). While genocide has occurred throughout history, it is only recently that it has become explicitly illegal (Totten and King, 93). The first major human rights law outlawing genocide was passed in 1948, by the United Nations (Weaver, 2988: 74). The Universal Declaration of Human Rights and the Convention on Genocide both specifically state that genocide is a crime (Gourevitch, 1998: 149; Weaver, 1988: 74). The Genocide Convention has been signed by 127 countries, see Appendix 1.1, and clearly outlines the specific actions which fall into the category of genocide (Totten, Parson and Hitchcock, 2002: 60; Magnarella, 2002: 311).

In most cases a forensic anthropologist first becomes involved in a human rights case by participating "in a professional committee or with an invitation by an organization or government" (Nafte, 2002: 154-155). If mass killing or genocide is suspected in an area, a forensic team is constructed by either the UN or the (new) government of the area in question for the specific purpose of investigating any violations of human rights which may have occurred. These forensic teams often consist of forensic pathologists, odontologists, archaeologists and other forensic technicians, in addition to forensic anthropologists (ABFA, 2004). After the team's creation, the team will travel to the area in question and do an extensive search for any mass

graves that may exist. The typical stay in an area is approximately six weeks (Koff, 2004). Forensic teams rely heavily on information from local informants, government documents and any survivors. This information is then used to determine the areas which most likely have a mass grave, if a location is not already known. The forensic team then uses a variety of forensic techniques and equipment to excavate the area of a suspected mass grave. The largest difference in human rights work for a forensic anthropologist in comparison to a typical case is "the perpetrators of the crime and the scale of the work" (Nafte, 2000: 155).

Forensic anthropologists often aid in the excavation of the mass graves (Ferllini, 2002: 170). As soon as bodies are discovered, forensic anthropologists work closely with forensic pathologists to determine any characteristics of the located body. These characteristics include: age, sex, height and "race". Bones are cleaned and analyzed by the forensic anthropologist in order to determine this information (Koff, 2004). Additionally, forensic anthropologists record any trauma that is noticeable on the body. In order to discover this information forensic anthropologists will have to reconstruct portions of the skeleton (Steadman 2003, 2; Ferllini, 2002: 11). This information is compiled in an attempt to match a description of a missing person and to have evidence to use against the perpetrators of these crimes.

Throughout their investigation of mass graves, forensic anthropologist must keep in mind that they are dealing with a human body. This body must

be treated with the proper respect. Minimally, local traditions and religious customs relating to the treatment and reburial of the body must be taken into account. If these bodies are identified they will be returned to their families for proper burial. It is important for a forensic anthropologist to remember that these families will have expectations about the treatment of their loved one (Koff, 2004).

The work that is conducted by forensic anthropologists in human rights cases is often done under less than ideal circumstances. Lab facilities are usually lacking the appropriate equipment or are absent all together. Part of this is because many graves are located far from proper facilities and the team does not have enough funding to construct the facilities that might be needed. Time constraints are another problem the forensic team may face. Time constraints make it difficult to process a large number of bodies which may be interred in a mass grave. Additionally, the psychological stressors that a forensic anthropologist undergoes can be very traumatic. It is not uncommon to have death threats made against the forensic team. Also it is difficult for forensic anthropologists to cope with the atrocities that they are investigating every day (Koff, 2004). While forensic anthropologists work under taxing conditions, many find the work to be extremely rewarding because of the positive outcomes that occur.

After the forensic team has completed their time in an area to recover information they typically return to their normal lives (Koff, 2004). If sufficient evidence is collected it will be used by the UN to establish a war

crime tribunal (Berkeley, 2001: 251). Evidence that was gathered by the forensic team will be presented against the perpetrators at the war crime tribunal. The head of a forensic team is usually the only one required to testify at such a tribunal (Koff, 2004). However, it is important that all findings are properly documented so that evidence will be seen as valid in this court of law and to aid the testimony of the head of the forensic team (Steadman, 2003: 27). It is also important to maintain as much objectivity as possible to keep findings scientifically sound (Steadman, 2003: 27). Additionally, the ethical manner in which data is collected is important for the validity of the evidence (Steadman, 2003: 27).

The ethical manner in which professional forensic anthropologist should behave is not always clearly defined. This is due in part to the fact that human rights forensic anthropology does not have an ethical guideline designed for this emerging field. An ethical model is in need more than ever due to the fact that human rights forensic anthropologists often face ethical dilemmas both in the field and upon returning from the field.

The lack of an ethical standard has to do with many different factors. A forensic anthropologist may have to incorporate different aspects of professional ethics, governmental work, and academic responsibilities. This is further complicated due to their responsibility to their subjects. This can create difficult ethical situations in which there has been no set precedence for a professional to follow. The goal of this thesis is to analyze existing ethical



paradigms in related fields and to develop a professional ethical guideline for the field of human rights forensic anthropology.

In the past, forensic anthropologists have turned to ethical paradigms in related fields to guide their behavior. However, a forensic anthropologist can take any number of roles or titles in the field or during their professional human rights work; these include: anthropologist, biomedical worker, forensic scientist, human rights worker, professor, government employee, criminologist and biologist (Niyirora, 2002). All of these are in addition to the title of forensic anthropologist. While looking to these different fields is incredibly helpful, it can also create further problems since not all of these fields have compatible ethical standards. Therefore, a forensic anthropologist may be faced with a choice regarding which of several conflicting ethical standard to adhere. Chapter 2 will discuss and analyze existing ethical codes in these differing professional fields in order to discover commonalities between them. Furthermore, the differences amongst these codes will be examined to see what is applicable to forensic anthropologists conducting human rights work.

As mentioned above, forensic anthropologists working with human rights cases are rarely employed by the government year round. The most common form of employment is within academia (Kingsolver, 2004:76). Thus when forensic anthropologists return from a human rights case, they must resume their academic responsibilities. One of the major academic and professional responsibilities is to engage in publishing books or articles about

their research. However, publishing work about human rights cases can create even further ethical predicaments for forensic anthropologists. There is additional sensitivity regarding the details of human rights forensic fieldwork; and such work is often viewed as a taboo subject (Koff, 2004). One problem that may arise is an inability to request permission to publish work about an individual or a group. This may be compounded by an inability to identify the personal identity of their subject(s) or their next of kin. When an entire group of people has been killed, displaced or is missing, it is exceptionally difficult to obtain permission to publish any sort of specific information (Peterson, 2002). It is also common for families to deny permission for forensic anthropologists to do any additional research involving their loved one. Moreover, war crime tribunals against those who have committed human rights atrocities often take years to complete. This hinders publication efforts even further. While these trials rarely have gag orders, it is not uncommon for forensic anthropologists and other human rights workers to maintain their silence until after the trials are over. Chapter 2 will also examine the professional and academic responsibilities and expectations of a forensic anthropologist involved in both human rights and academia.

Ethical concerns also arise because forensic anthropologists who are investigating human rights cases are employed by either a specific government or the United Nations. While it is not uncommon for forensic anthropologists to be employed by the government, this creates some additional ethical concerns. As scientists, forensic anthropologists are

expected to be as objective as possible. However, in human rights cases, the United Nations or a government has hired the forensic anthropologist to find something specific. This may create biases in the interpretation of their work making it much harder to maintain objectivity. Forensic anthropologists also may have no say in how their data is used by the government. There is also an added political element when working for a government which can create further turmoil for forensic anthropologists. For example, government expectations on professionalism are not always consistent with the existing conflicting professional ethics. This creates further problems for forensic anthropological field work. Chapter 2 will address concerns related to governmental work for forensic anthropologists.

The only way to reconcile all of these conflicting ethical guidelines, academic responsibilities, and professional government work while maintaining a responsibility to human remains is by looking at what has been done in the past. By looking at past ethical behavior of forensic anthropologists it is possible to create a set of ethical guidelines which can be practical, moral, and conscientious of the ethical problems that forensic anthropologists might face in the field. Chapter 3 will propose such an ethical guideline. It will be built upon existing anthropological guidelines while keeping in mind the unique nature of human rights work for forensic anthropologists. Chapter 4 will discuss the implications of the proposed guidelines. It will also look at the importance of this ethical guideline to the field of forensic anthropology.

## **Chapter 2**

### **Professional Ethics**

#### **Introduction**

The field of forensic anthropology does not currently have an ethical code that is designed specifically for this field. Furthermore, the application of forensic anthropology to human rights cases does not have an ethical code designed to specifically for this special application. This is problematic for practicing professionals in the field of forensic anthropology due to the fact that as ethical dilemmas arise in their professional careers there is no set of guidelines to direct them. There are many professional codes of conduct in related fields. These professional ethical codes are guidelines and not a set of strict rules. While these relate to forensic anthropology, they do not address the specific situations which forensic anthropologists encounter. As a result it is necessary for forensic anthropologists to have their own set of ethical guidelines. By looking at the existing ethical codes in the broader professional fields that forensic anthropology is associated with, it is possible to determine general trends and guidelines that should be applicable to forensic anthropology.

#### **Anthropological Ethics**

First and foremost forensic anthropology is within the field of anthropology. The ethical paradigm used by all types of anthropologists has been developed by the American Anthropological Association (AAA). The AAA Code of Ethics, Appendix 2.1, was constructed "to provide AAA members and other interested persons with guidelines for making ethical

choices in the conduct of their anthropological work" (AAA, 1998). This AAA Code of Ethics helps to uphold ethical accountability for anthropologists (Binford, 1996: 199). Forensic anthropologists are practicing anthropological work and thus can look to the AAA Code of Ethics for some guidelines on ethical choices.

The AAA Code of Ethics has been updated several times. The most recent version, updated in 1998, includes several different sections, all of which are relevant to the field of forensic anthropology. Section III. A of the Code of Ethics addresses responsibilities to people studied (AAA, 1998). This section outlines that the people studied should be treated respectfully, and that any research conducted should be done with the intent to preserve the safety, dignity, and privacy of the people with whom they work (AAA, 1998).

This section is extremely relevant to forensic anthropology. In the case of human rights work the people studied are interred in a mass grave. This situation is different from other anthropologists because the people being studied are deceased. However, the people studied should still be treated with respect. Kingsolver notes; "professional anthropologists, whether working in academic, or other contexts are bound by personal and professional ethics to respect those with who we work, living or dead, at home or in any other region" (2004: 72). Additionally, the dignity and privacy of those interred should be upheld at all times.

The only shortcoming of this section for forensic anthropologists is in Section III. A. 4 (AAA, 1998), which clearly states that permission should be

obtained in advance from the individuals who will be studied. This is impossible for forensic anthropologists. The identities of the individuals interred cannot be known ahead of time and often are not discovered at all. Those studied by forensic anthropologists are already deceased so permission cannot be obtained from the "subject studied" as recommended in the AAA Code of Ethics. However, forensic anthropologists can follow this guideline by requesting permission to obtain any additional data from bodies recovered from the individual's family. This would allow for the family to consider the wishes of the deceased in making their decision. Unfortunately this is not always possible or practical because of the inability to identify remains or locate family members.

The next section of the AAA Code of Ethics outlines guidelines for behaving responsibly in the fields of science and academia (AAA, 1998). Section III. B. 4 of the AAA Code states, "Anthropological researchers should utilize the results of their work in an appropriate fashion and, whenever possible, disseminate their findings to the scientific and scholarly community" (AAA, 1998). This is problematic for forensic anthropologists. The subject of human rights is taboo in the field of anthropology due to cultural relativism. Findings about methodology or standards of measure may be done in the field. However, it may be difficult to design a valid, reproducible scientific experiment that can be conducted in the field showing that these findings are legitimate. Designing an experiment prior to going into the field is often viewed as unethical because consent cannot be acquired. Also, forensic

anthropologists have no way of knowing what kind of situation they might encounter in the field. Therefore, it would be impossible to know what kind of conditions to consider in a research design. If research is conducted, the same type of circumstances cannot be replicated, therefore any findings may be considered invalid. These complications often discourage forensic anthropologists from publishing or sharing their work with the anthropological community. Also the legal proceedings, such as war crime tribunals, discourage publication of information that is still being utilized in a court of law. Again this complicates a forensic anthropologist's ability to disseminate their findings.

While this portion of the AAA Code of Ethics is clearly problematic and impractical for forensic anthropologists it clearly demonstrates the expectation that forensic anthropologists should be gaining knowledge in their endeavors. Furthermore, this knowledge is expected to be valid scientifically and shared with the anthropological community. Forensic anthropologists tend to combat this problem by publishing on strategy and procedures relating to human rights work. However, they rarely publish on information that is gained about a specific population's characteristics from a human rights case.

The next section, Section III. C, of the AAA Code of Ethics talks about responsibilities anthropologists have to the public. Information given to the public should be truthful and accessible (AAA, 1998). Again, this is applicable to forensic anthropology. Legal ramifications often occur based upon discoveries that forensic anthropologists make (Steadman, 2003). Thus

it is imperative for them to be as truthful as possible at all times. This information should be highly accessible to the public so that they may have the evidence to prove what atrocities have occurred.

Section III. C also explains that anthropologists should give careful consideration to the social and political ramifications their research may have (AAA, 1998). Human rights work has huge political and social implications. The discovery of a violation of human rights may result in a political power losing credibility or even control of the government. While other anthropologists may have the choice of refraining from doing research in such a volatile political and social situation this is not a choice for forensic anthropologists who do human rights work. Thus it is essential for forensic anthropologists to share all information that they possess in order to be impartial in such a situation. Maintaining objectivity allows forensic anthropologists in this situation to remain scientifically valid, and side step ethical dilemmas which may arise if sides are taken based upon the political atmosphere of the time. Steadman reiterates the importance of remaining as objective as possible by stating, "forensic anthropologists are obligated to report all of their findings, even if they seem contradictory to other lines of evidence" (Steadman, 2003: 27).

The conflicting pressure to publish information, protect individuals and remain scientifically valid creates a catch 22 for forensic anthropologists. This demonstrates that further discussion and guidelines about these subjects are needed in a professional code of ethics. By addressing these different



points and the interaction between them, a clearer concept of what is expected of a professional forensic anthropologist doing human rights work can be created.

Forensic anthropology is a field that falls within anthropology. The above discussion illustrates that the AAA Code of Ethics applies to many situations that forensic anthropologists might encounter. However, as noted in Section I of the Code, this code is not relevant to all situations an anthropologist might come across. Thus the AAA Code of Ethics clearly outlines basic guidelines that should apply to forensic anthropologists. However, specific circumstances that are not addressed in the AAA Code will need to be discussed in a specific code for forensic anthropologists in order to guide their ethical conduct.

The field of forensic anthropology is directly associated with the field of physical anthropology. As discussed in Chapter 1 this is because forensic anthropology uses techniques and methods first developed within the field of physical anthropology. The American Association of Physical Anthropologists (AAPA) also has developed a Code of Ethics which can be seen in its entirety in Appendix 2.2. This ethical code closely follows the AAA Code of Ethics discussed above (AAPA, 2003). However, it was designed to address more specific issues that a physical anthropologist may encounter. Due to the fact that this ethical code closely adheres to the AAA Code it is only necessary to discuss areas in which they differ.

In the AAPA Code of Ethics in Section III. A. 4 (AAPA, 2003) it discusses informed consent much like the AAA Code of Ethics. However the AAPA Code specifically states, "...informed consent, for the purposes of this code, does not necessarily imply or require a particular written or signed form. It is the quality of consent, not the format that is relevant" (AAPA, 2003). This clearly shows that consent is still necessary in order to do research for physical anthropologists. However, the consent does not have to be as formalized as the AAA Code of Ethics implies. This still creates problems for forensic anthropologists. Like many physical anthropologists their training is done on skeletal collections collected long before such ethical standards were in place. Additionally, it does not address what types of research may be ethical if consent cannot be given.

Section III. B discusses the responsibility to science and scholarship (AAPA, 2003). This specific section also differs slightly from the AAA Code. The AAPA ethical code lays out guidelines in which data and research should be preserved and shared in order to inform the anthropological community (AAPA, 2003). The concept of preserving data is important to forensic anthropologists. The preservation of their data is what allows their findings to be used against criminals in courts of law. However, in a more literal sense, it is difficult for an entire subject or population of subjects to be preserved for future research on specific measurements or traits of their bodies. Bodies must be given back to their loved ones for proper burial. Thus it is not possible for in-depth research on that specific population to be conducted in many cases.

The inability to keep samples or the bodies of individuals in a mass grave may prevent other scientists from being able to reproduce results that may be found. The reproduction of result is something that is extremely important for scientific validity.

These responsibilities to science and scholarship have been designed with the idea that research does not have to be conducted by a strict experimental design. However the idea of science in anthropology is more broadly focused to include participant observation, ethnography and archaeology. These types of fieldwork do not always require scientific design and are often not reproducible. Forensic anthropologists can publish information gathered based upon their experience and their observation. Nonetheless, to develop or improve a standard of measurement or prove the validity of a new technique, there are expectations that this type of research will be conducted with a scientific design with valid qualitative measurements. In part this is due to the fact that forensic anthropology is closely correlated with the field of forensic science. Forensic science does not have the same foundations in the humanities and social sciences that anthropology does. As a result, any information gained from observation does not conflict with the AAA Code or the AAPA Code. However, research conducted to improve methodology used in the field is expected to be valid not only in the field of anthropology but also in the field of forensic science. Therefore, the AAA Code or AAPA Codes are not always sufficient in addressing the types of research conducted by forensic anthropologists.

As noted above the AAPA Code of Ethics is based primarily on the AAA Code of Ethics. However, the AAPA Code of Ethics attempts to create a more science based interpretation of these guidelines. This aids in the interpretation of these codes for forensic anthropologists. However it does not resolve the issues of obtaining consent from those who cannot be identified, conducting valid and ethical research under these circumstances, and the expectation to publish or share certain types of knowledge that may be gained from human rights work.

### **Forensic Science Ethics**

While forensic anthropology is associated with the field of anthropology, it also overlaps into other fields. As stated above, forensic science is one of these fields. Forensic anthropologists often use techniques developed by forensic science and, in the case of human rights work, they may participate in other types of forensic work. For example, forensic anthropologists might analyze clothes, excavate the burial and take samples in addition to their own forensic work (Koff, 2004). This demonstrates that forensic anthropologists actively participate in forensic science and should therefore keep in mind the ethical guidelines of this field as well.

The American Academy of Forensic Science (AAFS) has a Code of Ethics and Conduct, which is provided in Appendix 2.3 (AAFS, 2004). Sections 1. a, 1. b and 1. d of this code are based upon representing the AAFS appropriately. While it is important for forensic anthropologists to act appropriately, it is not stated explicitly by AAFS what this appropriate

behavior would entail. Thus the AAA and AAPA guidelines would serve as a better basis for a forensic anthropologist to base their professional behavior upon.

Section 1. d of the AAFS Code of Ethics and Conduct applies more directly to forensic anthropologists. Section 1. d states, "every member and affiliate of the AAFS shall refrain from providing any material misrepresentation of data upon which an expert opinion or conclusion is based" (AAFS, 2004). Thus it is unethical to falsify data or testimony. This code is written with an implication that the forensic scientist will be testifying and providing expert opinions in a court of law. While this implication is not present in the AAA and AAPA Codes of Ethics the meaning is very similar. The AAA and AAPA codes both state that it is unethical to falsify information. It is therefore valid to continue with the assumption that forensic science ethical guidelines are geared towards scientific work that has legal implications while closely coinciding with the ethical ideology in the anthropological field.

### **Professional Human Rights Work**

Forensic anthropologists who conduct human rights cases are part of the larger field of professionals doing human rights work. The International Forensic Centre of Excellence for the Investigation of Genocide (INFORCE) is a professional organization of people who do such work. Their Code of Conduct and Ethical Guidance, see Appendix 2.4, demonstrates professional

expectations in situations that a human rights forensic anthropologist will likely encounter (INFORCE, 2006).

Part 1 of the INFORCE Code of Conduct and Ethical Guidance discusses the overall expectations that INFORCE maintains (2006). The following closely applies to forensic anthropology and coincides with the codes already discussed above:

- to at all times uphold respect for human life and dignity
- to act with integrity and honesty in all circumstances
- to be apolitical
- to provide confidential informed and impartial advice
- to practice within relevant current legal and regulatory frameworks
- to respect the cultural and religious values of the host country, community or society

(INFORCE, 2006)

Each of these points is closely related to ethical guidelines of the AAA and AAPA.

Part 1 of this code also differs from what is discussed above. For example, the INFORCE Code of Conduct and Ethical Guidance states that it is imperative "to promote the improvement of standards and service through the development and adoption of protocols and standard operating procedures as well as professional bodies, education, research and best practice" (INFORCE, 2006). Thus INFORCE believes that human rights work is an opportunity to learn and fine tune any methodologies which may be practiced. For a forensic anthropologist this would include gathering data on subjects that would allow them to develop or improve identification methodologies

currently in use. This implies that it is acceptable to do research on any evidence recovered in order to gain information to help in future endeavors.

The INFORCE code also differs because it notes in Part 1 that individuals should "keep up-to-date with developments in the field and/or laboratory techniques as appropriate" (INFORCE, 2006). While this is something practiced by most professionals in any field, this statement is not directly stated in any of the codes previously discussed.

Part 2 of the INFOCE Code of Conduct and Ethical Guidance addresses operation and contractual guidelines. Many of these address upholding contracts and charging reasonable fees (INFORCE, 2006). These are imperative to maintaining quality relationships and ethical integrity with those a forensic anthropologist may work with. This section also discusses the need to maintain objectivity, which has already been discussed in depth above (INFORCE, 2006).

The main difference in Part 2 of this code is the last statement. It says, "to refrain from working with non-police or other informal investigative agencies or to jeopardize on-going police or other formal inquiries" (INFORCE, 2006). Much like the AAFS statements this is directly developed for those who are working within a legal framework. This statement holds true for human rights forensic anthropologists because informal investigation is rarely done and undermining any investigation is clearly unethical. However a typical forensic anthropologist consulting on a case should be able to work for an informal investigative agency such as a

family or private investigator if the police or government investigation is not meeting expectations. Thus it is important for forensic anthropologists as a whole to first work and cooperate with police or government agencies and then secondly aid non-police groups. However it is imperative that an investigation is never jeopardized based upon this outside consulting.

Part 3 of the INFORCE Code of Conduct and Ethical Guidance directly discusses the treatment of human remains. This is the most applicable part of the INFORCE code to forensic anthropology because forensic anthropologists deal directly with the human remains. Several of the statements made under Part 3 discuss respecting the cultural, religious and emotional needs of families or communities during the process of investigation. By treating the body with the proper respect according to cultural and religious traditions it shows respect for the individual interred. Additionally it allows for the family to begin the recovery process.

Part 3 of the INFORCE Code of Conduct and Ethical Guidance notes what is acceptable for research in the following statements:

- to make all possible efforts to obtain the consent of communities and families for tissue sampling, where to obtain such is possible
- to refrain from removing samples from human remains for forensic or research purposes unless commensurate with legal, religious and cultural dictates where such a judgment is possible
- to ensure, wherever possible, that all human material taken for sampling or removed in the process of sampling, is ultimately interred with the remains
- to avoid undertaking research using material or data derived from unethical contexts



- to undertake research based only upon sound scientific principles, such research should be based upon research designs approved by the INFORCE Executive
- to disseminate, where possible, the results of research and field work which may increase knowledge or provide beneficial information for future work

(INFORCE, 2006)

These statements clearly state what acceptable practice is for obtaining samples and research using human remains, specifically when consent cannot be given. This is extremely important because it addresses the issue that was found to be a shortcoming of all of the other codes discussed thus far. As stated in the codes above, consent is to be obtained from families when possible. Samples for research purposes cannot be taken from bodies if it is believed to be against the cultural or religious practices of that individual. This practice requires generalizing about an individual based upon the area in which they are discovered in many cases, especially if an individual's identity is unknown. Additionally it is important to return any samples taken whenever possible after information has been gathered. INFORCE feels it is important to do research just under ethical contexts (INFORCE, 2006).

Part 4 of the INFORCE Ethical Code of Conduct and Ethical Guidance provides guidance about expectations of acting as an expert witness (INFORCE, 2006). This is more applicable to forensic anthropologists than it is to human rights anthropologists because human rights anthropologists may not be required to testify at a war crimes tribunal. However, it is important to consider these statements in case testimony was needed, and also for all

documentation. Again, much like earlier codes of ethics, objectivity and honesty are highlighted as having the utmost importance.

A discussion of the responsibilities human rights workers have to the public is provided in Part 5 of the INFORCE Code of Conduct and Ethical Guidance (INFORCE, 2006). This section has the same theme as many of the codes discussed above. Unlike the previous codes most of this section focuses on respecting and protecting the data and any photographic material due to the fact human remains are involved. However it does reiterate the importance of sharing knowledge with the public and education of individuals at all levels of society.

The INFORCE Code of Conduct and Ethical Guidance approach many issues that other codes did not. Due to the fact that this code is designed specifically for those doing human rights work it more clearly addresses issues that a human rights forensic anthropologist may face in the field. However, it does not touch upon ethical behavior to a profession in the same manner that AAA or AAPA codes did. Therefore it is important for a human rights forensic anthropologist to include several aspects of this code, especially the sections on the treatment of human remains, while still incorporating AAA and AAPA ethics into their practice of forensic anthropology.

While all of these different ethical codes are applicable to forensic anthropology, none of them were designed specifically for or by forensic anthropologists. The only existing ethical code written by forensic

anthropologists was done in relation to human rights work. However, it is lacking in many aspects. The Argentine Forensic Anthropology Team (EAAF) has developed Six Main Ethical Objectives that they attempt to maintain while doing human rights work (Doretti and Snow, 2003: 293). It should be noted that this forensic team is the most experienced and well known in human rights work across the globe.

The Six Main Ethical Objectives of the EAAF, see Appendix 2.5 (Doretti and Snow, 2003: 293), are very broad. In fact many of the statements sound like statements of purpose instead of ethical objectives. For example, the first objective states, "We apply forensic scientific methodology to the investigations and documentation of human rights violations" (Doretti and Snow, 2003: 293). This statement does not state anything about ethics or expectations. Instead it is a statement about the type of work they are undertaking.

These ethical objectives do address the expectation for forensic anthropologists to be expert witnesses, teachers, and trainers of other teams (Doretti and Snow, 2003: 293). These statements are closely related to statements made by the AAA and AAPA. Thus these ethical codes are consistently applicable to human rights forensic anthropology.

The only unique statement from the EAAF Six Main Ethical Objectives was the third objective (Doretti and Snow, 2003: 293). This objective reads, "through the identification of the victims, we can provide some solace to their families who are at last able to properly mourn and bury

their dead" (Doretti and Snow, 2003: 293). The EAAF has the standpoint that identification of the victims is an ethical responsibility if possible. However, it should be noted that the same team believes that identification is the last objective of their work (see Chapter 1).

The discussion above has demonstrated that professional ethics in the fields of human rights, forensic science and anthropology are all extremely important for human rights forensic anthropologists to consider during their work. Forensic anthropologists who engage in human rights cases must also consider the added political element of working for a government. Governments may have different professional expectations and may place additional political pressure on forensic anthropologists.

### **Professional Ethics and Government Work**

The nature of government work is very distinct from other employment for anthropologists. This is because of biases and compromises that may occur due to the nature of the work. However, anthropologists should never compromise their professional ethics to accommodate an employer. Being employed by the government is not common for many anthropologists; however, it is a frequent occurrence for forensic anthropologists. Human rights forensic anthropologists work solely for a government agency.

The American Anthropological Association (AAA) includes statements in their ethical guidelines, discussed above, specifically for anthropologists who are undertaking a job with a government agency (see Appendix 2.1; AAA, 1998). For example, in Section V. 2, it states:

Prior to making any professional commitments, they [anthropologists] must review the purposes of prospective employers, taking into consideration the employer's past activities and future goals. In working for governmental agencies or private businesses, they should be especially careful not to promise or imply acceptance of conditions contrary to professional ethics or competing commitments. (AAA:1998)

This statement shows that governmental jobs are viewed with additional awareness of potential conflicts over jobs in areas such as academia.

Additionally, this statement clearly shows that the AAA holds the standpoint that professional ethics should not only carry through to governmental work, but should trump any governmental expectations. The AAPA Code of Ethics contains the exact same statement written above, see Appendix 2.2 (AAPA, 2003). The INFORCE states in their ethical code "to be apolitical", see Appendix 2.4 (INFORCE, 2006). Thus it is important for forensic anthropologists to remain as unbiased as possible in political contexts.

Many anthropologists have written extensively about the problems that might arise out of government work. For example, Fluehr-Lobban writes that, "anthropologists contemplating or accepting employment in government agencies in other than policy-making positions should recognize they will be committed to agency missions and policies" (Fluehr-Lobban, 1991: 222). Therefore, it can become problematic for anthropologists to undertake this type of work if their ethical standards or their professional ethical standards conflict with a governmental agency's policies or missions. Kingsolver expands on this concept by stating:

Anthropologists must recognize that by agreeing to work for the government they might be promoting an agenda, they might be accountable for other parts of a project not related to them, and there is a discrepancy about whether they work for the government or the project. (Kingsolver, 2004: 74)

Thus anthropologists should be careful in avoiding situations where they might be used to promote an agenda whether it is social, political or economic. In order to avoid this type of tricky situation some anthropologists shy away from working for the government. Others make sure that they will not be expected to compromise any professional or personal ethics that they may possess (Fluehr-Lobban, 1991: 222). This might be done by discussing ethics prior to being hired by a governmental agency.

However, forensic anthropologists do not have the opportunity to avoid working for the government. As noted in Chapter 1, the vast majority of consulting cases are for police or government agencies. Additionally, all human rights applications of forensic anthropology to date have been done under the employment of the UN or a specific country's government. In these situations it is imperative to maintain professional ethical standards to remain as objective as possible. Professional forensic anthropologists are hired as professionals. As such their professional ethical standards, which have been developed for the field of forensic anthropology, should apply to a governmental position they may hold.

Human rights forensic anthropologists are hired by a government for a specific purpose. In most cases they are hired to locate mass graves, excavate them, and identify any bodies that may be discovered. Thus there is

a clear objective to their work. While this component of human right forensic anthropology does not seem ethically complicated it can become so by considering the larger picture of their work.

Governments hire forensic teams to locate mass graves only when they are convinced that an act of genocide or mass killing has occurred. At this point either survivors, records, or the mass grave itself has been exposed to an outside government. Thus evidence for the genocide or mass killing is already beginning to be compiled long before the forensic team is even contacted. Thus there is an expectation that a grave will be discovered which will contain certain individuals or types of individuals. This may add additional pressure to forensic anthropologists to make identifications of bodies before their proper scientific procedures have been conducted. In this case objectivity is clearly compromised in order to accommodate pressures for the government that hired the forensic anthropologist (Koff, 2004).

Things are further complicated when you consider other legal ramifications of discovering mass graves. For example, in the case of the Rwandan genocide, the UN was legally responsible to do everything in its power to stop any genocidal acts from occurring (Koff, 2004). However, in this case they did just the opposite, pulling the vast majority of their troops out of the area. The unfortunate result was the death of over 1 million people in less than 3 months (Peterson, 2002). Later the UN was responsible for hiring the forensic team to excavate mass graves and collect evidence of this

atrocities. Additionally, the UN held the war crime tribunals punishing those who participated in the genocide.

In this case findings could implicate the employer of the forensic team. The UN was legally bound by the Genocide Convention to do anything possible to stop or prevent the genocide from occurring. However, the UN had withdrawn troops from Rwanda during the genocide (Peterson, 2002). The UN could be held accountable for its lack of action during this atrocity. While no legal actions were ever taken, discoveries made by these teams, which included forensic anthropologists, clearly showed that the Rwandan genocide was not a tribal war or civil war as the UN had tried to claim in the press while the genocide was occurring (Peterson, 2002). As a result the disaster was partially blamed on poor decision making by the UN (Peterson, 2002). While it was clear that forensic anthropologists and other forensic scientists did not alter their findings to clear the UN from ethical responsibility, the fact that they were employed by the UN was an added political complication to their work.

Another example comes from Bosnia. In Bosnia reports of ethnic cleansing were continually being reported to the Western World. However, no evidence could be discovered of these acts. As a result the killings continued for another five years (Bringa, 2002:197). Thus the lack of evidence that could be discovered in this case allowed killings to continue. While the evidence teams that originally looked for evidence did not include



forensic anthropologists, situations like this added even additional political pressures to make specific discoveries.

The best way for a forensic anthropologist to handle one of these difficult situations is to remain as objective as possible. This can be done by continually sticking to the scientific standards and methodologies in which a forensic anthropologist is trained. Thus their scientific findings continue to hold validity and they will avoid taking sides in a political environment. Both are important for their findings to be legitimate in a court of law.

The problems arising from governmental work can be challenging. However, by emphasizing the importance of remaining objective and apolitical in these situations, forensic anthropologists can avoid biasing their work. By remembering that professional ethics continue to hold true and can be viewed as guidelines for government work, additional advice can be found.

The examples outlined above clearly demonstrate that any ethical code of conduct designed for forensic anthropologists should include a specific section on dealing with government work. This is especially true for professionals like human rights forensic anthropologists who may regularly find themselves employed by the government.

### **Conclusion**

All of the ethical codes discussed above have similarities in what they outline. They all state that professional anthropologists, physical anthropologists, human rights workers, forensic scientists or human rights forensic anthropologists have a responsibility to the subject they are studying.

This responsibility includes asking for consent to do research, keeping anonymity of subjects, and keeping in mind religious or cultural aspects that might affect their research. Professionals have the responsibility to be honest at all times. Also professionals, especially those within academia, have the duty to publish and share any information they might gain. Plus there is an expectation that this information will also be shared with the public. In addition, maintaining objectivity is a necessity to keep research valid.

Despite all of these commonalities there are some differences. The biggest difference is the way in which consent is expected to be handled for research. Many of these codes are designed for researchers who will not encounter the same problems as a human rights forensic anthropologist. The INFORCE code was the only one that specifically addressed some of the research situations that a human rights forensic anthropologist might encounter. Another difference comes from expectations by the government which may be employing a forensic anthropologist. Some codes of ethics discuss what can be taught to groups and what is expected as an expert witness, whereas others codes do not address these issues at all.

Clearly, there is a wide variety of ethical codes that a human rights forensic anthropologist could refer to while doing human rights work. However, none of them addresses all of the specific needs of a forensic anthropologist. For example, the INFORCE code does an excellent job of trying to reconcile situational problems for a human rights worker but does not address professional responsibilities that a forensic anthropologist would

also have. The AAA code and AAPA codes address the professional responsibilities but not the more in depth contextual differences. The AAFS and EAAF codes do not explicitly explain what they believe ethical behavior would entail, just that it should exist. Therefore, forensic anthropologists can look to these different codes for guidance but would have to make a choice as to which code they felt was more important. While no code can cover every situation a professional will encounter, it is important to have the same set of standards that professionals can use as guidelines. Thus, by taking the commonalities and problems of the codes above, a code specifically for human rights forensic anthropologists can be developed. This will reduce the amount of choice allowed in ethical situations, maintaining an ethical standard for all human rights forensic anthropologists. Thus a more specific guideline geared more directly to forensic anthropology is necessary to maintain consistent ethical standards throughout the field.

## **Chapter 3 Proposed Ethical Guideline**

### **Introduction**

As noted in the previous chapters, forensic anthropologists are in need of an ethical code which addresses the specific circumstances they encounter. This is especially true for those forensic anthropologists who do human rights work. The previous chapter has demonstrated this need by reviewing existing professional ethical standards which are applicable to forensic anthropology and by highlighting which areas need to be addressed more explicitly. The review of the ethical codes developed for the fields of forensic science, anthropology, physical anthropology and human rights work indicates that such standards of existing codes can be used to build a practical, moral and conscientious ethical code specifically for forensic anthropologists who undertake human rights work.

Chapter 2 pointed out several concepts which must be included when drafting an ethical code for human rights forensic anthropology. These concepts are: 1) responsibility to subjects (including issues of consent), 2) responsibility to the profession of anthropology and the profession of forensic science (publishing, doing research and sharing data), and 3) responsibility to the public. Situations unique to governmental work, treatment of human remains, and expert testimony were also indicated as important points to address in a human rights forensic anthropology code.

Existing codes are too broad and do not specifically address issues of consent, research and publication adequately. By combining several different

codes that were in existence it was possible to create an ethical code that addresses these issues more directly. The following ethical code, therefore, has been developed by incorporating the differing ethical codes of the American Anthropological Association (AAA), the American Association of Physical Anthropologists (AAPA), the American Association of Forensic Science (AAFS), the International Forensic Centre of Excellence for the Investigation of Genocide (INFORCE), and the Argentine Forensic Anthropology Team (EAAF). For reference to these specific codes please reference appendices 2.1 - 2.5. The AAA Code of Ethics, the most relevant to forensic anthropology, was used as a model for the development of the code below. However, specific sections were influenced by several of the other codes listed above in sections that they were more applicable; see the endnotes after the code to see which sections are developed from each code.

## **Proposed Code of Ethics and Conduct for Human Rights Forensic Anthropologists**

### **I. Preamble**

Forensic anthropologists who participate in human rights work are part of many different professional communities. This includes but is not limited to anthropology, forensic science, and human rights agencies. Each profession has a code of conduct or ethical objectives. Additionally, anthropologists have obligations as members of a society or culture, and as members of the global community. Any professional action or fieldwork conducted must take

into account all of these ethical responsibilities in order to maintain the highest level of morality.

This code has been proposed in an attempt to take into account not only ethical responsibilities but also obligations that a forensic anthropologist will encounter as a professional. It is important to note that no ethical code can address every situation a practicing human rights forensic anthropologist may encounter. At some point, personal choice and experience will need to take precedence. The purpose of this code is to encourage discussion and education about moral principles in the field of human rights forensic anthropology.

The principles outlined in this Code of Conduct provide tools and guidelines for forensic anthropologists to engage, develop and maintain ethical work. A majority of this code is applicable to all forensic cases but has been designed for the specific type of work associated with human rights.\*

## **II. Introduction**

Human rights forensic anthropology is a multidisciplinary field that joins together advocacy, science and scholarship. Forensic anthropology has roots in the fields of physical anthropology, forensic sciences and human rights. Additionally, it has ancestry in the natural sciences, social sciences and

humanities. Forensic anthropologists may take many different approaches including applied research and scholarly interpretation.

The mission of the field of human rights forensic anthropology is to collect, preserve and document physical evidence from a grave site; identify as many individuals as possible so that they may be returned to their families for proper burial; and utilize information learned to obtain justice and to educate other individuals. Publishing, teaching, advocacy and research are all used to generate anthropological and forensic knowledge. All of these undertakings should be done in the most ethical manner possible.

The purpose of this Code is to provide those involved or interested in human rights forensic anthropology with guidelines for making ethical choices in the conduct of their work. Because forensic anthropologists can find themselves in complex situations and subject to more than one code of ethics, this Code of Conduct provides a framework, not an ironclad formula, for making decisions.

Persons using this Code of Conduct as a framework for choices or teaching are encouraged to seek out illustrative examples or case studies and engage in discussion with colleagues and students to enrich their knowledge base. Past experiences, laws, policies and cultural preferences used in conjunction with

this Code can also allow individuals to gain a better understanding of ethical practices in the field of human rights forensic anthropology.

Forensic anthropologists have a duty to be informed about ethical codes which relate to their work. Periodic training on current research and ethical issues is highly encouraged. Also, departments that offer degrees in forensic anthropology should include and require ethical training as a key part of their curriculum.

No code or set of guidelines can anticipate unique circumstances or specific situations. The individual anthropologist must be willing and able to make carefully considered ethical choices. Anthropologists must be willing to provide the assumptions, facts and ideas on which those choices are based. These guidelines, therefore, only address general contexts, priorities and relationship which should be considered in ethical decision making by human rights forensic anthropologists.\*

### **III. Contracting and Employment**

#### **A. Contracts**

The same ethical guidelines apply to all types of human rights forensic anthropological work. In dealing with contractors, persons hired to pursue human rights forensic anthropology research, fieldwork or application of knowledge should be honest about their qualifications, capabilities and aims.



It is imperative for forensic anthropologists to maintain high ethical standards when creating and implementing a contract. This would include acting with dignity, respect and honesty.\*\*

Forensic anthropologists should uphold the terms of service agreed upon in any contract. Forensic anthropologists should provide services of the highest standard of excellence in a reasonable time period. Forensic anthropologists should disclose and define resource constraints, whether they are personnel, time or financial in basis. Forensic anthropologists should set a reasonable fee consistent with those in similar fields. Human rights forensic anthropologists represent the field of forensic anthropology and will act with professionalism during the duration of a contract. \*

## **B. Employment**

1. Forensic anthropologist may be employed by academia, museums, police, private companies or a government agency. Forensic anthropologists should refrain from being employed by an organization or party which is legally unacceptable, or conflicts with professional ethics. Prior to employment a forensic anthropologist should ensure that the endeavor will not require a compromise of ethical beliefs. \*\*

2. Forensic anthropologists should be aware that certain agencies or groups may have specific agendas which they are attempting to promote. A forensic

anthropologist should never engage with an outside party which is attempting to explicitly undermine an ongoing police investigation or a colleague's work.\*

3. While working for a government agency it is important for forensic anthropologists to be as apolitical as possible. This can be done by remaining objective. Forensic anthropologists should also be aware of additional pressures and expectations which may accompany working for a government agency.\*\*

#### **IV. Fieldwork and Research**

##### **A. The Responsibility to and Treatment of Human or Animal Remains**

1. Forensic anthropologists in the field have a primary ethical obligation to the people they study and the individuals with whom they work. These obligations can supersede the goal of acquiring new knowledge.\*

2. Evidence should be collected and properly recorded during the excavation and processing of a grave. All possible evidence should be acquired for use against the perpetrators of the crime. Pressures to hurry processing or time constraints should not affect the quality of work done at a site.\*\* The ultimate goal is to obtain justice for these individuals. This cannot be done without the proper collection and documentation of evidence.\*\*\*

3. Survivors, families and human remains should be treated with respect. They should be treated according to the cultural or religious beliefs of the individual. If the identity of the individual is unknown, local customs should be used as a guideline.\*\*\*

4. Anthropological researchers must make all possible efforts to obtain the consent of the communities or families of the deceased if they wish to conduct research outside the scope of the project. The minimum number of samples for scientific validity should be used at all times. Samples removed from bodies should be returned to families for interment as quickly as possible. Samples should not be held by scientists for more than five years without specific permission from the families. No samples should be destroyed, even if it is for the purpose of research without consent of the family. If the identity of an individual is unknown, samples may be taken if it is acceptable in local cultural and religious belief systems. These samples must also be returned for interment no later than five years after the fieldwork is completed. It is only through sampling that better standards and methodologies can be created to improve identification techniques. \*\*

5. Forensic anthropological researchers who work with animals must do everything in their power to ensure that the research does not harm the safety, psychological well-being, or survival of the species with which they work.\*

6. Anonymity and dignity of research subjects should be upheld at all times.\*  
Photographic or illustrative materials should not be offensive from a legal, political, cultural or religious point of view. As such, illustrative material should be used only when necessary in publication, lecture or legal proceedings. Shocking, horrific or explicit photographs or illustrations should be used only in beneficial situations, such as a court of law, or a professional audience.\*\*

7. While forensic anthropologists may gain personally from their work, they must not exploit individuals, groups, animals or cultural or biological materials. They should recognize their debt to the societies in which they work and their obligation to reciprocate this debt when possible.\*

8. At all times research done with human or animal remains must be done in concert with current legislation both in the United States and also any relevant national or local rules or legislation in the area of the study.\*\*

## **B. Research design**

1. Forensic anthropologists should maintain as much objectivity as possible. This is necessary to remain apolitical. Additionally, objectivity is a necessity for maintaining scientific reliability and credibility. Objectivity is necessary for validity in a court room setting or for validity in scientific research.

2. Research is necessary to gain further knowledge and improved methodologies. Research designs should be created and approved by an Institutional Review Board before fieldwork if possible. Due to the unique nature of human rights work, many experiments or data collection cannot be predicted ahead of time. As such, it is important to maintain high ethical standards in these situations. Throughout the course of an experiment or research plan it is imperative to maintain the ethical codes relating to human remains listed above.

### **C. Methodology**

1. All forensic anthropologists who engage in human rights work should be properly trained in the techniques of excavation, osteology and documentation. Other methodologies or techniques may be needed in the field. Forensic anthropologists should do all that they can do learn these techniques and methods prior to engaging in field work. Also forensic anthropologists should admit any shortcomings in their training while on site. This is not to exclude forensic anthropologists from certain tasks, but to ensure that the proper training will be obtained and the investigation will not be compromised as a result.

2. Forensic anthropologists are responsible for keeping up-to-date with developments in the field and/or lab techniques. \*\*

3. Any new developments, adoptions of protocol or standard operation procedures should be shared with other professionals in the field, so that the field as a whole can advance. \*\*

4. Methodologies should be used according to their designed and proven purpose in research and fieldwork. This helps to maintain the validity of any findings.\*\*

#### **D. Expert Witness**

1. Human rights forensic anthropologists should anticipate that they will be called as expert witnesses.

2. While acting as an expert witness forensic anthropologists should offer only those opinions that are based on their area of specialty. They should state the limitations of methodologies and the evidence. Language, terminology and results should be presented by a forensic anthropologist in a manner that can be understood by the court. All findings should be disclosed regardless of the implications of doing so. Honesty about the material presented is more important than the decision of the court.\*\*

#### **V. Professionalism**

1. Forensic anthropologists should recognize that they represent the fields of anthropology, forensic science and human rights. They should act in a

manner that they feel would accurately and professionally represent these fields.

2. Forensic anthropologists are responsible for the integrity and reputation of their discipline, of scholarship and of science. Thus anthropological researchers are subject to the general moral rules of scientific and scholarly conduct: they should not deceive or knowingly misrepresent (i.e. fabricate evidence, falsify data or plagiarize), or attempt to prevent reporting of misconduct, or obstruct the scientific/scholarly research of others.\*

3. Anthropological researchers should do all that they can to preserve opportunities for future fieldworkers to follow them into the field. \*  
Additionally, they should be willing to train and teach those interested in joining the discipline.\*\*\*

4. Anthropological researchers should seriously consider all reasonable requests for access to their data and other research materials for purposes of the research of others. They should also make every effort to ensure the preservation of their fieldwork data for use by posterity and courts of law.\*

## **VI. Publishing**

1. Anthropological researchers should utilize their work in an appropriate fashion, and whenever possible share their findings with the scientific and

scholarly field. While the subject of human rights has been viewed as taboo in the past, the only way to change this is to educate, publish findings and address issues in human rights.

2. Discussing ongoing cases that are in legal processes is acceptable if the victims' identities, specifics of the case and perpetrators are kept anonymous. Publishing prior to the completion of a trial is more acceptable in cases of war crime tribunals which may take years to complete. However, if it is a case which will be completed within a short period of time, it is customary to wait until the court's decision has been made. Anonymity of victims should be maintained at all times, unless permission is given by the families. Work done and findings discovered can be discussed, shared and published as long as no gag orders exist for that given case.\*

## **VII. Responsibilities to the Public**

1. Forensic anthropological researchers should make the results of their research appropriately available to sponsors, students, decision makers, and other non-anthropologists. In so doing, they must be truthful; they are not only responsible for the factual content of their statements but also must consider carefully the social and political implications of the information they disseminate. They must do everything in their power to ensure that such information is well understood, properly contextualized, and responsibly utilized. They should make clear the empirical bases upon which their reports stand, be candid about their qualifications and philosophical or political



biases, and recognize and make clear the limits of forensic anthropological expertise. At the same time, they must be alert to the possible harm that their information may cause people with whom they work.

2. Forensic anthropologists are encouraged to move beyond disseminating research results to a position of advocacy. However, this is an individual decision, not an ethical responsibility. \*

### **VIII. Teaching Responsibilities**

While adhering to ethical and legal codes governing relations between teachers/mentors and students/trainees at their educational institutions or as members of wider organizations, forensic anthropological teachers should be particularly sensitive to the ways such codes apply in their discipline (for example, when teaching involves close contact with students/trainees in field situations). Among the widely recognized precepts which forensic anthropological teachers, like other teachers/mentors, should follow are:

1. Teachers/mentors should conduct their programs in ways that preclude discrimination on the basis of sex, marital status, "race", social class, political convictions, disability, religion, ethnic background, national origin, sexual orientation, age, or other criteria irrelevant to academic performance.
2. Teachers'/mentors' duties include continually striving to improve their teaching/training techniques; being available and responsive to student/trainee

interests; counseling students/ trainees realistically regarding career opportunities; conscientiously supervising, encouraging, and supporting students'/trainees' studies; being fair, prompt, and reliable in communicating evaluations; assisting students/trainees in securing research support; and helping students/trainees when they seek professional placement.

3. Teachers/mentors should impress upon students/trainees the ethical challenges involved in every phase of human rights forensic anthropological work; encourage them to reflect upon this and other codes; encourage dialogue with colleagues on ethical issues; and discourage participation in ethically questionable projects.

4. Teachers/mentors should publicly acknowledge student/trainee assistance in research and preparation of their work; give appropriate credit for co-authorship to students/trainees; encourage publication of worthy student/trainee papers; and compensate students/trainees justly for their participation in all professional activities.

5. Teachers/mentors should beware of the exploitation and serious conflicts of interest which may result if they engage in sexual relations with students/trainees. They must avoid sexual liaisons with students/trainees for whose education and professional training they are in any way responsible.\*

## **IX. Epilogue**

Forensic anthropological research, teaching, and fieldwork poses choices which forensic anthropologists individually and collectively bear ethical responsibility. Since human rights forensic anthropologists are members of a variety of groups and subject to a variety of ethical codes, choices must sometimes be made not only between the varied obligations presented in this Code of Conduct but also between those of this Code and those incurred in other statutes or roles. This statement does not dictate choice or promote sanctions. Rather it is designed to promote discussion and provide general guidelines for the ethical responsible.\*

\* Denotes sections modeled after the AAA Code of Ethics

\*\* Denotes sections modeled after the INFORCE Code of Conduct and Ethical Guidance

\*\*\* Denotes sections modeled after the EAAF Six Ethical Objectives

### **Discussion of Proposed Code**

The Code proposed above for human rights forensic anthropologists has been designed by combining the different aspects of professional expectations discussed during Chapter 2. It addressed some of the more specific situations that forensic anthropologists may experience. General guidelines for research, professionalism, treatments of subjects, expert testimony and responsibility to the public are presented in an attempt to reconcile the differences in professional codes that are already in existence.

The Preamble of the Proposed Code of Ethics and Conduct was designed to state the purpose of developing a code of conduct for human rights forensic anthropology. The main purpose of this code is to encourage discussion about ethics in human rights forensic anthropology. There are many different ideas outlined in the sections that follow after the preamble. These ideas are by no means perfect or the only ethical view. By stating these ideas explicitly human rights forensic anthropology will have these ideas to discuss and amend as the field sees fit.

The Preamble also notes that this code was developed solely for human rights forensic anthropology. In spite of this many sections apply to the field of forensic anthropology at large. A discourse between these areas about ethical objectives would aid in strengthening an ethical code in either field.

The Introduction addressed another purpose of this code. The purpose of providing ethical guidelines that all individuals within the field can use is stated. This portion of the code was developed to demonstrate the need and uses of a code of conduct.

The Introduction of the proposed code outlined the mission of human rights forensic anthropology. Doretti and Snow outlined similar objectives in their human rights work. Gaining forensic knowledge, collecting, preserving and documenting evidence and identifying individuals are goals of human rights forensic anthropologists. The most important purpose of these is to utilize the information learned to obtain justice.

The next section of the Proposed Code of Ethics and Conduct outlines expectations for behavior during contracts or other types of employment. The most important part is in Section III. B. 3. It directly outlines specific expectations for government work. It emphasizes the importance of remaining apolitical and objective. This section also reminds forensic anthropologists that there are added political pressures while being employed by the government and to plan accordingly. This portion of the Proposed Code was designed to address the problems and complications from working for a government that arose during the discussion in Chapter 2.

The Fieldwork and Research portion of this Proposed Code is likely to be the most controversial. Debates about ethics in forensic anthropology in the past have focused on what is allowable research. These debates have continued without any type of reconciliation about what is ethical in the field. What has been outlined above was designed to continue this dialogue and to attempt to find a middle ground that would allow for research with moral expectations.

The first section under Fieldwork and Research is the Responsibility to the Treatment of Human and Animal Remains. This was indented to specifically focus on the unique nature of human rights work. It was developed to fill the void in this area in the AAA and AAPA codes. The Responsibility to Human and Animal Remains section reiterates that a human rights forensic anthropologist's primary obligation is always to the individual(s) being studied. There is an acknowledgement that these

individuals should be returned to their families as soon as the proper evidence is collected from these bodies.

Section IV. A. 4 was designed to specifically speak to the more recent debates in forensic anthropology about sampling. Keeping samples to develop new standards has been a common practice in physical and forensic anthropology. When the individual's identity is unknown these remains have often been used as forensic anthropologist have seen fit. This section tries to place a time limit on research with these types of remains. This will allow for information to be gathered for new and improved methodologies. This also keeps in mind that the victim has a right to burial. The five year limit was proposed to allow time for research and returning remains in a timely fashion. This section is likely to be contested, but discussion and consensus on this topic is needed in human rights forensic anthropology.

Research design is discussed in Section IV. B.. This section acknowledges that not all research conditions can be predicted ahead of time. Whenever possible research designs should be created in advanced and reviewed by peers and/or a board to assure the utmost ethical conduct will occur during research.

The methodology section of the Proposed Code of Ethics and Conduct was designed to encourage forensic anthropologists to obtain proper training prior to engaging in any work. This includes any new methods or protocols that have recently been designed. This was developed to aid in the validity of

any evidence collected and also to encourage forensic anthropologists to keep up to date with new developments in the field.

The last section of Fieldwork and Research is aimed at professional behavior as an expert witness. This section draws from INFORCE protocol and AAA ideas about falsifying data. This section reminds human rights forensic anthropologists that it is likely they will be called as an expert witness during their career. It also reiterates that it is important to interpret data in a way that a court can understand. This section was designed to closely tie into the primary mission of forensic anthropology, which is obtaining justice for the victims.

Professionalism is addressed in the next major section of the Proposed Code of Ethics and Conduct. This section encourages human rights forensic anthropologists to share data and train others who are interested in joining the field. This section is lacking a distinct definition of what professional behavior entails. As the field of human rights forensic anthropology develops further a more distinct definition can be created. At this time human rights forensic anthropologists are not always engaged in similar situations or jobs in the field. As the field matures it is likely that the description of the profession will be narrowed to a point that professional behavior can be more specifically addressed. This section is currently included to remind human rights forensic anthropologists that they represent their field and to act in a manner they believe positively reflects upon this.

The next section speaks to the responsibility of publishing materials. In Chapter 2 it was discovered that there is a lot of pressure on anthropologists, especially those in academia to publish materials about their research or experiences. Chapter 2 demonstrated that there is a catch 22 with publishing because the human rights are a taboo subject and the rights of the individuals should trump any personal gain from information gathered. This section reiterates that it is important to publish information because it will aid in dismantling human rights as a taboo subject. The sharing of material and information to others in the field is important for the advancement of methods, theory and the field as a whole. The anonymity of victims and protection of their rights is reinforced here by Section VI. 2.

Chapter 2 demonstrated that forensic anthropologists have the same responsibilities to teaching others and sharing information with the public. The Responsibilities to the Public and Teaching Responsibilities are taken almost word for word from the AAA Code of Ethics. This was done because the responsibilities for AAA and forensic anthropologists in these two areas were the same. There was no need to reinvent a statement that has already been accepted and indorsed by the anthropological community.

The Epilogue was designed to demonstrate that while an ethical code is a wonderful guideline to professional behavior it cannot account for every situation practicing human rights forensic anthropologists may encounter. Therefore personal choice and experience will play a role in how individuals interrupt and use an ethical guideline. The Epilogue states that those who do



not follow this Proposed Code are not going to be actively pursued or sanctioned since the code is merely a guideline.

## **Chapter 4**

### **Conclusions**

Forensic anthropology is a field that has only begun to emerge over the past thirty years. Forensic anthropologists take methods developed in physical anthropology and forensic science and apply them in order to identify missing persons and detect crime. The collection of evidence is done with the intent of using it to obtain justice against the perpetrator of any crimes which may have been committed.

Human rights forensic anthropology is the specific application of forensic anthropology to cases where mass killing or genocide has occurred. Human rights forensic anthropology differs from forensic anthropology because of the scale of the work and the characteristics of the perpetrators of the crimes. Forensic anthropologists who engage in human rights work are employed by governments to discover specific evidence to be used in a war crime tribunal.

Forensic anthropology does not have an ethical code that has been developed specifically for the type of work that professional forensic anthropologists engage in. Human rights forensic anthropology also does not have an ethical code. Currently forensic anthropologists look to codes in other fields such as forensic science or anthropology to direct their actions.

An ethical code is needed for human rights forensic anthropology because ethical codes in other fields may give conflicting opinions. None of them specifically address the situations which a forensic anthropologist is

likely to come across. By having an ethical code all professionals will have the same guidelines to steer their ethical behavior.

The American Anthropological Association (AAA), American Association of Physical Anthropologists (AAPA) and American Academy of Forensic Science also have ethical codes developed for these fields. These codes are applicable to forensic anthropology because they reiterate the importance of honesty and professionalism. The AAA and AAPA codes focus of responsibilities to subjects, the public, teaching, publishing and the profession. These codes reflect the expectations of anthropologists, which includes forensic anthropologists. These different codes do not specifically address expert testimony, responsibility to human remains and publishing on a sensitive subject.

The ethical codes developed by the International Forensic Centre of Excellence for the Investigation of Genocide (INFORCE) and the Argentine Forensic Anthropology Team (EAAF) are aimed more at human rights work. These codes focus on the responsibility to remains and expert testimony but do not address professional expectations. The EAAF code is lacking descriptions of what ethical behavior entails. Their code is much more similar to a list of objectives. The INFORCE code is designed for individuals in a variety of fields, not only or specifically forensic anthropology.

The Code of Conduct presented in this paper is designed with the distinct purpose of providing solutions to questions that might arise in human rights forensic anthropology. The code developed attempts to reconcile any

differing opinions that are given by other ethical codes discussed in Chapter 2 and the paragraphs above. The Proposed Code of Ethics and Conduct was developed from combining aspects of the AAA, AAPA, AAFS, INFORCE and EAAF codes. Other material was added as needed. The main focuses of the proposed code was on the responsibilities that human rights forensic anthropologists have to their profession, their subjects, the public, to human remains and as expert witnesses.

While this Proposed Code clearly addresses several of the issues that arose in previous chapters, it is by no means perfect. No ethical code can accommodate every situation. Instead this Code of Conduct attempts to give general guidelines that should be followed for ethical behavior.

Additionally, each forensic anthropologist is allowed to interpret the Code of Conduct in the way they see fit. These conditions are a reflection of shortcomings in all ethical codes that exist. The conditions may be shortcomings because individuals still have the right to make choices about ethical behavior and no ethical code will force them to make the moral choice.

The purpose of this Proposed Code of Ethics and Conduct was to encourage discussion of ethics in the field of human rights forensic anthropology. Such discourse can be useful in adopting an ethical code specifically for human rights forensic anthropology. This Proposed Code allows for all forensic anthropologists, especially those doing human rights work, to have a starting point for an ethical code. It allows for forensic anthropologists to have the same set of ethical guidelines to look to, instead of

potentially contradicting guidelines from a variety of different fields.

Additionally, because this Code of Conduct was developed specifically for human rights forensic anthropology work, it more directly addresses issues that have arisen in that area. This Proposed Code of Ethics and Conduct is practical in application allowing for individuals to do research and publication despite the sensitivity of their material. Finally, and most importantly, this will aid in instigating ethical discussions within the field of forensic anthropology about a Code of Conduct, with the goal of having a code adopted by this profession.

## Appendix 1.1

### Convention on the Prevention and Punishment of the Crime of Genocide

Declared on: December 9, 1948

#### *The Contracting Parties,*

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world,

Recognizing that at all periods of history genocide has inflicted great losses on humanity, and

Being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required,

Hereby agree as hereinafter provided:

#### *Article 1*

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

#### *Article 2*

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

***Article 3***

The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

***Article 4***

A certified copy of the Convention shall be transmitted to each Member of the United Nations and to each of the non-member States contemplated in article XI. private individuals.

***Article 5***

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention, and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.

***Article 6***

Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

***Article 7***

Genocide and the other acts enumerated in article III shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

***Article 8***

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

***Article 9***

Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

***Article 10***

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

***Article 11***

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any nonmember State to which an invitation to sign has been addressed by the General Assembly.

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950, the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

***Article 12***

Any Contracting Party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting Party is responsible.

***Article 13***

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a process-verbal and



transmit a copy thereof to each Member of the United Nations and to each of the non-member States contemplated in article 11.

The present Convention shall come into force on the ninetieth day following the date of deposit of the twentieth instrument of ratification or accession.

Any ratification or accession effected, subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

#### ***Article 14***

The present Convention shall remain in effect for a period of ten years as from the

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or date of its coming into force.

It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

#### ***Article 15***

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective. Article 16

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

#### ***Article 17***

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in article XI of the following:

- (a) Signatures, ratifications and accessions received in accordance with article 11;
- (b) Notifications received in accordance with article 12;
- (c) The date upon which the present Convention comes into force in accordance with article 13;
- (d) Denunciations received in accordance with article 14;
- (e) The abrogation of the Convention in accordance with article 15;
- (f) Notifications received in accordance with article 16.

***Article 18***

The original of the present Convention shall be deposited in the archives of the United Nations.

***Article 19***

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

**Appendix 2.1**  
**American Anthropological Association (AAA)**  
**Code of Ethics**  
**Updated: 1998**

**I. Preamble**

Anthropological researchers, teachers and practitioners are members of many different communities, each with its own moral rules or codes of ethics. Anthropologists have moral obligations as members of other groups, such as the family, religion, and community, as well as the profession. They also have obligations to the scholarly discipline, to the wider society and culture, and to the human species, other species, and the environment. Furthermore, fieldworkers may develop close relationships with persons or animals with whom they work, generating an additional level of ethical considerations

In a field of such complex involvements and obligations, it is inevitable that misunderstandings, conflicts, and the need to make choices among apparently incompatible values will arise. Anthropologists are responsible for grappling with such difficulties and struggling to resolve them in ways compatible with the principles stated here. The purpose of this Code is to foster discussion and education. The American Anthropological Association (AAA) does not adjudicate claims for unethical behavior.

The principles and guidelines in this Code provide the anthropologist with tools to engage in developing and maintaining an ethical framework for all anthropological work.

**II. Introduction**

Anthropology is a multidisciplinary field of science and scholarship, which includes the study of all aspects of humankind--archaeological, biological, linguistic and sociocultural. Anthropology has roots in the natural and social sciences and in the humanities, ranging in approach from basic to applied research and to scholarly interpretation.

As the principal organization representing the breadth of anthropology, the American Anthropological Association (AAA) starts from the position that generating and appropriately utilizing knowledge (i.e., publishing, teaching, developing programs, and informing policy) of the peoples of the world, past and present, is a worthy goal; that the generation of anthropological knowledge is a dynamic process using many different and ever-evolving approaches; and that for moral and practical reasons, the generation and utilization of knowledge should be achieved in an ethical manner.

The mission of American Anthropological Association is to advance all aspects of anthropological research and to foster dissemination of anthropological knowledge through publications, teaching, public education, and application. An important part of that mission is to help educate AAA members about ethical obligations and challenges involved in the generation, dissemination, and utilization of anthropological knowledge.

The purpose of this Code is to provide AAA members and other interested persons with guidelines for making ethical choices in the conduct of their anthropological work. Because anthropologists can find themselves in complex situations and subject to more than one code of ethics, the AAA Code of Ethics provides a framework, not an ironclad formula, for making decisions.

Persons using the Code as a guideline for making ethical choices or for teaching are encouraged to seek out illustrative examples and appropriate case studies to enrich their knowledge base.

Anthropologists have a duty to be informed about ethical codes relating to their work, and ought periodically to receive training on current research activities and ethical issues. In addition, departments offering anthropology degrees should include and require ethical training in their curriculums.

No code or set of guidelines can anticipate unique circumstances or direct actions in specific situations. The individual anthropologist must be willing to make carefully considered ethical choices and be prepared to make clear the assumptions, facts and issues on which those choices are based. These guidelines therefore address *general* contexts, priorities and relationships which should be considered in ethical decision making in anthropological work.

### **III. Research**

In both proposing and carrying out research, anthropological researchers must be open about the purpose(s), potential impacts, and source(s) of support for research projects with funders, colleagues, persons studied or providing information, and with relevant parties affected by the research. Researchers must expect to utilize the results of their work in an appropriate fashion and disseminate the results through appropriate and timely activities. Research fulfilling these expectations is ethical, regardless of the source of funding (public or private) or purpose (i.e., "applied," "basic," "pure," or "proprietary").

Anthropological researchers should be alert to the danger of compromising anthropological ethics as a condition to engage in research, yet also be alert to proper demands of good citizenship or host-guest relations. Active

contribution and leadership in seeking to shape public or private sector actions and policies may be as ethically justifiable as inaction, detachment, or noncooperation, depending on circumstances. Similar principles hold for anthropological researchers employed or otherwise affiliated with nonanthropological institutions, public institutions, or private enterprises.

**A. Responsibility to people and animals with whom anthropological researchers work and whose lives and cultures they study.**

1. Anthropological researchers have primary ethical obligations to the people, species, and materials they study and to the people with whom they work. These obligations can supersede the goal of seeking new knowledge, and can lead to decisions not to undertake or to discontinue a research project when the primary obligation conflicts with other responsibilities, such as those owed to sponsors or clients. These ethical obligations include:

- To avoid harm or wrong, understanding that the development of knowledge can lead to change which may be positive or negative for the people or animals worked with or studied
- To respect the well-being of humans and nonhuman primates
- To work for the long-term conservation of the archaeological, fossil, and historical records
- To consult actively with the affected individuals or group(s), with the goal of establishing a working relationship that can be beneficial to all parties involved

2. Anthropological researchers must do everything in their power to ensure that their research does not harm the safety, dignity, or privacy of the people with whom they work, conduct research, or perform other professional activities. Anthropological researchers working with animals must do everything in their power to ensure that the research does not harm the safety, psychological well-being or survival of the animals or species with which they work.

3. Anthropological researchers must determine in advance whether their hosts/providers of information wish to remain anonymous or receive recognition, and make every effort to comply with those wishes. Researchers must present to their research participants the possible impacts of the choices, and make clear that despite their best efforts, anonymity may be compromised or recognition fail to materialize.

4. Anthropological researchers should obtain in advance the informed consent of persons being studied, providing information, owning or controlling access to material being studied, or otherwise identified as having interests which might be impacted by the research. It is understood that the degree and breadth of informed consent required will depend on the nature of the project

and may be affected by requirements of other codes, laws, and ethics of the country or community in which the research is pursued. Further, it is understood that the informed consent process is dynamic and continuous; the process should be initiated in the project design and continue through implementation by way of dialogue and negotiation with those studied. Researchers are responsible for identifying and complying with the various informed consent codes, laws and regulations affecting their projects. Informed consent, for the purposes of this code, does not necessarily imply or require a particular written or signed form. It is the quality of the consent, not the format, that is relevant.

5. Anthropological researchers who have developed close and enduring relationships (i.e., covenantal relationships) with either individual persons providing information or with hosts must adhere to the obligations of openness and informed consent, while carefully and respectfully negotiating the limits of the relationship.

6. While anthropologists may gain personally from their work, they must not exploit individuals, groups, animals, or cultural or biological materials. They should recognize their debt to the societies in which they work and their obligation to reciprocate with people studied in appropriate ways.

## **B. Responsibility to scholarship and science**

1. Anthropological researchers must expect to encounter ethical dilemmas at every stage of their work, and must make good-faith efforts to identify potential ethical claims and conflicts in advance when preparing proposals and as projects proceed. A section raising and responding to potential ethical issues should be part of every research proposal.

2. Anthropological researchers bear responsibility for the integrity and reputation of their discipline, of scholarship, and of science. Thus, anthropological researchers are subject to the general moral rules of scientific and scholarly conduct: they should not deceive or knowingly misrepresent (i.e., fabricate evidence, falsify, plagiarize), or attempt to prevent reporting of misconduct, or obstruct the scientific/scholarly research of others.

3. Anthropological researchers should do all they can to preserve opportunities for future fieldworkers to follow them to the field.

4. Anthropological researchers should utilize the results of their work in an appropriate fashion, and whenever possible disseminate their findings to the scientific and scholarly community.

5. Anthropological researchers should seriously consider all reasonable requests for access to their data and other research materials for purposes of

research. They should also make every effort to insure preservation of their fieldwork data for use by posterity.

### **C. Responsibility to the public**

1. Anthropological researchers should make the results of their research appropriately available to sponsors, students, decision makers, and other nonanthropologists. In so doing, they must be truthful; they are not only responsible for the factual content of their statements but also must consider carefully the social and political implications of the information they disseminate. They must do everything in their power to insure that such information is well understood, properly contextualized, and responsibly utilized. They should make clear the empirical bases upon which their reports stand, be candid about their qualifications and philosophical or political biases, and recognize and make clear the limits of anthropological expertise. At the same time, they must be alert to possible harm their information may cause people with whom they work or colleagues.

2. Anthropologists may choose to move beyond disseminating research results to a position of advocacy. This is an individual decision, but not an ethical responsibility.

## **IV. Teaching**

### **Responsibility to students and trainees**

While adhering to ethical and legal codes governing relations between teachers/mentors and students/trainees at their educational institutions or as members of wider organizations, anthropological teachers should be particularly sensitive to the ways such codes apply in their discipline (for example, when teaching involves close contact with students/trainees in field situations). Among the widely recognized precepts which anthropological teachers, like other teachers/mentors, should follow are:

1. Teachers/mentors should conduct their programs in ways that preclude discrimination on the basis of sex, marital status, "race," social class, political convictions, disability, religion, ethnic background, national origin, sexual orientation, age, or other criteria irrelevant to academic performance.
2. Teachers'/mentors' duties include continually striving to improve their teaching/training techniques; being available and responsive to student/trainee interests; counseling students/ trainees realistically regarding career opportunities; conscientiously supervising, encouraging, and supporting students'/trainees' studies; being fair, prompt, and reliable in communicating evaluations; assisting students/trainees in securing research support; and helping students/trainees when they seek professional placement.

3. Teachers/mentors should impress upon students/trainees the ethical challenges involved in every phase of anthropological work; encourage them to reflect upon this and other codes; encourage dialogue with colleagues on ethical issues; and discourage participation in ethically questionable projects.

4. Teachers/mentors should publicly acknowledge student/trainee assistance in research and preparation of their work; give appropriate credit for coauthorship to students/trainees; encourage publication of worthy student/trainee papers; and compensate students/trainees justly for their participation in all professional activities.

5. Teachers/mentors should beware of the exploitation and serious conflicts of interest which may result if they engage in sexual relations with students/trainees. They must avoid sexual liaisons with students/trainees for whose education and professional training they are in any way responsible.

## **V. Application**

1. The same ethical guidelines apply to all anthropological work. That is, in both proposing and carrying out research, anthropologists must be open with funders, colleagues, persons studied or providing information, and relevant parties affected by the work about the purpose(s), potential impacts, and source(s) of support for the work. Applied anthropologists must intend and expect to utilize the results of their work appropriately (i.e., publication, teaching, program and policy development) within a reasonable time. In situations in which anthropological knowledge is applied, anthropologists bear the same responsibility to be open and candid about their skills and intentions, and monitor the effects of their work on all persons affected. Anthropologists may be involved in many types of work, frequently affecting individuals and groups with diverse and sometimes conflicting interests. The individual anthropologist must make carefully considered ethical choices and be prepared to make clear the assumptions, facts and issues on which those choices are based.

2. In all dealings with employers, persons hired to pursue anthropological research or apply anthropological knowledge should be honest about their qualifications, capabilities, and aims. Prior to making any professional commitments, they must review the purposes of prospective employers, taking into consideration the employer's past activities and future goals. In working for governmental agencies or private businesses, they should be especially careful not to promise or imply acceptance of conditions contrary to professional ethics or competing commitments.

3. Applied anthropologists, as any anthropologist, should be alert to the danger of compromising anthropological ethics as a condition for engaging in research or practice. They should also be alert to proper demands of



hospitality, good citizenship and guest status. Proactive contribution and leadership in shaping public or private sector actions and policies may be as ethically justifiable as inaction, detachment, or noncooperation, depending on circumstances.

## **VI. Epilogue**

Anthropological research, teaching, and application, like any human actions, pose choices for which anthropologists individually and collectively bear ethical responsibility. Since anthropologists are members of a variety of groups and subject to a variety of ethical codes, choices must sometimes be made not only between the varied obligations presented in this code but also between those of this code and those incurred in other statuses or roles. This statement does not dictate choice or propose sanctions. Rather, it is designed to promote discussion and provide general guidelines for ethically responsible.

(AAA, 1998)

**Appendix 2.2**  
**American Association of Physical Anthropologist (AAPA)**  
**Code of Ethics**  
**Updated : 2003**

**I. Preamble**

Physical anthropologists are part of the anthropology community and members of many other different communities each with its own moral rules or codes of ethics. Physical anthropologists have obligations to their scholarly discipline, the wider society, and the environment. Furthermore, field workers may develop close relationships with the people with whom they work, generating an additional level of ethical considerations.

In a field of such complex involvement and obligations, it is inevitable that misunderstanding, conflicts, and the need to make choices among apparently incompatible values will arise. Physical anthropologists are responsible for grappling with such difficulties and struggling to resolve them in ways compatible with the principles stated here. The purpose of this Code is to foster discussion and education. The American Association of Physical Anthropologists (AAPA) does not adjudicate claims of unethical behavior.

The principles and guidelines in this Code provide physical anthropologists with the tools to engage in developing and maintaining an ethical framework, as they engage in their work. This Code is based on the Code developed and approved by the American Anthropological Association (AAA). The AAPA has the permission of the AAA to use and modify the AAA Code as needed. In sections III, IV, V, VI, VII, and VIII anthropology or anthropologists refers to physical anthropology or physical anthropologists.

**II. Introduction**

Physical anthropology is a multidisciplinary field of science and scholarship, which includes the study of biological aspects of humankind and nonhuman primates. Physical anthropology has roots in the natural and social sciences, ranging in approach from basic to applied research and to scholarly interpretation. The purpose of the AAPA is the advancement of the science of physical anthropology. The Code holds the position that generating and appropriately utilizing knowledge (i.e., publishing, teaching, developing programs, and informing policy) of the peoples of the world, past and present, is a worthy goal; that general knowledge is a dynamic process using many different and ever-evolving approaches; and that for moral and practical reasons, the generation and utilization of knowledge should be achieved in an ethical manner.

The purpose of this Code is to provide AAPA members and other interested persons with guidelines for making ethical choices in the conduct of their physical anthropological work. Because physical anthropologists can find

themselves in complex situations and subject to more than one code of ethics, the AAPA Code of Ethics provides a framework, not an ironclad formula, for making decisions.

Physical anthropologists have a duty to be informed about ethical codes relating to their work and ought periodically to receive training on ethical issues. In addition, departments offering anthropology degrees should include and require ethical training in their curriculums.

No code or set of guidelines can anticipate unique circumstances or direct actions required in any specific situation. The individual physical anthropologist must be willing to make carefully considered ethical choices and be prepared to make clear the assumptions, facts and issues on which those choices are based. These guidelines therefore address general contexts, priorities and relationships that should be considered in ethical decision making in physical anthropological work.

### **III. Research**

In both proposing and carrying out research, anthropological researchers must be open about the purpose(s), potential impacts, and source(s) of support for research projects with funders, colleagues, persons studied or providing information, and with relevant parties affected by the research. Researchers must expect to utilize the results of their work in an appropriate fashion and disseminate the results through appropriate and timely activities. Research fulfilling these expectations is ethical, regardless of the source of funding (public or private) or purpose (i.e., "applied," "basic," "pure," or "proprietary").

Anthropological researchers should be alert to the danger of compromising anthropological ethics as a condition to engage in research, yet also be alert to proper demands of good citizenship or host-guest relations. Active contribution and leadership in seeking to shape public or private sector actions and policies may be as ethically justifiable as inaction, detachment, or noncooperation, depending on circumstances. Similar principles hold for anthropological researchers employed or otherwise affiliated with nonanthropological institutions, public institutions, or private enterprises.

#### **A. Responsibility to people and animals with whom anthropological researchers work and whose lives and cultures they study.**

1. Anthropological researchers have primary ethical obligations to the people, species, and materials they study and to the people with whom they work. These obligations can supersede the goal of seeking new knowledge, and can lead to decisions not to undertake or to discontinue a research project when the primary obligation conflicts with other responsibilities, such as those owed to sponsors or clients. These ethical obligations include:

To respect the well-being of humans and nonhuman primates

To work for the long-term conservation of the archaeological, fossil, and historical records

To consult actively with the affected individuals or group(s), with the goal of establishing a working relationship that can be beneficial to all parties involved

2. Anthropological researchers must do everything in their power to ensure that their research does not harm the safety, dignity, or privacy of the people with whom they work, conduct research, or perform other professional activities

3. Anthropological researchers must determine in advance whether their hosts/providers of information wish to remain anonymous or receive recognition, and make every effort to comply with those wishes. Researchers must present to their research participants the possible impacts of the choices, and make clear that despite their best efforts, anonymity may be compromised or recognition fail to materialize.

4. Anthropological researchers should obtain in advance the informed consent of persons being studied, providing information, owning or controlling access to material being studied, or otherwise identified as having interests which might be impacted by the research. It is understood that the degree and breadth of informed consent required will depend on the nature of the project and may be affected by requirements of other codes, laws, and ethics of the country or community in which the research is pursued. Further, it is understood that the informed consent process is dynamic and continuous; the process should be initiated in the project design and continue through implementation by way of dialogue and negotiation with those studied. Researchers are responsible for identifying and complying with the various informed consent codes, laws and regulations affecting their projects. Informed consent, for the purposes of this code, does not necessarily imply or require a particular written or signed form. It is the quality of the consent, not the format, that is relevant.

5. Anthropological researchers who have developed close and enduring relationships (i.e., covenantal relationships) with either individual persons providing information or with hosts must adhere to the obligations of openness and informed consent, while carefully and respectfully negotiating the limits of the relationship.

6. While anthropologists may gain personally from their work, they must not exploit individuals, groups, animals, or cultural or biological materials. They should recognize their debt to the societies in which they work and their obligation to reciprocate with people studied in appropriate ways.

## **B. Responsibility to scholarship and science**

1. Anthropological researchers must expect to encounter ethical dilemmas at every stage of their work, and must make good-faith efforts to identify potential ethical claims and conflicts in advance when preparing proposals and as projects proceed.
2. Anthropological researchers bear responsibility for the integrity and reputation of their discipline, of scholarship, and of science. Thus, anthropological researchers are subject to the general moral rules of scientific and scholarly conduct: they should not deceive or knowingly misrepresent (i.e., fabricate evidence, falsify, plagiarize), or attempt to prevent reporting of misconduct, or obstruct the scientific/scholarly research of others.
3. Anthropological researchers should do all they can to preserve opportunities for future fieldworkers to follow them to the field.
4. Anthropological researchers should utilize the results of their work in an appropriate fashion, and whenever possible disseminate their findings to the scientific and scholarly community.
5. Anthropological researchers should seriously consider all reasonable requests for access to their data and other research materials for purposes of research. They should also make every effort to ensure preservation of their fieldwork data for use by posterity.

## **C. Responsibility to the public**

1. Anthropological researchers should make the results of their research appropriately available to sponsors, students, decision makers, and other nonanthropologists. In so doing, they must be truthful; they are not only responsible for the factual content of their statements but also must consider carefully the social and political implications of the information they disseminate. They must do everything in their power to insure that such information is well understood, properly contextualized, and responsibly utilized. They should make clear the empirical bases upon which their reports stand, be candid about their qualifications and philosophical or political biases, and recognize and make clear the limits of anthropological expertise. At the same time, they must be alert to possible harm their information may cause people with whom they work or colleagues.
2. Anthropologists may choose to move beyond disseminating research results to a position of advocacy. This is an individual decision, but not an ethical responsibility.

#### **IV. Teaching Responsibility to students and trainees**

While adhering to ethical and legal codes governing relations between teachers/mentors and students/trainees at their educational institutions or as members of wider organizations, anthropological teachers should be particularly sensitive to the ways such codes apply in their discipline (for example, when teaching involves close contact with students/trainees in field situations). Among the widely recognized precepts which anthropological teachers, like other teachers/mentors, should follow are:

1. Teachers/mentors should conduct their programs in ways that preclude discrimination on the basis of sex, marital status, "race," social class, political convictions, disability, religion, ethnic background, national origin, sexual orientation, age, or other criteria irrelevant to academic performance.
2. Teachers'/mentors' duties include continually striving to improve their teaching/training techniques; being available and responsive to student/trainee interests; counseling students/ trainees realistically regarding career opportunities; conscientiously supervising, encouraging, and supporting students'/trainees' studies; being fair, prompt, and reliable in communicating evaluations; assisting students/trainees in securing research support; and helping students/trainees when they seek professional placement.
3. Teachers/mentors should impress upon students/trainees the ethical challenges involved in every phase of anthropological work; encourage them to reflect upon this and other codes; encourage dialogue with colleagues on ethical issues; and discourage participation in ethically questionable projects.
4. Teachers/mentors should publicly acknowledge student/trainee assistance in research and preparation of their work; give appropriate credit for coauthorship to students/trainees; encourage publication of worthy student/trainee papers; and compensate students/trainees justly for their participation in all professional activities.
5. Teachers/mentors should beware of the exploitation and serious conflicts of interest which may result if they engage in sexual relations with students/trainees. They must avoid sexual liaisons with students/trainees for whose education and professional training they are in any way responsible.

#### **V. Application**

1. The same ethical guidelines apply to all anthropological work. That is, in both proposing and carrying out research, anthropologists must be open with funders, colleagues, persons studied or providing information, and relevant

parties affected by the work about the purpose(s), potential impacts, and source(s) of support for the work. Applied anthropologists must intend and expect to utilize the results of their work appropriately (i.e., publication, teaching, program and policy development) within a reasonable time. In situations in which anthropological knowledge is applied, anthropologists bear the same responsibility to be open and candid about their skills and intentions, and monitor the effects of their work on all persons affected. Anthropologists may be involved in many types of work, frequently affecting individuals and groups with diverse and sometimes conflicting interests. The individual anthropologist must make carefully considered ethical choices and be prepared to make clear the assumptions, facts and issues on which those choices are based.

2. In all dealings with employers, persons hired to pursue anthropological research or apply anthropological knowledge should be honest about their qualifications, capabilities, and aims. Prior to making any professional commitments, they must review the purposes of prospective employers, taking into consideration the employer's past activities and future goals. In working for governmental agencies or private businesses, they should be especially careful not to promise or imply acceptance of conditions contrary to professional ethics or competing commitments.

3. Applied anthropologists, as any anthropologist, should be alert to the danger of compromising anthropological ethics as a condition for engaging in research or practice. They should also be alert to proper demands of hospitality, good citizenship and guest status. Proactive contribution and leadership in shaping public or private sector actions and policies may be as ethically justifiable as inaction, detachment, or noncooperation, depending on circumstances.

## **VI. Epilogue**

Anthropological research, teaching, and application, like any human actions, pose choices for which anthropologists individually and collectively bear ethical responsibility. Since anthropologists are members of a variety of groups and subject to a variety of ethical codes, choices must sometimes be made not only between the varied obligations presented in this code but also between those of this code and those incurred in other statuses or roles. This statement does not dictate choice or propose sanctions. Rather, it is designed to promote discussion and provide general guidelines for ethically responsible decisions.

(AAPA, 2003)

**Appendix 2.3**  
**American Academy of Forensic Sciences**  
**Code of Ethics and Conduct**

**THE CODE:** As a means to promote the highest quality of professional and personal conduct of its members and affiliates, the following constitutes the Code of Ethics and Conduct which is endorsed and adhered to by all members and affiliates of the American Academy of Forensic Sciences:

- a. Every member and affiliate of the American Academy of Forensic Sciences shall refrain from exercising professional or personal conduct adverse to the best interests and purposes of the Academy.
  
- b. Every member and affiliate of the AAFS shall refrain from providing any material misrepresentation of education, training, experience or area of expertise. Misrepresentation of one or more criteria for membership or affiliation with the AAFS shall constitute a violation of this section of the code.
  
- c. Every member and affiliate of the AAFS shall refrain from providing any material misrepresentation of data upon which an expert opinion or conclusion is based.
  
- d. Every member and affiliate of the AAFS shall refrain from issuing public statements that appear to represent the position of the Academy without specific authority first obtained from the Board of Directors.



**Appendix 2.4**  
**International Forensic Centre of Excellence for the Investigation of**  
**Genocide (INFORCE)**  
**Code of Conduct and Ethical Guidance**

1. Overriding Code of Conduct
  - to at all times uphold respect for human life and dignity
  - to act with integrity and honest in all circumstances
  - to be apolitical
  - to provide confidential informed and impartial advice
  - to practice within relevant current legal and regulatory frameworks
  - to respect the cultural and religious values of the host country, community or society
  - to promote the improvement of standards and service through the development and adoption of protocols and standard operating procedures as well as professional bodies, education, research and best practice
  - to keep up-to-date with developments in field and/or laboratory techniques as appropriate
  - to refrain from issuing states which appear to represent the position of the organization as a whole without specific authority to do so
  - to prevent and outlaw malpractice
  - not to accept core or program funding from any organization consider to be inappropriate in any given context
2. Contractual and Operational Involvement
  - to provide services to the highest standards of excellence within the organization's and the individual practitioner's field of competence
  - to uphold the terms of service agreed at the outset of any contract
  - to work within define resource constraints (time, personnel, financial)
  - to set 'reasonable' fees consistent with those charge by other forensic scientists, or other relevant professionals, these will reflect any given security situation or specific considerations in overseas missions
  - to refrains from undertaking work on a contingency fee basis
  - to refrain from taking instructions from any party or organization that is legally unacceptable, or that conflicts with our organizational values and ethics, or which precludes good scientific practice
  - to recognize and advise on techniques from an informed basis only
  - to maintain the highest level of objectivity in all cases and to accurately present the facts involves based on the limitations of the evidence itself
  - while adhering to the Inforce Protocols and Standard operating Procedures where possible, to accept the need to adapt methodology when warranted by particular circumstances

- to ensure appropriate reporting and archiving/storage of findings and data
- to refrain from working with non-police or other informal investigative agencies or to jeopardize on-going police or other formal enquiries

### 3. Treatment of Human Remains in Investigations, Analysis and Research

- to accord human remains decency, dignity and respect under all circumstances
- to accord survivors and relatives respect and have due regard to their emotional, religious and cultural needs
- to make all possible efforts to obtain the consent of communities and families for tissue sampling, where to obtain such is possible
- to refrain from removing samples from human remains for forensic or research purposes unless commensurate with legal, religious and cultural dictates where such a judgement is possible
- to ensure, wherever possible, that all human material taken for sampling or removed in the process of sampling, is ultimately interred with the remains
- to avoid undertaking research using material or data derived from unethical contexts
- to undertake research based only upon sound scientific principles, such research should be based upon research designs approved by the Inforce Executive
- to disseminate, where possible, the results of research and field work which may increase knowledge or provide beneficial information for future work
- to respect the fieldwork, research, and intellectual property of others
- to refrain from undertaking research using animal remains outside of current legislation and without due regard to the environment or public health
- to adopt and adhere to international, and relevant national and local regulations and legislation governing the use of human remains in research

### 4. Acting as an Expert Witness

- to offer opinions only on matter within one's own area of specialism and competence
- to explicitly state the limitations of the evidence itself
- to explicitly state the limitations of the methodologies employed
- to make every effort to use language and terminology that can be understood by the court
- to clearly differentiate between scientific results and expert opinion
- to disclose all findings, irrespective of their implications

- to comment on the work of another expert in good faith, objectively and not maliciously
  - to recognize our over-riding duty to the proper administration of justice
5. Education and Public Liaison
- only to use human remains in teaching if their provenance is acceptable both legally and ethically
  - to avoid using human remains in education in any way that might detract from the value of human life and dignity
  - only to use illustrative material of human remains when necessary in publication or lecture irrespective of the level of the intended readership or audience
  - to make efforts to ensure that illustrative material will not be offensive from any legal, political, cultural or religious point of view
  - only to use shocking, horrific or explicit illustrations where such is beneficial, and only to professional audiences
  - to include tuition on ethics in forensic practice in programs at all levels of education

(INFORCE, 2006)

**Appendix 2.5**  
**Argentine Forensic Anthropology Team (EAAF)**  
**Six Main Ethical Objectives**

1. We apply forensic scientific methodology to the investigations and documentation of human rights violations.
2. As expert witnesses, we give testimony of our findings in trials and other judicial inquiries in human rights cases.
3. Through the identification of the victims, we can provide some solace to their families who are at last able to properly mourn and bury their dead.
4. We help train new teams in other countries where investigations into human rights violations are necessary.
5. At the request of human rights organizations, judicial systems and forensic institutes, we give seminars on the application of forensic science to the investigation of human rights violations.
6. Finally, by providing scientific evidence of massive human rights violations, we provide evidence to reconstruct the often distorted or hidden histories of repressive regimes.

(Doretta and Snow, 2003: 293)

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