



## 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 № 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  
№ 48 of May 31, 2019

## **Model Rules for Burial and Organisation of Care for Graves**

**Footnote. Model Rules - as reworded by Order № 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 Standard rules for burial and grave maintenance (hereinafter - the Standard rules) have been developed in accordance with 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 shall determine the procedures for burial and grave maintenance.

Sanitary and epidemiological requirements for the maintenance and operation of cemeteries, the organization of burial and reburial of the deceased or their remains, as well as for funeral facilities shall be determined by the Sanitary rules "Sanitary and Epidemiological Requirements for Cemeteries and Funeral Facilities", approved by order of the Minister of Healthcare of the Republic of Kazakhstan dated August 19, 2021 № KR MHC-81 (registered in the Register of state registration of regulatory legal acts under № 24066).

The definition of design principles and recommendations for the maintenance of cemeteries, the procedure for organizing funeral services, funeral rites (burial rites for human remains or ashes), as well as the maintenance of burial sites and the work of specialized funeral services in the Republic of Kazakhstan shall be determined by the “Code of Rules of the Republic of Kazakhstan “Design and Maintenance of Cemeteries” (SP RK 3.02-141-2014 ).

**Footnote. Paragraph 1 is in the wording of the order of the Deputy Prime Minister - Minister of National Economy of the Republic of Kazakhstan dated 23.02.2024 № 6 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

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

1) the department of registration of civil status acts (hereinafter - the registering body) – the State corporation “Government for Citizens”, which carries out state registration of civil status acts and other types of state services related to the 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 № 65 of 19.09.2022 (shall become effective upon expiry of ten calendar days after the day of its first official publication); as amended by the order of the Deputy Prime Minister - Minister of National Economy of the Republic of Kazakhstan dated 21.05.2024 № 25 (shall be enforced upon expiry of ten calendar days after the date 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 organization 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 organization and maintenance of burial sites;
- 5) the procedure for recording and registering land plots earmarked for graves;
- 6) the procedure for concluding burial agreements, cemetery maintenance and servicing, and monitoring compliance with the terms of these agreements.

**Footnote. Paragraph 5 as amended by the order of the Deputy Prime Minister - Minister of National Economy of the Republic of Kazakhstan dated 23.02.2024 № 6 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

6. Local executive bodies shall allocate a plot of land of at least six square meters free of charge from the public lands occupied and designated for cemeteries for each deceased resident of the settlement or person without a fixed abode who died in the given settlement.

The territory of the cemetery shall consist of plots which shall be divided into rows of graves and equipped with access roads for motor vehicles and passages to the plots of graves.

The akimat of the city of republican significance, the capital, district (city of regional significance) shall:

organize the collection of data (information) for the accounting and registration of land plots designated for graves;

exercise control over compliance with the terms of the agreement on burial, maintenance and service of cemeteries;

post up-to-date information on occupied and free plots of the cemetery on the official Internet resource of the local executive body and in the public cadastral map approved by the order of the Acting Minister of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan dated July 12, 2023 № 252 / NK (registered in the Register of state registration of regulatory legal acts under № 33106).

The akim of a city of regional significance, a district in a city, a city of district significance, a settlement, a village, a rural district shall keep records and register land plots intended for graves on the basis of registration logs.

**Footnote. Paragraph 6 is in the wording of the order of the Deputy Prime Minister - Minister of National Economy of the Republic of Kazakhstan dated 23.02.2024 № 6 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

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 № 045/y approved by order of the Acting Minister of Health of the Republic of Kazakhstan № 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 № 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 № 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 organization performing the burial.

**Footnote. Paragraph 9 - as reworded by order of the Minister of National Economy of the Republic of Kazakhstan № 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. Reburial of remains in active and closed cemeteries shall not be permitted, except in the following cases:

premature liquidation of the cemetery or its plot;

during transportation of remains from individual graves for reburial in the Republic of Kazakhstan or abroad.

Reburial of remains shall be permitted only in the absence of particularly dangerous infectious diseases (anthrax, Crimean-Congo hemorrhagic fever) in deceased persons during the first two weeks from the moment of burial, and subsequently no earlier than three years, in sandy soils no earlier than one year, with the approval of the state body in the field of sanitary and epidemiological welfare of the population.

**Footnote. Paragraph 13 is in the wording of the order of the Deputy Prime Minister - Minister of National Economy of the Republic of Kazakhstan dated 23.02.2024 № 6 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

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. The conclusion of an agreement for burial, maintenance and servicing of cemeteries between the local executive body of a city of republican significance, the capital, district (city of regional significance) and the cemetery administration shall be carried out based on the results of a tender within the time period established in accordance with the legislation on public procurement.

**Footnote. Paragraph 16 is in the wording of the order of the Deputy Prime Minister - Minister of National Economy of the Republic of Kazakhstan dated 23.02.2024 № 6 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

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.