

directing council

regional committee

PAN AMERICAN
HEALTH
ORGANIZATION

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HEALTH
ORGANIZATION



XVI Meeting

XVII Meeting

Washington, D. C.
September- October 1965

Provisional Agenda Item 32

CD16/27 (Eng.)
23 August 1965
ORIGINAL: SPANISH

INTERNATIONAL TRANSPORTATION OF HUMAN REMAINS

The 52nd Meeting of the Executive Committee examined Document CE52/17, which contained a summary of legislation currently in force on the international transportation of human remains in 21 countries and political entities in the Americas (Annex I). This document has been brought up to date by the addition of the replies subsequently received from the Governments (Annex II). These replies now number 31 so that a more complete picture of current legislation is available.

In compliance with Resolution XVIII of the 52nd Executive Committee Meeting, the Director entrusted the preparation of a report on the matter to an advisory group. The group composed of Mr. William Annetti, Memorial Division, Department of the Army, and Mr. John F. Harty, Director, Health Law Center, Graduate School of Public Health, University of Pittsburgh, prepared a report and also established a set of basic regulations for the international transportation of human remains in the Americas (Annex III).

In compliance with the same resolution, the Director has the honor of transmitting to the Directing Council for its consideration, the document on current legislation and the report of the advisory group.

It is also appropriate to mention the discussion on this item during the Executive Committee Meeting, at which time Dr. Alberto Calvo, the Representative of Panama, indicated the possibility of having the next Pan American Sanitary Conference take a decision, with the authorization of the Governments, and suggested that regulations governing the international transportation of human remains might possibly be incorporated into the International Sanitary Regulations. Dr. Manuel B. Márquez Escobedo (Mexico) was not in favor of their inclusion in the International Sanitary Regulations because, as was subsequently explained, these consist of a codification and revision of earlier international sanitary conventions and of other agreements.

But these two representatives and Dr. Manoel José Ferrsira of Brazil, Dr. Charles C. Wedderburn of Jamaica, and Dr. Daniel Orellana of Venezuela, all agreed that the opinion of the Governments should be sought. It was further stated that any regulations that might be prepared should not be limited to the Americas, but should be of worldwide application, and that the Director-General of the World Health Organization should therefore be consulted. Dr. Orellana pointed out that a detailed study of the situation would have to be made in each country in order to change current provisions which had not been revised for some time.

The Director of the Bureau will comply with any recommendations the Directing Council may wish to make. The Council might, for instance wish to recommend that the Governments of the Organization be consulted direct, in which case the Secretariat would transmit the report of the advisory group and excerpts of the pertinent minutes to the Governments, and would subsequently prepare a document summarizing the replies received. That document could then be submitted to a special committee representing the legal, moral, social and health interests concerned, and the special committee could also prepare a set of draft regulations to govern the international transportation of human remains in the Americas.

Alternatively the Council might decide to have the Executive Committee constitute itself into a working party to advise the Council or the Conference. The draft regulations could then be submitted to a special conference, or even to the next Pan American Sanitary Conference, if there was a desire to give the regulations the formal nature of an international agreement or convention within the inter-American system.

The sole aim of outlining these alternative procedures is to facilitate discussion by the Directing Council, which may approve or so modify them as it deems advisable to gain the ultimate objective, which is to achieve uniformity in the Americas in regulations on the international transportation of human remains.

Annexes I, II, and III.

CD16/27 (Eng.)
ANNEX I

INTERNATIONAL TRANSPORTATION OF HUMAN REMAINS

Document CE52/17
presented to the
52nd Meeting of the Executive Committee
of the
Pan American Health Organization

executive committee of
the directing council

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working party of
the regional committee

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52nd Meeting
Washington, D. C.
April 1965

Provisional Agenda Item 19

CE52/17 (Eng.)
27 March 1965
ORIGINAL: SPANISH

INTERNATIONAL TRANSPORTATION OF HUMAN REMAINS

The legislation on the international transportation of human remains which is currently in force in the countries of the Americas is most varied and complex. In fact, each country has its own provisions which, although similar in some basic aspects, are distinct in all the other aspects. Some countries have specific regulations governing the entry or departure of human remains, while others have only a general rule which states that the authorities concerned may decide on the matter, and still another group of countries has no regulations or provisions of any kind, and each case that arises is decided according to previous administrative practices.

To give a clearer idea of the present situation, a list of countries appears below with an indication of its current legislation in this regard:

Brazil. Has no law or regulation on the matter but a service standard of the Department of Civil Aeronautics, Traffic Division instead, which establishes the requirements for the transport of human remains on board of commercial airplanes.

Bolivia. Permission to introduce human remains into or take them out of the country is given by the Public Health Ministry in accordance with Article 139 of the Sanitary Code of 1958 .

British Guiana. In accordance with the Public Health Ordinance, the entry of human remains into national territory requires the approval of the Central Health Board.

British Honduras. Has no law or regulations on the matter.

Chile. The General Provisions Regulating Cemeteries of 14 April 1932 provide that the entry of human remains coming from abroad via either land, sea, or air, must be requested from the General Department of Health, which requires documents duly authorized by the health authorities at the point of origin indicating that the human remains represent no (health) hazard, and such documentation has to bear the visa of a Chilean Consul.

Colombia. Has no law or special regulations in the matter.

Costa Rica. Human remains may be introduced into the national territory only upon authorization by the Public Health Ministry (Article 142 of the Sanitary Code of 1949).

Cuba. The provisions for introducing human remains into the national territory are contained in the Manual on Standards and Procedures of the Ministry of Foreign Affairs. In addition, there is the Special Instruction No. 1-67 of 20 July 1961 issued by the Department of Environmental Sanitation of the Ministry of Public Health regulating the matter.

Dominican Republic. The relevant provisions are Article 138 of the Public Health Code and the Cemetery Regulations.

Ecuador. The international transportation of human remains must in each case be authorized by the Department of Public Health, which will bear in mind the international regulations and internal provisions for either granting or denying permission (Article 106 of the Sanitary Code).

El Salvador. According to the Sanitary Code, human remains or bones may only be introduced into the national territory upon authorization by the Ministry of Public Health, which will grant such permission upon a favorable report from the General Department of Public Health.

Guatemala. Has no specific legislation on the international transfer of human remains and every case that arises is decided by the General Department of Public Health together with the Higher Public Health Council.

Haiti. Has no law or regulation governing this matter but the Public Hygiene Department of the Department of Public Health and Population has established a procedure for transporting human remains out of the country.

Honduras. There are provisions to the effect that human remains may not be taken in or out of the country without the permission of the health authorities in question or the Ministry of Public Health and Social Welfare issued upon a favorable report from the General Department of Public Health (Article 114 of the Sanitary Code and Regulations of Hygiene and Public Health).

Mexico. The Sanitary Code requires that the introduction or departure of human remains must be approved by the Federal Health Authorities (Article 111 of the Sanitary Code). In addition the Federal Regulations on Cemeteries, Inhumations, Exhumations, Conservation, and Transfer of Human Remains of 28 February 1928 contains in its Chapter III the provisions regulating this matter (Articles 23 and 41, and subsequent articles).

Nicaragua. Has no legislation or special regulations on the matter.

Panama. According to the Health Code, permits for the exhumation and international transportation of human remains are issued by the Public Health Department in accordance with the relevant international regulations.

Paraguay. No legislation of any kind on this matter. In practice this matter is handled by the Biostatistics Department of the Ministry of Health.

Peru. The pertinent legislation is the Executive Decree of 8 June 1923 regulating the introduction into the country of human remains of persons who have died abroad and the export of human remains.

United States of America. Section 72.12 of the Department of State Regulations deals with the transportation of human remains to the U. S.A. and establishes the requisites to be met in such cases. The Department of the Army likewise has regulations on the care and transfer of human remains, with a section which deals with transportation.

Venezuela. Regulations on Cemeteries, Inhumations and Exhumations (Decree No. 115 of 3 November 1948) states that for the transfer abroad or from abroad to Venezuela the corps must be embalmed except where burial is to take place within 36 hours after dead, and without prejudice to the provisions of international agreements.

The preceding summary indicates that there is no uniformity in the rules and regulations governing the international transportation of human remains. It would therefore be useful to establish a standard system for general application in the Americas in a manner deemed most advisable. From the moral viewpoint there is no doubt that clearly established regulations would greatly ease the situation in which the relatives of a deceased person find themselves when they wish to bury that person in native soil. The matter is one of possible solution in the interest of such moral considerations. It is a problem which has recently become more topical because land, sea, and air travel between countries has become more frequent and commonplace in our times.

The Director of the Bureau submits this information to the Executive Committee for consideration, at the invitation of the Delegation of the United States of America, which has repeatedly indicated its interest in the matter. The Director requests the Committee to indicate which measures it considers advisable.

CD16/27 (Eng.)
ANNEX II

ADDENDUM

INFORMATION RECEIVED SINCE
THE 52nd MEETING OF THE EXECUTIVE COMMITTEE

Antigua. Sections 24 and 161 of the Public Health Ordinance No. 34, of 1956, contain the provisions relating to the transportation of human remains to another Leeward island or any other place. The Central Board of Health is authorized to grant permission for the removal of a body from the island.

Argentina. Title VII (Chapters 1 (Resolution of 16 January 1937) and 2 (Resolution of 19 January 1937)) of the "Digesto Sanitario" refers to the shipment of corpses. The authorization to send human remains to other cities within or outside the country is given directly by the Dirección de Sanidad de Fronteras y Transportes, under certain conditions, and the authorization to unload a corpse is given by the medical sanitary officer of the harbor.

Barbados. The Director of Medical Services or any Medical Officer appointed by him for the purpose, gives or rejects permission for the transportation of remains, under certain conditions. (Public Health Act, 1954, Importation and Exportation of Human Remains, Regulations. 1959.)

Dominica. The Medical and Sanitary Services Ordinance No. 9, of 1935, Section 11, regulates the conditions under which a dead human body can be brought into the island.

Jamaica. There is no legislation relating to the importation of human remains; however, they have been acting on a circular from the Secretary of State for the Colonies (United Kingdom), of 1955.

Montserrat. Has no law on the matter.

St. Kitts. There are no provisions in the Sanitary or Customs Ordinance on the transportation of corpses; some health regulations have been drawn up, but do not have the force of law. According to them, corpses must be in a coffin sealed in a leaden casket.

St. Lucia. The official of the Sanitary Authority is the only person to whom the dead body entering the island should be delivered. The body must be delivered in an impermeable coffin.

St. Vincent. There are no sanitary or customs regulations governing the importation or exportation of human remains. Moreover, there are no facilities for embalming or cremation. The Health Authority requires the human remains to be encased in a hermetically sealed metal container and placed in a wooden coffin or box.

Surinam. The Burial Ordinance issued, 1926, indicates that in order to transport a dead body from or to Surinam, permission is needed from the Attorney General. Transportation must be done in a hermetically sealed metal coffin, contained in a wooden coffin that is properly closed.

CD16/27 (Eng.)
ANNEX III

REPORT OF THE STUDY GROUP
ON
INTERNATIONAL TRANSPORTATION OF HUMAN REMAINS

PAN AMERICAN SANITARY BUREAU

Regional Office of the
WORLD HEALTH ORGANIZATION

REPORT OF THE STUDY GROUP

ON

INTERNATIONAL TRANSPORTATION OF HUMAN REMAINS

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August 1965

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REPORT OF THE STUDY GROUP
ON
INTERNATIONAL TRANSPORTATION OF HUMAN REMAINS
(Pan American Sanitary Bureau)

ABSTRACT

The legislation on international transportation of human remains which is currently in force in the countries of the Americas is varied and complex. In the group of countries which have no regulations or provisions of any kind, each case that arises is decided according to previous administrative practices. In general, existing requirements for international transportation of human remains are not compatible to the modern day travel needs of a world society.

It is particularly important to note that many countries require that an entire baggage freight car, or individual compartment of an aircraft, be devoted to the single purpose of transporting a human remains. The expense of such exclusive transit could well reach several thousand dollars and, in effect preclude the return of a remains to the homeland for interment in native soil.

It is recommended that international legal and hygienic requirements for importation and/or exportation of human remains within the Americas be unified and standardized.

GENERAL

1.1 REFERENCES

a. Item 19; International Transportation of Human Remains, Ninth Plenary Session, 52nd Meeting of the Executive Committee (Washington, D.C., 19-23 April 1965), CE52/17 (Eng.)

b. Resolution XVIII, International Transportation of Human Remains, CE52/22 (Eng.). 52nd Meeting of the Executive Committee (Washington, D.C., 19-23 April 1965).

1.2 AUTHORITY

Resolution XVIII, International Transportation of Human Remains, CE52/22 (Eng.). 52nd Meeting of the Executive Committee (Washington, D.C., 19-23 April 1965).

1.3 OBJECTIVES

To review and evaluate the suitability of existing requirements for importation and/or exportation of human remains within the Americas, taking into consideration:

a. The moral viewpoint concerned with the facility of movement of a human remains, in accordance with the desires of the next of kin, for interment in native soil.

b. The pressing need for the establishment and application of a standard procedure for transportation of human remains in the Americas due to the more frequent and commonplace land, sea, and air travel between these countries.

c. The documentation of a human remains, unlike the transfer of a parcel of real estate, is a sensitive matter which should be handled in a decorous manner, with minimal inconvenience and delay.

1.4 RESPONSIBILITIES

Each individual country within the framework of the Americas bears a deep responsibility for facilitating the national and/or international movement of human remains, in accordance with the desires of the next of kin.

1.5 BACKGROUND

a. From time to time a group of countries have endeavored to develop "International Arrangements" concerning the movement of human remains, i.e. The Berlin Convention of 1937 on Shipment of Dead Bodies; however, in most instances the signatory countries have failed to ratify these arrangements. In general, each nation has developed its own legal and sanitary rules for national and international transportation of human remains. These rules, in general, have been developed without consideration for the requirements of neighboring or distant countries. In fact, each country has its own provisions which, although similar in some basic aspects, are distinct in all the other aspects. This has resulted in a series of regulations which are most varied and complex, and in general are outmoded and outdated with regard to modern medical knowledge, transportation facilities, and experience.

b. A factor which has prompted the development of this maze of rules and regulations is undoubtedly the ingrained fear of communicating infectious disease through the exportation and/or importation of human remains. The United States of America through its importation of tens of thousands of war dead following World War II and during the Korean conflict, plus the current importation of its deceased servicemen from all quarters of the world, has clearly demonstrated that the theory of communicating infectious disease through international transportation of human remains is unfounded.

c. The procedure utilized for the World War II program was simple. The human remains was liberally sprinkled with a powder compound which contained formalin, wrapped in a blanket and placed in a metal hermetically sealed (rubber gasket) casket, which in turn was placed in a wood outside box for transportation. During the Korean conflict, remains were embalmed in accordance with United States standards and placed in a metal hermetically sealed (rubber gasket) casket, which was placed in a wood outside box for transportation.

d. Increase in the use of air transportation prompted the United States Military Services to develop a re-usable, light weight, aluminum transfer case. Accordingly, the present military procedure provides that the remains be embalmed, wrapped in a plastic sheet and placed in the re-usable, hermetically sealed (rubber gasket) transfer-case for transportation to the United States. After each use the transfer-case is disinfected and returned to the overseas area for re-use.

Since the transfer case is a re-usable item, the plastic sheet is utilized to assist in maintaining the septic condition of the transfer case, by containing any leakage which might occur from the corpse.

e. A single-use (less sophisticated and less costly) hermetically sealed (rubber gasket) steel transfer case has been commercially developed. This transfer case has been used by the Government of the Netherlands for returning deceased servicemen to the homeland.

1.6 FINDINGS

a. Legislation on the international transportation of human remains that is currently in force in the Americas is most varied and complex. Each country has its own provisions which, although similar in some basic aspects, are distinct in other aspects.

b. Some countries have specific regulations, others have only a general rule which states that the authority concerned decides on the matter. Still another group has no regulations or provision of any kind on the subject, with each case being decided as it arises according to previous administrative practices.

c. It is noted that a requirement is imposed by some countries for consular inspection, and preparation of a certificate attesting that the casket contains only the body of the decedent. It is conceded that a possibility exists wherein contraband may be concealed with a human remains. However, it is considered to be a remote possibility since it would require the coordination of many factors, to include opportune death.

1.7 CONCLUSION

a. In general, existing requirements for international transportation of human remains are not responsive to the travel patterns of a world society and are not compatible with modern scientific knowledge; these requirements merit simplification, standardization and up-dating in order to alleviate unnecessary international difficulties for the survivors in their efforts to transport remains for interment.

b. To this end, the Study Group has prepared a working paper outlining a set of standards and regulations which could be considered for use by all the Americas.

DRAFT PROPOSAL FOR

INTERNATIONAL TRANSPORTATION OF HUMAN REMAINS

General Standards for the Americas

I. Basic Criteria

1. To avoid the difficulties resulting from differences in the regulations concerning the transportation of human remains and to establish uniform and standardized rules on the subject.

2. Transit of human remains between countries should be simplified to take into consideration the moral and social aspects of the matter.

3. Transportation of human remains should not be authorized when the cause of death has been yellow fever, plague, cholera, smallpox, typhus, relapsing fever, or any other epidemic disease subject to notification by the International Sanitary Regulations, unless special requirements are met in order to avoid the possibility of transmission.

4. To simplify the administrative procedures to follow in these cases, and specially to give the authority to a single officer, normally of the Public Health Service, to permit the export and/or import of human remains.

5. To consider the transportation of human remains between frontier districts as taking place in a single country.

6. Transportation of human ashes should not be subject to any regulations.

7. International transportation of human remains refers exclusively to bodies immediately after death or exhumation. Each country establishes its own rules with respect to burial and exhumation.

8. The countries of the Americas remain free to permit less formalities, either by bilateral agreements or by decisions in particular cases arrived at by common accord.

II. Documentation

1. For international transportation of human remains, the following documents must accompany the body:

a. A certified certificate of death issued by the local registrar of death, or similar authority, showing the name, age, nationality of the deceased person; the place, date, and cause of death as certified by the attending physician;

b. A statement by the person who prepared the remains stating that the body was properly prepared by him, and that he has complied with the ideal measures stated in Section III.

c. A transit permit stating the surname, first name and age of the deceased person, and the place and cause of death, issued by the competent authority for the place of death, or the place of burial in the case of exhumed human remains.

2. The said transit permit shall not be issued by the responsible authority, save on presentation of:

a. A certified death certificate;

b. Official statement to the effect that transportation of the human remains is not open to objection from the legal point of view, and that the human remains has been placed in a container (transfer-case, coffin, casket) in accordance with those regulations.

III. Hygienic Measures

The human remains is to be subject to the following measures either:

a. thoroughly washing it with an effective disinfectant, disinfect all orifices, pack all orifices with cotton saturated with an effective disinfectant, wrapped in a sheet saturated with an effective disinfectant, and place in a hermetically sealed (rubber gasket or soldered) metal container (transfer-case, coffin, casket); or

b. properly embalmed (arterial and cavity) and placed in a hermetically sealed (rubber gasket or soldered) metal container (transfer-case, coffin, casket).

IV. Shipment Requirements

Human remains prepared for international shipment must be placed in a metal container (transfer-case, coffin, casket). Where the cause of death was a contagious disease, the human remains must be embalmed (arterial and cavity) and placed in a hermetically sealed metal container, or cremated.

The metal container (transfer-case, coffin, casket) must thereupon be hermetically sealed (soldered or rubber gasket). The hermetically sealed container (transfer-case, coffin, casket) may be shipped without further encasement (other than by sea transport); or for protective purposes may be fitted in a wood or composition box in such a manner as to preclude movement; or may be placed in a specially designed fabric receptacle.

V. Transportation by Rail

In that case, the following regulations shall apply:

a. The metal container (transfer-case, coffin, casket) must be conveyed in a baggage car, or the baggage portion of a passenger car; except if it is handed over for conveyance in a closed hearse or vehicle (truck), and remain in the same.

b. Each country shall be responsible for fixing the intransit time-limit within which the body must be removed on arrival.

c. Transportation must be by the speediest route, and as far as possible, without trans-shipment.

d. No articles may be transported along with the metal container other than wreaths, bunches of flowers and the like.

VI. Transportation by Road

The following regulations shall apply:

a. The metal container (transfer-case, coffin, casket) must be conveyed preferably in a closed hearse or, failing such, in an ordinary closed van

b. No articles may be transported with the metal container other than wreaths, bunches of flowers and the like.

VII. Transportation by Air

The following regulations shall apply:

a. The metal container must be conveyed in a aircraft specially used for the purpose (chartered), or in a baggage compartment of a passenger aircraft or cargo airline.

b. No articles may be transported along with the metal container in the same aircraft or in the same compartment, other than wreaths, bunches of flowers and the like.

VIII. Transportation by Sea

The following regulations shall apply:

The metal container must itself be packed in an ordinary wooden or composition material case, or may be placed in a specially designed fabric container, in such a manner as to preclude movement.