



ESCAP

Economic and Social Commission
for Asia and the Pacific

Strengthening the Policy and Regulatory Framework in Digital Public Services:

The Case of the Kyrgyz Republic "DIGITAL CODEX"

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Individual Contractor ESCAP

INTERNET USE IN THE KYRGYZ REPUBLIC



POPULATION
7.2 MILLION.



PENETRATION
INTERNET
79.8 %



INTERNET
USERS
5.41 MILLION



ACTIVE
USERS
SOCIAL NETWORKS 2.95 MILLION



International statistics



**United
Nations**

78
place

E-government Development Index
on the development of "electronic government"
In 202

(**83rd** place in 2020)



WHY CODEX?

- ✓ One document that unites all digital standards
- ✓ Open and fair rules of the game
- ✓ Conditions for digital innovation
- ✓ Unified legal regulation
- ✗ Old regulatory framework
- ✗ Inconsistency of conceptual apparatus
- ✗ Contradictions in existing norms
- ✗ Amendments to 100+ regulatory legal acts



Codification of digital legislation

- Law "On Electronic Governance" of 2017
- Law "On Electronic Signature" 2017
- Law "On Biometric Registration of Citizens" of 2014
- Law on Personal Information of 2008
- Law on Electrical and Postal Communications of 1998
- + **about 100 by-laws for the "analog environment"**



BEST PRACTICES

World Bank

- Data for Better Lives (2021)
- Digital Dividends (2016)
- ID4D Principles
- Telecommunication Regulation Handbook

European Union

- Digital Services Act and Digital Markets Act
- eIDAS
- GDPR and Non-personal data
- Electronic Communications Code

UNCITRAL

- Model law on electronic signatures
- Model law on Identity management and trust services

Council of Europe

- ETS 108+
- AI treaty (draft)

OECD

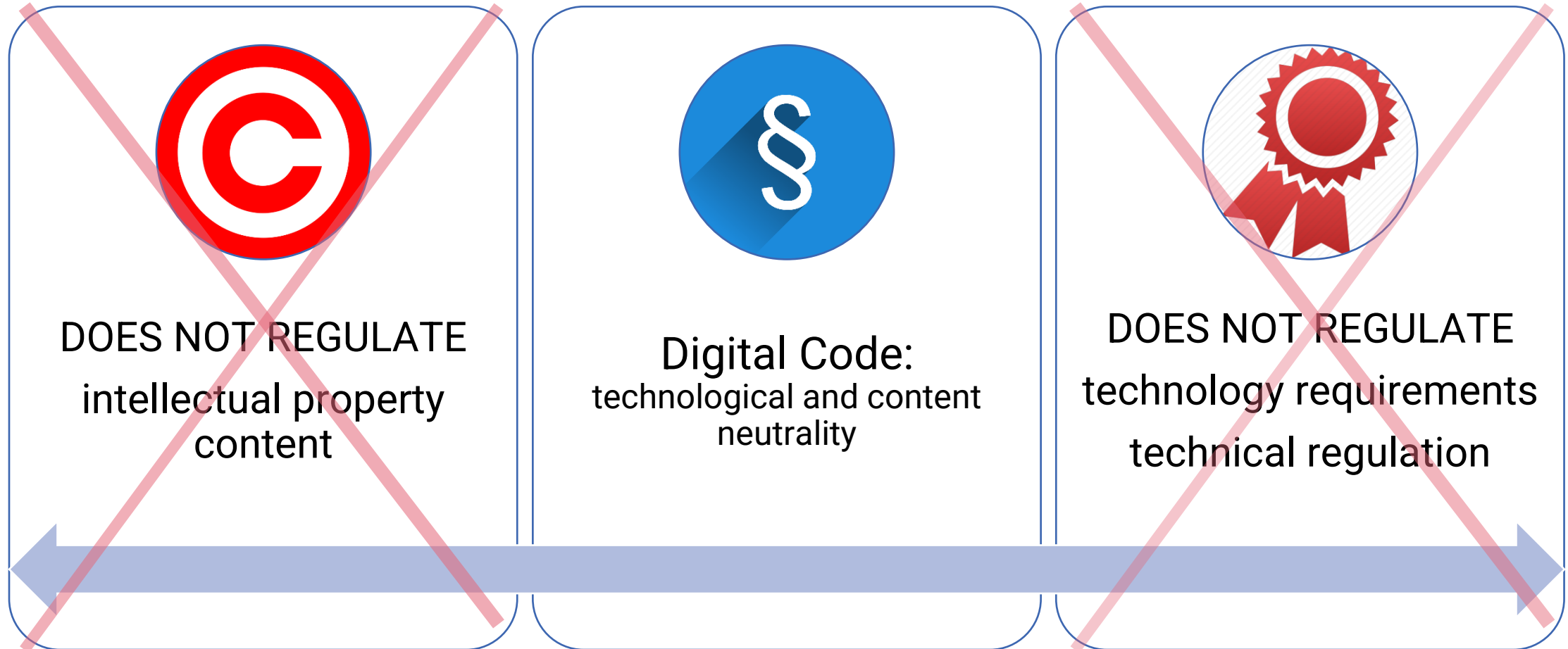
- Privacy Guidelines
- Artificial Intelligence Principles

National Laws

- USA (government data, e-signatures, telecommunications)
- Estonia (government interoperability framework)
- Japan (depersonalized data)



The place of the Codex in the legislation of the Kyrgyz Republic



General part of the Codex

Right

Item

Method

Principles

Sources

Regulators

Relationship

Objects

Subjects

Grounds

Implementation

Protection

- The general part of the Codex contains the initial regulatory provisions, which are characterized by a high degree of generality, stability and lay the legal basis for the use (application) of the norms of the special part.
- The provisions of the General Part of the Codex lay the foundations of digital law as a new branch of legislation and define the elements of those social relations that are regulated by the Codex.



Sections of the Codex

General part	Digital data and resources	Digital services	Technosystems
<ul style="list-style-type: none"> ▪ Subject, method, principles and sources ▪ Regulators ▪ Special regulation ▪ Interaction in the digital environment ▪ Digital Identity ▪ Digital legal relationship: subjects, objects, grounds for emergence ▪ Digital Resilience 	<ul style="list-style-type: none"> ▪ General Provisions on BigData Regulation and the Internet of Things ▪ Personal data ▪ Spatial data ▪ Digital registers (radio frequencies, numbering, elements of the national ecosystem) 	<ul style="list-style-type: none"> ▪ General Provisions on Digital Services ▪ Government services and the national digital ecosystem ▪ Digital Wellbeing Services ▪ Trusted services ▪ Telecommunication services 	<ul style="list-style-type: none"> ▪ General Provisions on Digital Technological Systems ▪ Telecommunication networks ▪ Artificial Intelligence Systems



Subject and levels of regulation

Data

- Digital data and records
- Digital resources and registries
- Websites and applications

Services

- Digital services and government services
- Trusted services
- Digital ecosystems

Systems

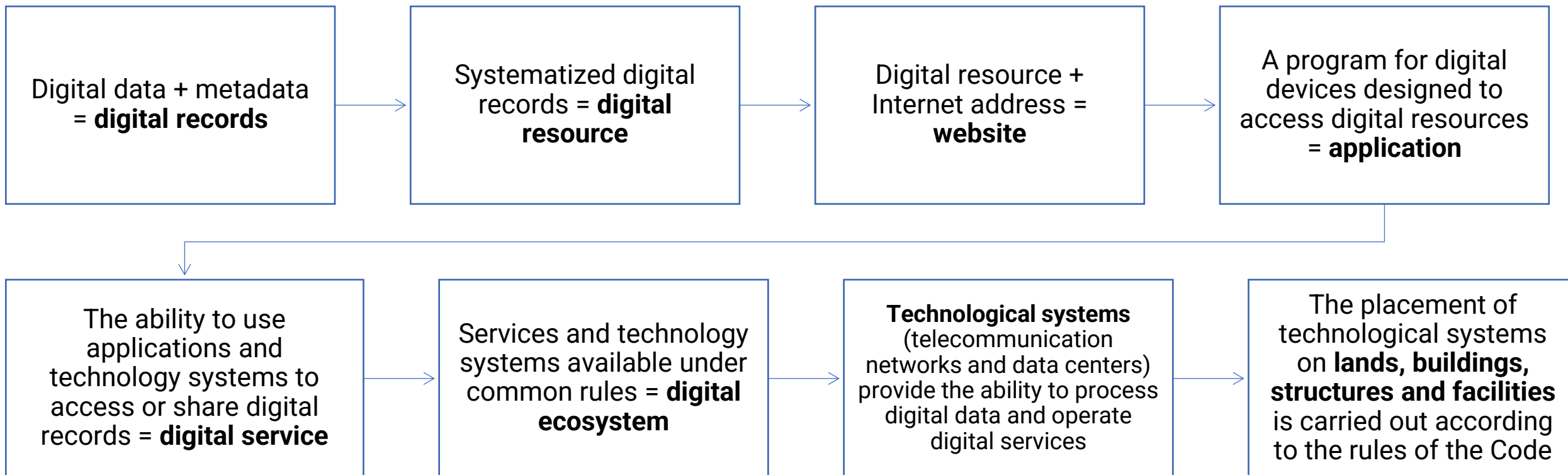
- Data centers
- Telecommunication networks
- AI Systems

Infrastructure

- Lands, buildings, structures, constructions
- Access to infrastructure

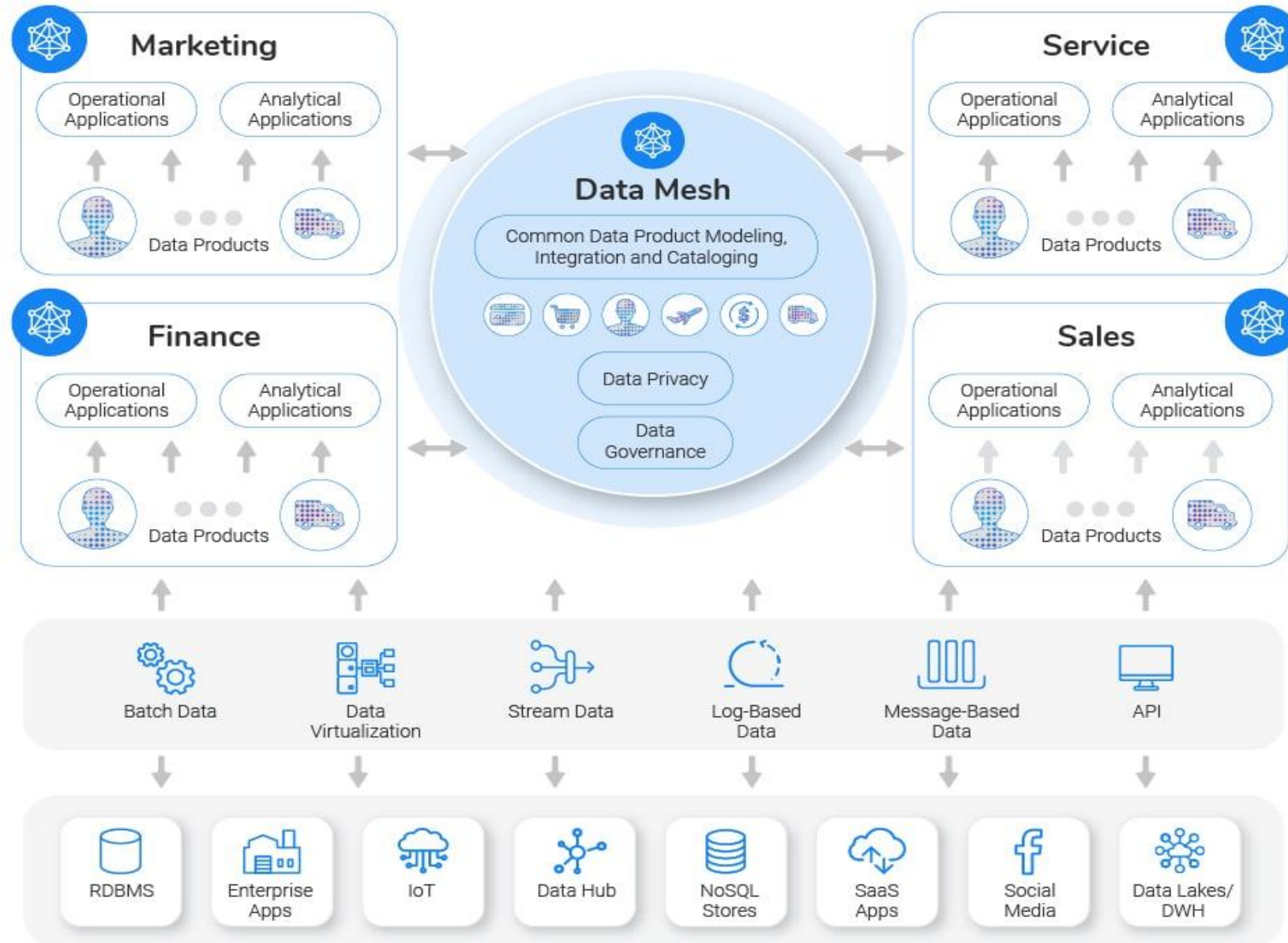
- Four levels of regulation, each of which is characterized by its own set of objects and relations for their creation and use.
- The multi-level nature of regulation corresponds to the multi-level model of relations in the digital environment, where each subsequent level appears as a result of relations at the previous level.
- The rules for relationships at each level are defined in the Special Part

Levels of Regulation – Data Life Cycle

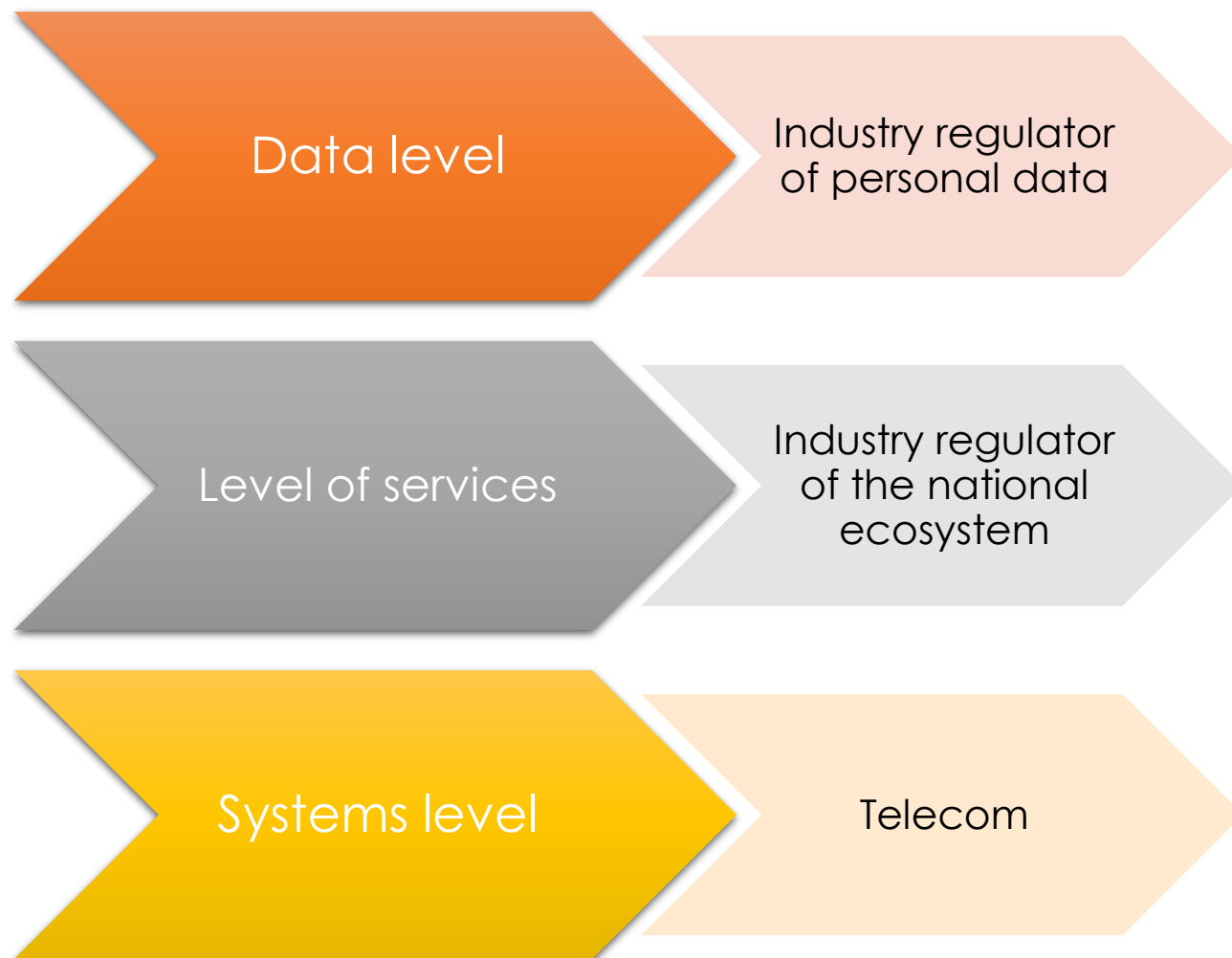


DATA SOURCES

- ✓ Media files
- ✓ sensor data / internet of things
- ✓ System logs
- ✓ Social Media
- ✓ Databases
- ✓ Data in various formats
- ✓ ...



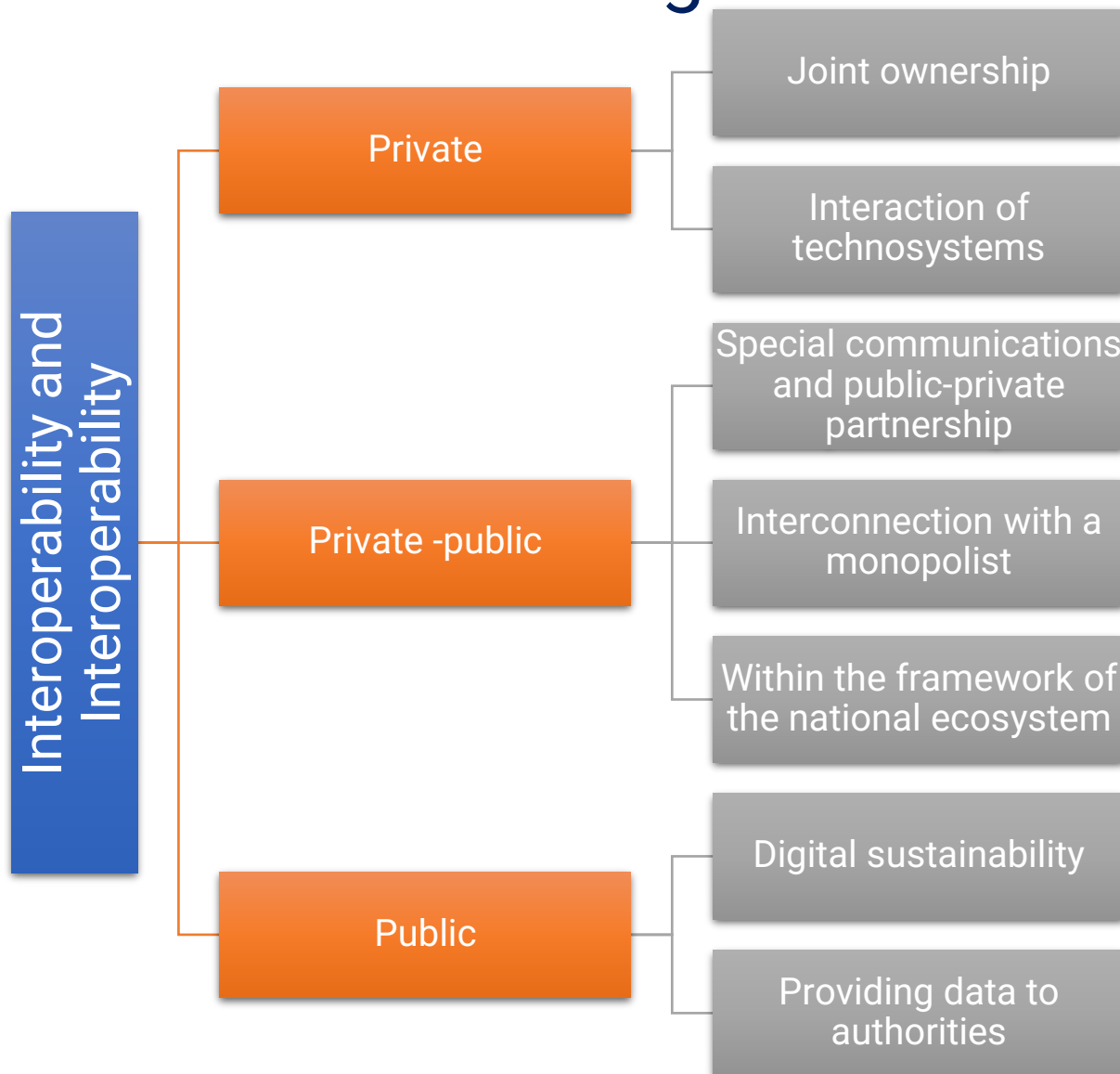
Regulator system



In order to ensure long-term regulatory stability, the Codex does not vest powers in a specific government agency. Instead, the Codex defines the content of digital governance powers and the requirements for the authorized government agency that must implement these powers. The specific agency or agencies are determined by the Cabinet of Ministers in accordance with the current needs of digital development.



Interaction in the digital environment



The Code provides three categories of interaction based on interoperability (i.e. compatibility) of data, services and systems.

When interacting between private entities, they freely determine the terms of interaction in the contract.

When private entities interact with public entities, an agreement is also concluded, but its conclusion is mandatory for one of the parties.

When interacting in the public interest, interoperability is ensured on the basis of legal acts

Special regulation

- The President may **temporarily exempt** subjects of legal relations in the digital environment **from certain obligations** established by law, in the manner prescribed by the Codex.
- **The objectives of** special regulation are:
 - experimentation and testing of digital innovations in real conditions;
 - improving the quality and availability of digital resources and services;
 - stimulating fair competition and improving management efficiency;
 - attracting investment in the digital economy



DIGITAL SUSTAINABILITY

Continuity provision digital services And use provided by
them for check protection objects legal relations V digital
environment , provision cybersecurity , and Also effective
And proactive management resources available subjects
legal relations V digital Wednesday



Regulation of the use of AI

There is no proven approach to regulating the use of AI anywhere in the world .

Everyone is experimenting now. Whose approach is better (and how) – only time will tell.

It is important to distinguish between **technical regulation of AI** (in the strict sense, this is a question of technical regulations and standards) and regulation of the use of AI - this is a question of public policy: what behavior in the industry do we want to stimulate, and what do we want to achieve in the long term?



High-risk AI systems

- The owner himself assesses whether the use of AI increases **the risk** for:

Lives and health of people

Human and civil rights and freedoms

Environment

State defense capability

National Security

Public order and morality

- For AI systems with increased danger – **additional requirements** :

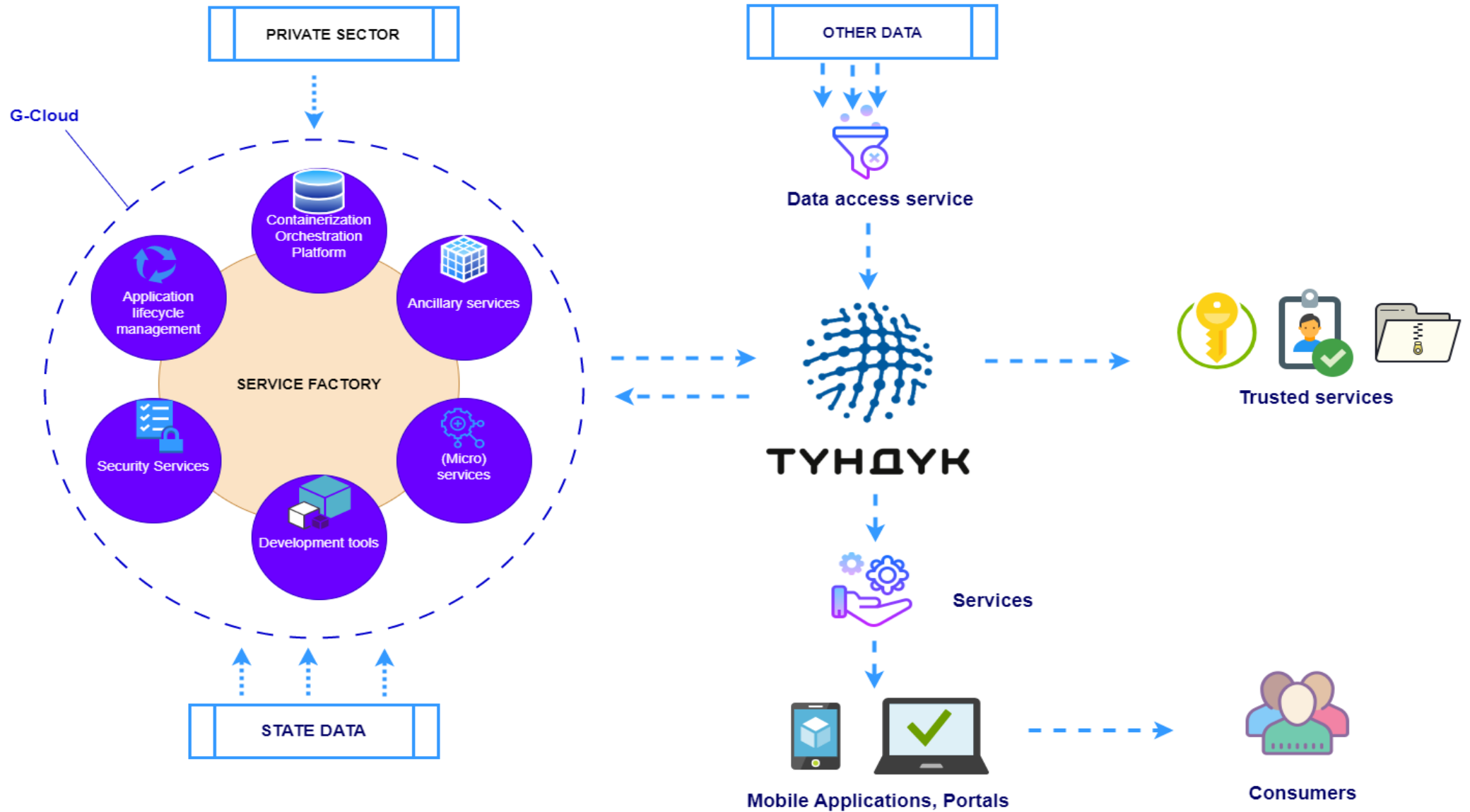
Towards risk management

To the necessary characteristics of AI systems

Towards the quality of digital data for AI systems

To technical documentation on AI systems

Requirements for openness, explainability, controllability, accuracy, reliability, digital sustainability

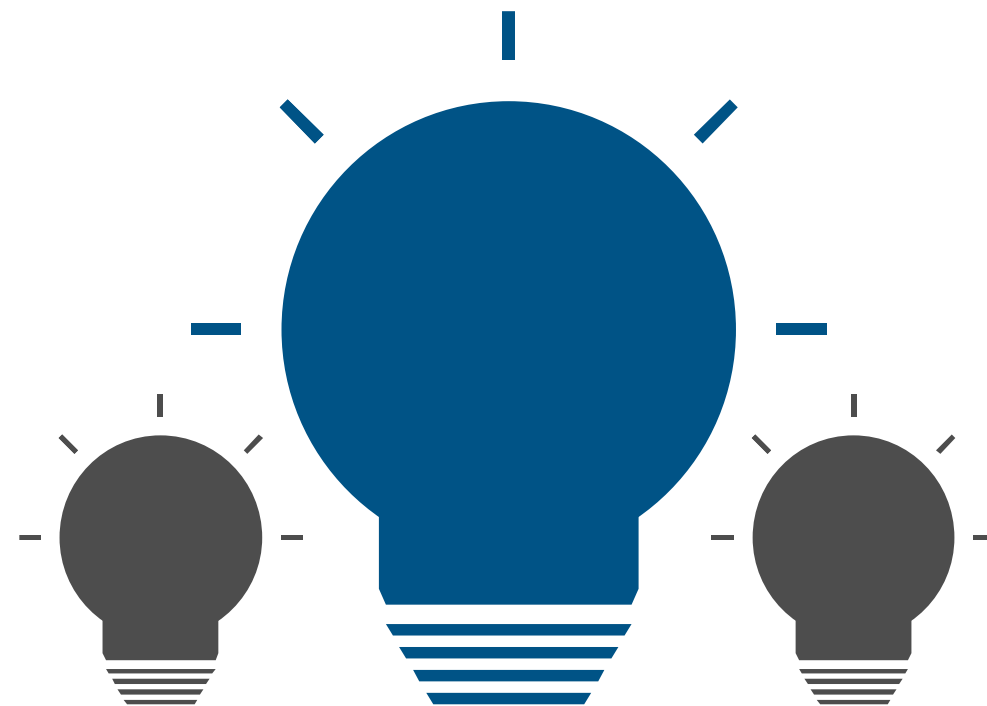


RESULTS OF THE DC

- ✓ CREATION OF MECHANISMS OF LEGAL REGULATION IN THE DIGITAL ENVIRONMENT;
- ✓ ENVIRONMENT FOR INNOVATION ;
- ✓ USE OF DATA FOR DECISION MAKING;



QUESTIONS?





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