



On approval of the Model Rules for burial and organization of care for graves

Unofficial translation

Order of the Minister of National Economy of the Republic of Kazakhstan dated May 31, 2019 No. 48. Registered with the Ministry of Justice of the Republic of Kazakhstan on June 3, 2019 No. 18771.

Unofficial translation

Under sub-paragraph 1-16) of paragraph 1 of Article 27 of the Law of the Republic of Kazakhstan “On Local Public Administration and Self-Government in the Republic of Kazakhstan” **I HEREBY ORDER:**

Footnote. The preamble - as reworded by Order No. 90 of the Minister of National Economy of the Republic of Kazakhstan dated 06.10.2021 (shall come into force ten calendar days after the date of its first official publication).

1. To approve the attached Model Rules for burial and organization of care for graves.
2. The Department of Regional Development in the manner prescribed by law of the Republic of Kazakhstan shall ensure:
 - 1) state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;
 - 2) within ten calendar days from the date of the state registration of this order, the direction hereof both in Kazakh and Russian languages to the Republican State Enterprise on the right of economic management "Republican Center for Legal Information of the Ministry of Justice of the Republic of Kazakhstan" for official publication and placement in the Reference Control Bank of the regulatory legal acts of the Republic of Kazakhstan;
 - 3) placement of this order on the Internet resource of the Ministry of National Economy of the Republic of Kazakhstan;
 - 4) within ten working days after the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan, submission to the Legal Department of the Ministry of National Economy of the Republic of Kazakhstan on the implementation of measures provided for in subparagraphs 1), 2) and 3) of this paragraph.
3. The control over the execution of this order is assigned to the Supervising Vice Minister of National Economy of the Republic of Kazakhstan.
4. This order shall come into effect upon expiry of ten calendar days after the day of its first official publication.

*Minister of National Economy
of the Republic of Kazakhstan*

R. Dalenov

“AGREED”

Ministry of Agriculture
of the Republic of Kazakhstan
“AGREED”

Ministry of Information and Social Development
of the Republic of Kazakhstan
“AGREED”

Ministry of Healthcare
of the Republic of Kazakhstan
“AGREED”

Ministry of Industry and Infrastructure Development
of the Republic of Kazakhstan
“AGREED”

Ministry of Finance
of the Republic of Kazakhstan
“AGREED”

Ministry of Culture and Sports
of the Republic of Kazakhstan

Approved
by Order of the Minister
of National Economy
of the Republic of Kazakhstan
No. 48 of May 31, 2019

Model Rules for Burial and Organisation of Care for Graves

Footnote. Model Rules - as reworded by Order No. 90 of the Minister of National Economy of the Republic of Kazakhstan dated 06.10.2021 (shall be put into effect ten calendar days after the date of its first official publication).

Chapter 1. General provisions

1. These Model Rules for Burial and Organisation of Care for Graves (hereinafter - Model Rules) have been developed under sub-paragraph 1-16) of paragraph 1 of Article 27 of the Law of the Republic of Kazakhstan “On Local Public Administration and Self-Government in the Republic of Kazakhstan” and determine the procedure for burial and organisation of care for graves.

Sanitary and epidemiological requirements for the care and use of the cemeteries, organisation of burial and reburial of the dead or their remains, as well as funeral facilities shall be established by the Sanitary Regulations “Sanitary and Epidemiological Requirements for Cemeteries and Funeral Facilities”, approved by order of the Minister of Health of the Republic of Kazakhstan № KR DSM-81 of August 19, 2021 “On Approval of the Sanitary Regulations “Sanitary and Epidemiological Requirements for Cemeteries and Funeral

Facilities” (recorded in the Register of the State Registration of Regulatory Legal Acts under No. 24066).

Footnote. Paragraph 1 - as reworded by order of the Minister of National Economy of the Republic of Kazakhstan No. 65 of 19.09.2022 (shall come into effect upon expiry of ten calendar days after the day of its first official publication).

2. The following basic terms and concepts are used herein:

- 1) department for registration of civil status acts (hereinafter referred to as the registering body) - a local executive body responsible for state registration of civil status acts;
- 2) burial (funeral) - ritual actions to bury the body (remains) of the deceased in the ground (grave, crypt) or to consign to fire (cremation) with burial of an urn with ashes (ashes) in a grave, crypt following the will of the deceased, religion, customs and traditions not contrary to sanitary, environmental, urban planning and other rules and norms;
- 3) grave - a place of burial of the deceased or his/her remains;
- 4) cemetery - an area specially allocated for the burial of the dead or their remains;
- 5) cemetery administration - a natural or legal person who is responsible for the organisational, administrative and economic functions of maintaining and using the cemetery.

Footnote. Paragraph 2 - as reworded by order of the Minister of National Economy of the Republic of Kazakhstan No. 65 of 19.09.2022 (shall become effective upon expiry of ten calendar days after the day of its first official publication).

Chapter 2: Procedures for burial and grave care arrangements

3. The Rules for Burial and the Organization of Care for Graves (hereinafter referred to as the Territorial Rules) shall be developed by the regional, national city and capital city Akimats pursuant to these Model Rules.

4. When drafting the Territorial Rules, the peculiarities of the territory of settlements, their development, as well as the organisation of grave care, the preservation of historical and cultural heritage sites, religious sites and the natural landscape shall be observed.

5. The structure of the Territorial Rules shall include:

- 1) the procedure for allocating a burial site;
- 2) the procedure for burying the dead or their remains;
- 3) the procedure for the design and construction of graves;
- 4) the procedure for the organisation and maintenance of burial sites;
- 5) the procedure for recording and registering land plots earmarked for graves;
- 6) the procedure for concluding an agreement on the maintenance of cemeteries and monitoring compliance with its terms and conditions.

6. Local executive bodies shall allocate a land plot of at least six square meters for burial free of charge for each deceased resident of the settlement or a person with no fixed abode who died in the given settlement from the public land occupied and designated as a cemetery.

The cemetery area shall be divided into sections, divided into rows of graves and equipped with driveways and passageways to the grave sections.

The akimat of the city of national importance, the capital, the district (city of regional importance) shall arrange for the collation of data (information) on records and the registration of land plots designated for graves, and shall also monitor compliance with the terms of the agreement on the organization of care for graves.

The Akim of a city of oblast significance, a district in a city, a city of district significance, a settlement, a village or a rural district shall record and register the plots of land designated for graves in accordance with the record log.

The Akimat of the city of national importance, the capital, the district (city of oblast significance) shall place current information on occupied and vacant cemetery plots on the official Internet resource of the local executive authority.

7. Burying shall take place on the territory of the cemetery upon presentation to the cemetery administration of a death certificate issued by the registering body, responsible for the registration of death and (or) a medical certificate of death as per form No. 045/y approved by order of the Acting Minister of Health of the Republic of Kazakhstan No. KR DSM-175/2020 dated October 30, 2020 “On Approval of the Forms of Record Documentation in the Sphere of Public Health, as well as Instructions for their Completion”, (recorded in the Register of State Registration of Regulatory Legal Acts under No. 21579) or a notification of death received via the e-government web portal.

Footnote. Paragraph 7 - as reworded by order of the Minister of National Economy of the Republic of Kazakhstan No. 65 of 19.09.2022 (shall take effect upon expiry of ten calendar days after the day of its first official publication).

8. A burial shall be registered in a record log, maintained by the cemetery administration.

9. The logbook shall contain the following details:

year, month, date of burial;

grave number;

surname, first name, patronymic (if any) of the deceased;

date of birth and death;

cause of death;

number, date and who issued the death certificate or notification of death received via the e-government web portal;

surname, first name, patronymic (if any), individual identification number (if any), date of issue and number of the identity document, address of close relatives of the deceased, in case of absence of relatives, address of the person performing the burial or name, business identification number, address of the organisation performing the burial.

Footnote. Paragraph 9 - as reworded by order of the Minister of National Economy of the Republic of Kazakhstan No. 65 of 19.09.2022 (shall come into force upon expiry of ten calendar days after the day of its first official publication).

10. Upon written request of a close relative or spouse to the local executive body or district Akim's office in the city, upon submission of documents confirming close kinship with the (formerly) deceased, burial of the deceased or his/her remains near the previously deceased close relative shall be provided if there is a free plot of land at the specified burial place or grave of the previously deceased close relative.

11. The burial of found dead bodies or their remains, drowned persons, and persons who died suddenly outside the home or are in the morgue after a forensic medical examination, in the absence of relatives or persons or institutions that can undertake the burial, shall be the responsibility of the local executive authorities upon registration of the death.

12. Burying the homeless shall be done at the expense of the budget.

13. The reburial of remains in active and closed cemeteries shall be prohibited, except in cases of

premature closure of a cemetery or a section of a cemetery;

when transporting remains from individual graves for reburial within or outside the Republic of Kazakhstan.

14. Design and construction of graves:

the distance between the grave sections shall be at least 1 metre on the long sides and at least 0.5 metres on the short sides;

the depth of the grave shall be established depending on the nature of the ground and the level of subsurface water and shall be at least 1.5 metres from the ground surface to the coffin lid (if any). In all cases, the grave marker shall be 0.5 metres above the ground-water;

for those who have died of particularly dangerous infections, the depth of the grave shall be set at 2 metres, with a minimum of 10 centimetres of bleach placed at the bottom;

each grave shall have a 0.5-metre high mound (hereinafter referred to as a grave mound) from the ground. The grave mound shall extend beyond the edges of the grave to protect it from atmospheric water.

15. Improvement and maintenance of burial sites:

Within the boundaries of the area designated for burial, it shall be permitted to:

to erect grave monuments and structures made of natural stone or concrete, flowerbeds and benches;

to plant flowers at the gravesite, a green hedge of ornamental shrubs, followed by a trimming of the hedge.

Further maintenance of the graves shall be ensured by the close relative.

Monuments and structures, tables, benches and structures may not be placed outside the burial site.

The territory of the cemetery (driveways, paths, flowerbeds, lawns, sewage, electrical and water networks and facilities) shall be properly maintained by the local executive authorities under the laws of the Republic of Kazakhstan.

16. An agreement for the maintenance and service of cemeteries between the local executive authority of a city of national importance, the capital, a district (city of regional importance) and the cemetery administration shall be concluded in a timely manner as a result of a tender conducted under the law on public procurement.

17. The cemetery administration shall ensure:

1) provision of full information to citizens on the procedure for the rendering of funeral services, including the posting of information on stands in the cemetery;

2) the timely preparation of graves for the burial of the dead or their remains;

3) compliance with the prescribed allocation of each plot of land for burial and the rules for the preparation of graves;

4) maintenance of buildings, utilities, cemetery grounds, fencing and lighting;

5) supervision of the maintenance of cemeteries, including systematic cleaning of common paths and utility areas, maintenance of water supply networks, maintenance of greenery throughout the cemetery, routine maintenance of roads and timely removal of rubbish;

6) providing citizens with the tools to care for a burial ground for rent;

7) equal access for all actors of ritual services.