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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 death, 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.