

TERMS OF REFERENCE

TECHNICAL SUPPORT FOR THE HARMONIZATION OF THE LEGAL AND REGULATORY FRAMEWORK FOR DIGITAL HEALTH IN THE KYRGYZ REPUBLIC

BACKGROUND

The digital transformation of the healthcare sector is a strategic priority for the Government of the Kyrgyz Republic. As digital solutions expand across service delivery, data management, telemedicine, interoperability, and public health monitoring, there is a growing need to ensure that the **legal and regulatory environment keeps pace with technological advances**, safeguards patient rights, and promotes innovation.

The Ministry of Health of the Kyrgyz Republic, with technical support from WHO under the **UN Joint Programme “Bridging the Digital Health Divide”**, is working to establish a sustainable legal and regulatory environment that enables effective and ethical digital transformation in the health sector.

As part of this process, a comprehensive **regulatory review and gap analysis** has already been conducted, resulting in detailed recommendations on amendments to existing legislation and the development of new legal acts. These recommendations cover areas such as digital medical records, personal data protection, interoperability standards, telemedicine, cybersecurity, institutional responsibilities, and digital public services.

This assignment aims to operationalize those recommendations by supporting the drafting, refinement, and coordination of the required legal and regulatory instruments in close collaboration with the Ministry of Health and key government stakeholders.

OBJECTIVES OF THE ASSIGNMENT:

To provide legal and technical support to the Ministry of Health of the Kyrgyz Republic in **implementing the approved recommendations for legal harmonization** in the field of digital health, through the development, alignment, and finalization of relevant normative legal acts in compliance with national legislative procedures and international best practices.

Task 1: Review and Structuring of Recommendations

- Review and validate the list of proposed amendments and new legal acts based on prior gap analysis.
- Organize recommendations by level (laws, government resolutions, ministerial orders, technical guidelines).
- Coordinate with the Ministry of Health to identify high-priority legal instruments for immediate drafting.

Task 2: Legal Drafting

- Prepare draft amendments and new legal instruments, including:
 - Amendments to the Law on Public Health (in relation to digital health);
 - Updates to government resolutions.
 - New legal documents, if required.
- Develop explanatory notes and justifications for each proposal, referencing legal, technical, and policy grounds.
- Ensure full compliance with the official legislative drafting standards of the Kyrgyz Republic and align with the country's ongoing efforts on de-bureaucratization and regulatory simplification.

Task 3: Stakeholder Consultations

- Organize and facilitate consultations with:
 - Ministry of Health (any relevant departments);
 - Ministry of Digital Development and Innovative Technologies.
 - State Agency for Personal Data Protection.
- Collect feedback, revise drafts accordingly, and document consensus and disagreements.

Task 4: Finalization and Submission

- Present the consolidated draft package at a national validation workshop.
- Incorporate stakeholder inputs and finalize all legal drafts.
- Submit final legal texts, explanatory notes, and **a practical roadmap for adoption and implementation.**

DELIVERABLES

D1: Report on completion of the first task and Acceptance by the Technical Officer.

D2: Report on completion of the second task and Acceptance by the Technical Officer.

D3: Report on completion of the third task and Acceptance by the Technical Officer.

D4: Final Report on completion of all 4 tasks and Acceptance by the Technical Officer.

QUALIFICATION REQUIREMENTS FOR THE CONTRACTOR

- Proven experience in legal drafting and national digital governance regulation.
- Strong understanding of Kyrgyz legislative processes and government coordination mechanisms.
- Knowledge of digital health policy, data governance, and international standards (e.g., WHO, GDPR, HL7/FHIR).
- Demonstrated ability to work with public authorities, UN agencies, and multi-stakeholder processes.
- A multidisciplinary legal and technical team is an asset.
 - **Team leader:**
 - **Education:**

- Advanced university degree (Master's or equivalent) in one of the following fields: Information Technology, Digital Governance, Healthcare, Public Administration, or other related disciplines.
- Additional certifications in project management, personal data protection, or digital health are considered an asset.
- **Experience**
 - Minimum of 10 years of professional experience in implementing projects related to legal reforms, digitalization of public services, or automation of business processes.
 - Proven experience in senior roles with responsibility for coordinating multidisciplinary teams, including both technical and legal experts.
 - Experience in the development, implementation, and maintenance of digital solutions in a government context.
 - Experience in collaboration with international organizations, and development partners, particularly with the UN system.
 - Experience in preparing strategic and regulatory documents, implementation plans, technical specifications, and analytical reports.
- **Senior Legal expert:**
 - **Education:**
 - Advanced university degree (Master's or equivalent) in one of the following fields: Law, Public Administration, Information Technology, Digital Governance, Healthcare, or other related disciplines.
 - Additional certifications in project management, personal data protection, or digital health are considered an asset.
 - **Experience**
 - Minimum of 10 years of professional experience across the public and private sectors, including in legislative drafting, public administration.
 - Experience in developing regulatory developments, including digital reforms, access to public service delivery.
 - Experience in the development, implementation, and maintenance of digital solutions in a government context.
 - Experience in collaboration with international organizations, and development partners, particularly with the UN system.
 - Experience in preparing strategic and regulatory documents, implementation plans, and analytical reports.

LANGUAGE AND FORMAT

- All draft and final documents must be submitted in Russian and Kyrgyz.
- Meetings and correspondence may be conducted in Kyrgyz, Russian
- Legal texts must follow the official format and legal drafting rules of the Kyrgyz Republic.