

'Brave New World': Russia's New Anti-Terrorism Legislation

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Jul 8, 2016

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On June 7, Russian president Vladimir Putin signed controversial anti-terrorism legislation known in Russia as the "Yarovaya law," named after its leading co-author, prominent member of Putin's United Russia party Irina Yarovaya. The law is reminiscent of Soviet-era surveillance. It will also likely contribute to crippling the Russian economy. According to Russian and Western sources, it allows for jailing children as young as 14 for a variety of vaguely-worded reasons, and significantly raises the costs of internet and telecommunications. Russia's human rights activists and opposition politicians described the law as "unconstitutional." Russia's Presidential Council on Civil Society and Human Rights urged Putin not to sign the law.

"Hello, brave new world with expensive Internet, with jails for children, with global surveillance and prison terms for non-snitching," wrote politician Dmitry Gudkov in his Facebook page after Putin signed the law. Gudkov, one of Russia's few real opposition parliamentarians, was outspoken in June and urged his colleagues to vote against the law last month. The Duma (lower house of parliament) began the discussion of the bill in May of this year and both the upper and lower houses of parliament approved the bill in late June without genuine debate on the issue.

Among other things, reportedly, the law requires Internet and telecom providers to store recordings of all of their customers' data and communications for six months. In addition, the law requires them to store all metadata for three years. Russia's Federal Security Services (FSB) would have access to this information and, as Gudkov pointed out in June, it may easily leak into the black market. This requirement, according to Russia's cellphone providers, for example, will increase costs for consumers at least two- to three-fold.

The law also introduces criminal liability for "failure to report a crime" that someone "has been planning, is perpetrating, or has perpetrated." Moreover, under the new law, children as young as 14 can face up to a year in prison for such a "failure" and for other reasons related to extremism, terrorism and participation in massive riots (all of which can be virtually anything in Russia, since the law is vague). As Tanya Lokshina, program director for Human Rights Watch Russia, pointed out in June before Putin signed the law, "it's not clear what 'planning' stands for or what level of knowledge needs to be proved to hold a person liable." Such ambiguity is the hallmark of Russia's laws in the last several years since Putin began a massive crackdown on Russia's civil society when he returned to his third presidential term in 2012 amidst the largest protests since the break-up of the Soviet Union.

The issue of criminal liability for "failure to report a crime" sends a chill down the spine of anyone who ever

experienced the police state that was the Soviet Union. Discussing the criminal liability issue, Gudkov in June said that, roughly speaking, the law allows the following, "[I]f a boy Vasya heard that a boy Petya promised to shoot all officials for corruption (it is understood that this was an emotional response), but did not report this, he can face up to a year in jail."

The Yarovaya law is the latest in a series of laws in recent years that suppress civil society. Other laws include the shameful Dima Yakovlev law that banned Americans from adopting Russian children -- a law passed in response to the Magnitsky Act that targets Russia's worst human rights offenders. Another is the so-called "foreign agent" law -- also reminiscent of the Soviet period, which requires organizations that receive foreign funding to register as "foreign agents."

Russia's recent laws "have been very effective in depoliticizing the Russian population," wrote Gleb Bogush, assistant law professor at Lomonosov Moscow State University and former chief editor of *International Justice* magazine. "The copious prohibitions contained in the legislation inundate citizens, suppressing their political activity and forcing them into self-censorship and social passivity."

Anna Borshchevskaya is the Ira Weiner Fellow at The Washington Institute.

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