

Cabinet Resolution No. (113) of 2021
Concerning the Executive Regulation of Federal Law No. (10) of 2021
Regulating Cemeteries and Burial Procedures

The Cabinet:

- Upon reviewing the Constitution; and
- Federal Law No. (10) of 2021, Regulating Cemeteries and Burial Procedures; and
- Federal Decree-Law No. (29) of 2021, Concerning the Entry and Residence of Foreigners; and
- Based on the proposals of the Minister of Interior and the Minister of Health and Prevention and the Cabinet's approval,

Has resolved:

Chapter One

Definitions

Article (1)

The definitions set forth in Federal Law No. (10) of 2021 shall be applied to this Resolution. Otherwise, the following terms and expressions shall be accorded their designated meanings, unless the context requires otherwise:

- Sharia Authority** : The Federal or local authority competent with Islamic affairs and Sharia Fatwa in the State, as the case may be.
- Gravesides of the Cemetery** : The outer strip surrounding the cemetery from all sides.
- Headstone** : The elevated built component that is fixed at the rims of the grave to determine the place of the head and the feet.

Chapter Two

Conditions of Cemeteries Regulation

Article (2)

For the execution of provisions of Article (2) of the aforementioned Federal Law No. (10) of 2021, the competent authority shall abide by the terms and conditions of cemeteries regulations as shown in this Chapter.

Article (3)

Types of Cemeteries

Cemeteries are classified as follows:

1. Muslims cemeteries.
2. Non-Muslims cemeteries.

Article (4)

Building New Cemeteries

When establishing a new cemetery, the following conditions and regulations shall be applied:

1. The plot of the cemetery shall be an allocated endowment of a restricted ownership in accordance with legislations applicable in the State.
2. The cemetery shall be away from the existing built-up area and the future extension of potential residential mass area.
3. The cemetery shall be away from sources of industrial pollution.
4. The land shall be graded and suitable for burial with respect to consolidation, easy to dig and far from flood streams.
5. The cemetery shall not affect the sources of underground water and shall be distant enough to prevent pollution.
6. The soil shall not be degenerated due to rubbish and waste dumping.

7. The cemetery shall be secured with all infrastructure services.
8. Approvals of the competent authorities in the Emirate shall be taken to ensure that terms and conditions stipulated in this Article are fulfilled.

Article (5)

Fences of the Cemetery

Fences of the cemetery shall be according to the following conditions:

1. The fence shall not be less than 2.5 metre high.
2. Fences and the surrounding external road shall be provided with the necessary lighting.
3. Security monitoring cameras system connected with the operation room in the Emirate shall be executed.

The competent authority shall build a fence for old cemeteries within the Emirate in accordance with the conditions stipulated in this Article.

Article (6)

The Cemetery Planning

The new cemetery shall be planned according to the following requirements:

1. Areas for big graves, small graves and newborn and embryos graves shall be determined.
2. An area shall be allocated in the cemetery for the following groups:
 - a. Martyrs.
 - b. Deceased individuals afflicted with communicable diseases.
 - c. Burial of human organs.
 - d. Burial in case of catastrophes.
3. Corridors connecting graves shall be determined, paved and provided with suitable lighting.
4. An area for green spaces shall be allocated in order to be planted according to the nature of the land without any damage to graves.

5. The mosque and the services shall be outside the boundaries of the cemetery as much as possible.
6. Graves shall be planned in a manner that ensures availability of the gravesides.
7. The cemetery shall be surrounded by a fence according to the conditions stipulated in this Resolution.
8. The cemetery shall be surrounded by a designated place that may not be allowed to be used in order to maintain security sides of the cemetery and shall be used in maintenance works of fences and security checks.
9. The vertical distance between graves shall not be less than (70) cm and shall not be less than (90) cm between grave rows.
10. Sections and areas of the cemetery shall be determined, taking into account easiness of movement and finding graves and services.
11. Entrances allowing the hearses to pass shall be available.
12. The cemetery shall be provided with a security and control room to enable security employees to secure the cemetery.
13. Places for car parking shall be determined, whether inside or outside the cemetery, where such places are far from the graves in order to ensure its sanctity.
14. Needs of persons of determination shall be considered.

The competent authority shall re-plan the old cemeteries in a manner that ensures preservation of the graves and its sanctity. This shall be in accordance with the requirements stipulated in this Article, whenever possible.

Article (7)

Size of the Grave

Without prejudice to provisions of Federal Law No. (14) of 2014 Concerning Combating Communicable Diseases and its Executive Regulation, sizes of graves shall not be less than the following sizes:

Grave Type	Length/cm	Width/cm	Depth/cm
Big Grave	210	110	140
Small Grave	110	80	60
Newborn or embryo grave	According to the decision of the competent authority.		

Article (8)

The Outer Shape of Graves

Graves shall be covered in the manner with which the features of the grave are determined in order to avoid standing or walking over the grave. This shall be in accordance with the forms approved by the competent authority in coordination with the Sharia authority.

Article (9)

Headstones of Graves

The competent authority shall manage putting headstones according to the following conditions:

1. Headstones for Muslims graves shall be put at the place of the head and feet, and its dimensions shall be according to the following sizes:

Length/cm	Width/cm	Thickness/cm
60	20	4

2. Headstones for Non-Muslims graves shall be put at the place determined by the competent authority.
3. The material of which the headstone is made shall be approved by the competent authority where it shall be resistant to environmental degeneration factors.
4. Number of the grave or any data determined by the competent authority shall be put on the headstone.

In all cases, the headstone may not be substituted unless by the competent authority.

Article (10)

Regulating Non-Muslims Cemeteries

In order to regulate Non-Muslims cemeteries, the following shall be provided:

1. Dimensions and height of the grave shall not exceed half height of the cemetery fence.
2. Direction of the grave at the same cemetery shall be unified.

In all cases, the competent authority shall determine the beneficiary groups of the cemetery and conditions of burial in it.

Article (11)

Ethics of Visiting Cemeteries

The competent authority shall, in coordination with the Sharia authority, set the ethics of visiting cemeteries and shall put such ethics at the entrances of the cemeteries for the visitors to abide by, provided that visits shall be at day times.

Article (12)

Archaeological Cemeteries

Provisions of Federal Law No. (11) of 2017 Concerning Antiquities shall be applied to archaeological cemeteries. As for cemeteries where the description of archaeological cemeteries does not apply on them and are not used because of outdatedness, the competent authority shall manage them with respect to security and maintenance in a manner that keeps the sanctity of its graves.

Article (13)

Procedures of Transfer of Cemeteries

Cemeteries may be transferred based on the discretion of the competent authorities in coordination with the Sharia authority and the health authority.

The competent authority shall set the procedures to transfer cemeteries and the time period allowed for cemeteries transfer in coordination with the Sharia authority and the health authority.

Article (14)

Database

The competent authority shall, in coordination with the health authority, establish an electronic database to record the following data:

1. Personal data and death date.
2. Data of burial cases for all groups and reasons thereof.
3. Number and date of burial permit as well as the issuing authority.
4. Number of the grave.
5. Any additional data.

In all cases, the database shall be linked to the concerned systems at the Ministry of Interior and the Identity and Citizenship Federal Authority.

Article (15)

Geographic Information Systems

The competent authority shall link the sites of graves at areas that are under its authority with its GIS electronic database.

Article (16)

Security of Graves

As an enforcement of the Law and its Executive Regulation, the competent authority shall, within the scope of its competences, manage the following tasks:

1. Monitor, guard, inspect and secure the graves.
2. Keep the graves' general hygiene.
3. Provide all resources necessary for digging graves and deceased burial.

These tasks may be assigned to the private sector based on contracts to be concluded with specialized companies to perform such tasks.

Chapter Three

Transfer and Washing of the Deceased

Article (17)

Transfer of the Citizen Deceased to the State

Upon the death of a citizen outside the State, the Ministry of Foreign Affairs and International Cooperation shall take the following procedures:

1. Follow up the procedures of issuing a death report or death certificate with its attestation according to the procedures approved for the Ministry and send the same to the Federal Authority for Identity, Citizenship, Customs & Port Security.
2. Report to the Ministry of Interior and the Federal Authority for Identity, Citizenship, Customs & Port Security.
3. Follow up judicial procedures in case there is a criminal suspicion relevant to the death case.
4. Perform necessary procedures to prepare the body of the deceased in order to be transferred to the State, taking into account the procedures of preparation of deceased individuals afflicted with communicable diseases.
5. Transfer the body of the deceased to the State by the suitable means.

6. Coordinate with the Ministry of Interior to receive the body and take all its procedures to report the competent authorities.

In case the relatives of the deceased request to bury the deceased outside the State, or it is not possible to transfer the body from the State where the deceased died, the Ministry of Foreign Affairs and International Cooperation shall follow up and facilitate burial procedures.

Article (18)

Transferring a Corpse or A Human Organ for Burial

The corpse or a human organ shall be transferred according to the following conditions:

1. A burial permit is issued and the cemetery is determined.
2. The transfer means shall be licensed by the competent authority for deceased transfer.
3. If the transfer is to outside the Emirate, a written consent from the competent authority to which the transfer is made in the Emirate shall be obtained and the cemetery shall be determined.

Article (19)

Transfer of Deceased Individuals Afflicted with Communicable Diseases

Transfer of deceased individuals afflicted with communicable diseases shall be made in accordance with provisions of Federal Law No. (14) of 2014 Concerning Combating Communicable Diseases and its Executive Regulation.

Article (20)

Transfer of a Corpse, A Human Organ or Remains thereof to A Foreign Country

Without prejudice to provisions of Federal Law No. (14) of 2014 Concerning Combating Communicable Diseases and its Executive Regulation, a corpse, a human organ or remains thereof shall be transferred to a foreign country according to the following conditions:

1. An application shall be submitted by the relatives of the deceased to Police attached with the following:
 - a. Death certificate.
 - b. Approval of the Public Prosecution.
 - c. Approval of the State to which the corpse is desired to be departed.
 - d. Approval of the authority that will make the transfer.
2. Police shall issue a transfer permit to a foreign country and the Ministry of Foreign Affairs and International Cooperation shall be notified thereof.
3. Relatives of the deceased or the embassy of his country shall abide by the procedures of mummification at one of the centres approved by the State and the relevant fees shall be paid.
4. Transport companies shall check all requirements stipulated in this Article before initiating the transfer procedures abroad.

Article (21)

Deceased Means of Transportation

The competent authority shall provide means of transport dedicated for deceased transportation and shall license the vehicles dedicated for this purpose in a manner that ensures its operation and continuous use.

Article (22)

Deceased Means of Transportation into the State

The Ministry of Foreign Affairs and International Cooperation shall coordinate with the transport companies (air-land-maritime) to transfer the body of the deceased citizen to the State by the suitable means. In this respect, the Ministry may conclude partnerships with national transport companies to transfer bodies of citizens from outside the State.

Article (23)

Places for Deceased Washing

The competent authority shall establish places dedicated for deceased washing with the required tools for washing and shrouding are available in coordination with the Sharia authority.

Article (24)

Workers at the Deceased Washing Places

Workers at the places dedicated for deceased washing shall fulfil the following conditions and requirements:

1. He/she shall be a Muslim.
2. Educational qualification shall not be less than the high school.
3. Age shall not be less than 25 years old.
4. He/she shall be truthful and knows Sharia provisions with respect to deceased washing and shrouding.
5. He/she shall be licensed by the Sharia authority.
6. Persons who wash and prepare the deceased belong to his gender, whether a male or female.

In all cases, the Sharia authority may license volunteers who are not workers at the deceased washing places to wash and prepare the deceased.

Article (25)

Procedures of Washing Muslim Deceased

1. Washing of deceased individuals afflicted with communicable diseases shall be made in accordance with provisions stipulated in the Federal Law No. (14) of 2014 Concerning Combating Communicable Diseases and its Executive Regulation.
2. Washing of deceased individuals in usual cases shall be made at the places designated by the competent authority relevant to washing the deceased.

3. Washing and preparing the deceased may be made at the house based on the request of the deceased relatives according to the following conditions:
 - a. Conditions and requirements determined by the health authority shall be adhered to.
 - b. Persons who wash and prepare the deceased shall be licensed by the Sharia authority and of the same gender of the deceased or a relative up to third-degree, provided that such person knows the provisions of deceased washing.
 - c. To stick to the period determined for burial permit.
4. Death carried out as an execution of a judicial judgment or serious accidents shall be exempted from the provision of this clause No. (2) of this Article where washing the deceased shall be made at places designated by the competent authority for this purpose according to the burial permit.

Chapter Four

Death Reports and Conditions of Corpses Burial

Article (26)

For the purposes of enforcement of Article (6) of the aforementioned Federal Law No. (10) of 2021, procedures, conditions and requirements of corpses burial shall be according to the provisions set forth in this Chapter.

Article (27)

Procedures to Report Death Outside Health Facilities

When death occurs outside health facility, the following procedures shall be taken:

1. Police shall be reported with all death cases that occur outside health facilities.
2. The Police competent regulatory units shall go to the death location.
3. Police shall report to the Attorney General to take the appropriate decision.
4. If death is natural, Public Prosecution shall issue the burial permit or disposition of the corpse.
5. If there is a criminal suspicion, the following procedures shall be taken:

- a. The competent Public Prosecution shall be notified in order that the Attorney General shall go to the place of the corpse to take the legal procedures designated for this respect.
- b. Police shall report to the Ministry of Foreign Affairs and International Cooperation promptly if a death of a foreigner occurs in order to report to the deceased embassy if the deceased is known.

Article (28)

Procedures to Report Death Inside Health Facilities

When death occurs inside health facility, the following procedures shall be taken:

1. Health facility shall report to Police with all death cases that occur inside health facilities.
2. Police shall report to the Attorney General to take the appropriate decision.
3. If death is natural, Prosecution shall issue the burial permit or disposition of the corpse.
4. If there is a criminal suspicion, the following procedures shall be taken:
 - a. The competent Public Prosecution shall be notified in order that the Attorney General shall go to the place of the corpse to take the legal procedures designated for this respect.
 - b. Police shall report to the Ministry of Foreign Affairs and International Cooperation promptly if a death of a foreigner occurs in order to report to the deceased embassy if the deceased is known.

Article (29)

Preservation of Corpse

No corpse may be detained or preserved in the morgue for any reason unless there is a permission from Public Prosecution, provided that the corpse shall be mummified if needed according to medical and preventive procedures designated thereof as determined by the health authority.

Article (30)

The Deceased Mummification

The corpse of the deceased shall be mummified in cases determined by the Ministry of Health and Prevention in accordance with the conditions and requirements determined by the Ministry.

Article (31)

Conditions of Preparation of a non-Muslim Deceased

Without prejudice to provisions of Federal Law No. (14) of 2014 Concerning Combating Communicable Diseases and its Executive Regulation, relatives of the Non-Muslim deceased shall manage preparation of the deceased according to the following conditions:

1. The deceased shall be prepared within (3) three days as of the date of the burial permit, and this period may be extended to maximum (7) seven days upon the consent of the competent authority.
2. The deceased preparation shall be at the places determined by the competent authority and under its supervision, in coordination with health authority.

Article (32)

Conditions and Requirements for Burial of a Muslim Corpse

The competent authority shall handle the burial of the Muslim corpse in accordance with Sharia conditions and requirements decided by Sharia authority in this respect.

In all cases, no person who is not authorized by the competent authority may not interfere with the burial procedures.

Article (33)

Ethics of Burial of Muslim Female Corpse

The competent authority shall consider the following procedures when a Muslim woman is buried:

1. Burial of the Muslim woman shall be handled by her father, husband or one of her non-marriageable men. If this is not possible, the competent authority shall handle the burial procedures.
2. The grave shall be covered when the deceased woman is entered into the grave.

Article (34)

Conditions and Requirements for Disposition of a Non-Muslim Corpse

Without prejudice to provisions of Federal Law No. (14) of 2014 Concerning Combating Communicable Diseases and its Executive Regulation, relatives of the Non-Muslim deceased shall manage disposition of the deceased corpse under the supervision of the competent authority.

Article (35)

Burial Conditions of a Non-resident Foreigner Corpse

The corpse of a non-resident foreigner shall be disposed upon receiving a permit of the Public Prosecution. This shall be made in accordance with the conditions and requirements stipulated in this Resolution and the cases determined in Article (13) of the Law.

Article (36)

Conditions to Dispose Unclaimed Corpse

When procedures stipulated in Articles (18) and (19) of this Resolution, unclaimed corpses shall be disposed as follows:

1. As for citizens:

- a. Health authority shall report to Police about the unclaimed corpse of a citizen.
- b. Police shall inform the relatives of the deceased in order to receive the corpse and proceed the burial procedures within maximum (48) forty-eight hours as of the notification date.
- c. If the corpse is not claimed within the period stated in Para (b) of Clause (1) of this Article, burial shall be made by the competent authority in coordination with health authority.

2. As for non-citizens:

- a. Health authority shall report to the Ministry of Interior about the unclaimed corpse of a foreigner.
- b. Ministry of Interior shall report to the Ministry of Foreign Affairs and International Cooperation.
- c. The Ministry of Foreign Affairs and International Cooperation shall inform the embassy of the deceased foreigner to receive the corpse in order to proceed disposition procedures within maximum (30) thirty days as of date on which the embassy is reported by the Ministry of Foreign Affairs and International Cooperation and the health authority shall be notified with the reporting date.
- d. If the corpse is not received upon expiry of the period mentioned in para (c) of Clause (2) of this Article, health authority shall, in coordination with the competent authority, proceed with the burial procedures according to the religion of the deceased and the Ministry of Foreign Affairs and International Cooperation shall be notified with the procedures taken.

Article (37)

Conditions to Bury Unknown Corpse

If a corpse of an unknown person is found, the issue shall be referred to Public Prosecution to take necessary procedures in order to check that there is no criminal suspicion. If the identity of the deceased can not be identified, burial procedures shall be initiated under a permit issued by

Public Prosecution. This is provided that burial shall be made by the competent authority in coordination with health authority.

Article (38)

Conditions to Bury A Resident who Died Abroad

The Ministry of Foreign Affairs and International Cooperation may issue a No Objection Certificate to transfer the resident who died abroad in order to be buried in the State after the relatives of the deceased obtain the necessary approvals in coordination with the local entities in the following cases:

1. If the deceased is a first-degree relative to a citizen.
2. If the deceased is a first-degree relative to a resident in the State, provided that residence of the relative is valid.
3. The envoy for a mission, study or treatment at the cost of the State.
4. Any other case upon discretion of the Ministry of Foreign Affairs and International Cooperation.

Chapter Five

Conditions to Transfer or Dispose a Corpse

Article (39)

Transfer of the Corpse After Burial

No buried corpse may be taken out in order to be transferred to any other place, whether inside or outside the State unless (6) six months lapse and subject to a permit issued by Public Prosecution and the consent of the health authority.

Article (40)

Disposition of a Corpse of a Deceased with Communicable Diseases

If death is shown to be due to communicable diseases, the corpse shall be disposed in accordance with provisions stipulated in the Federal Law No. (14) of 2014 Concerning Combating Communicable Diseases and its Executive Regulation.

Article (41)

Disposition of Human Organs

Without prejudice to provisions of Federal Decree-Law No. (5) of 2016 Concerning Regulating The Transfer and Transplantation of Human Organs and Tissues, human organs that were medically amputated or due to an accident shall be disposed or buried according to the procedures set by the health authority in coordination with the competent authority.

Chapter Six

Final Provisions

Article (42)

Executive Resolutions

Ministries and the competent authorities, each within its jurisdiction, shall enforce the provisions of this Resolution.

Article (43)

Publication and Enforcement

This Resolution shall be published in the Official Gazette and shall enter into force as of the day following the date of its publication.

Mohammed Bin Rashid Al Maktoum

Prime Minister

Issued by us:

Date: 30 December 2021 AD

Corresponding to: 25 Jumada I 1443 A.H.