

FaR 2021**International Forum “Freedom and responsibility in pivotal times”****DEMOGRAPHIC STATE SECURITY IN THE CONTEXT OF
INTERNATIONAL DEMOGRAPHIC LAW TRANSFORMATION**

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Abstract

The article deals with the problem of transformation of international demographic law on the protection of children and women rights, family institution and gender equality. It claims that this process is destructive, UN approaches to demography, population protection, fertility, family and marriage issues have changed over the last decades. It is concluded that modern international law is at risk of radical feminization. This is evidenced by the latest regulatory and programmatic initiatives of the UN – in effect, the organization has become a platform for promoting the interests of feminist organizations. New initiatives have nothing to do with the traditional UN development goals. We can talk about a significant transformation of the subject of demographic law, which has shifted from the tasks of preserving the population (protecting the rights of women, children, family, motherhood, fertility, gender equality) towards a policy of planet population reduction through family planning tools. These include legalization of the rights to abortion and sterilization, usage of new reproductive technologies, implementing sexual education, support for same-sex relationships. An analysis of the studies of Russian and foreign scientists revealed that this policy in many respects does not comply with the international law norms, and is also the main reason for the destruction of the foundations of the reproductive mechanism of society. That has been shown by the experience of countries that have implemented these norms in their legislative systems.

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1. Introduction

The scientific objective of the article is to identify the correlation between the norms of international law and the goal of Russia in the field of demography, the problem of protecting demographic sovereignty and the choice of a demographic strategy. This problem seems to be important due to the lack of consensus between countries on modern demographic policy and demographic sovereignty issues. The article gives an idea of independence and responsibility of modern states in the question of determining the strategy of demographic development from the point of view of legal norms in correspondence with the demographic needs of society. The relevance of this problem is highlighted by the new UN demographic policy. Having carefully studied international law, the authoritative opinions of Russian and foreign demographers, we come to the conclusion that the modern UN strategy (with such priorities as family planning, population stabilization programs) does not meet the goals and national interests of Russia in the field of demography. According to the international law norms, the state is responsible for the safety and development of its citizens; for this reason it has the right to choose a demographic development strategy in accordance with the interests of its peoples and cultural traditions.

2. Problem Statement

The scientific problem lies in serious inconsistency of modern international demographic law that leads to the fact that Russia enables to implement the norms of the new UN demographic policy into national legislation. This issue requires an international large-scale discussion (involving scientists, lawyers, representatives of cultural and national communities) in order to answer whether the current UN norms and programs in the field of gender policy, sexual education, family planning, reproductive technologies, family policy and other demographic issues reflect the interests of humanity and pursue the target of preserving the gene pool of the planet.

3. Research Questions

We analyze international law in the field of demography (gender equality, protection of the rights of women and children, protection of the institution of the family) in relation to the national interests of Russia in the field of demographic development.

We justify Russia's position on demographic policy and the protection of demographic sovereignty in the context of national security.

4. Purpose of the Study

The purpose of the study is to identify the capabilities and responsibility of the state for ensuring demographic sovereignty and demographic interests. This problem becomes relevant due to the apparent contradiction between the international law and the goals of Russian demographic development policy and national interests.

5. Research Methods

The main methods of the study were the review of regulatory environment and the institutional approach related to the study of norms of international demographic law on the protection of family, motherhood, childhood, fertility, development and gender equality. This made it possible to compile a detailed description of the modern subject of demographic law in activities of the UN and its bodies. The study used official documents and programs of the UN and its bodies as well as research of specialists on various issues of demographic policy (lawyers, demographers, embryologists, reproductive specialists, psychologists, sexologists).

6. Findings

European gender science has provided a lot in understanding the social nature of men and women. Studies by anthropologists, ethnographers and historians state that the biological characteristics of men and women are not an obstacle to the fulfilment of social and professional roles by both sexes. Long before the first scientific gender research on this topic, within the framework of Soviet gender policy, the USSR demonstrated that a woman on an equal basis with a man is capable of occupying various positions, mastering any profession, actively influencing socio-political life and getting an education. In a recent report of Russian UNICEF office it was recognized that at the time of the adoption of the Declaration on the Elimination of All Forms of Discrimination against Women in 1979, when most European women did not have political rights, the USSR had already achieved all the signs of gender equality (Convention..., 1979). For example, in the 1970s German women did not have the right to work without their husbands' written consent. The "second wave of feminism" in the United States and Europe began in 1960–1970 and was driven by the fight for the civil and economic rights of women, starting a broader discussion on the role of women in the public sphere. Significantly, the first wave was associated with women's access to contraception.

Perhaps it is the belated process of legalization of women's political rights that explains such radical and irreconcilable positions of modern feminist organizations in Europe and the United States. They struggle not for equal gender rights between men and women (equal access to education, work, wages, voting, development) (Convention..., 1952), but for the advantage of the rights of women over men and even against the very "feminine being", "feminine nature". This is a kind of women rebellion against all traditional female roles in society. That requires not just achieving equality, but the elimination of all differences, including physiological ones, between men and women (gender reassignment, support for IVF technologies, technologies of ectopic methods of conceiving and bearing children, surrogacy, movement for refusal from breastfeeding and carrying children, propagation of state education of young children).

It can be stated that such initiatives have been given approval at the UN level and feminization of international law and the international agenda is taking place. Not long ago the UN was adamant in defending the rights of women and children, recognizing these categories as requiring the greatest protection due to the "importance of the functions of motherhood" (The Declaration..., 1967), "the special role of women in raising children". It emphasized "the special role of women in achieving peace" (Due to motherhood experience, women are better than men in conflict resolution) (Convention..., 1979). In

existing instruments of the UN and its bodies we do not find a single mention of support for mothers and families, but rather women are recognized as "the most important force in governance" (Beijing Declaration..., 1995), one of the innovations is the enshrined right of women to "full control over fertility." Modern feminists are also fighting over the international establishing of women's rights to abandon family and children: "the right to abortion," "the right to family planning," "the right to childlessness," "the right to manage fertility," "the right to sterilization." The UN's support for radical feminist initiatives is evidenced by the latest resolutions and recommendations of UN bodies, the most vivid symbolic expression of approval of this policy was the logo on the WHO website (May 2021) which depicted a woman with flashy makeup and contraceptive pills in her hands. This image in the UN policy stands behind the modern concept of "protection of women and children" when the object of protection is a woman who is free from motherhood and family, free from giving birth and raising children, free in sexual relations. These initiatives receive broad ideological and financial support from NGOs and the global communication industry (text, video and audio production).

The UN child protection policy, which has significantly transformed over the past decades, is not less controversial. The UN has long been recognized "children's rights to chastity, innocence, care of their parents" (Plan of Action..., 1990), "the right not to be separated from their parents", "ban on sale", prohibition of "harmful inappropriate information" (Declaration..., 2002), "inadmissibility of torture and abuse" of children, prohibition "against sexual exploitation", "right to life". Today, there is a shift in UN's rhetoric and a complete suspension of the discussion in Europe and the United States on the recognition of the right to life in the prenatal period. This discussion was actually interrupted despite numerous scientific studies in genetics that confirm the following facts. The main law of embryology is the continuity of life from conception to death. Embryonic development is one of the stages of the continuous development of a human being. Human life begins with a zygote, the fusion of the germ cells of the father and mother; it is inadmissible to talk about "before" and "after", under- and pre-phases of life. The embryo is not part of the mother's body; it is genetically completely different from the body of the mother and father. Therefore, the mother cannot dispose of the embryo on her own; the inability to survive outside a mother's womb cannot be considered as a sign of lack of belonging to a living being. The embryo leads a full emotional and physiological life, characteristic of the intrauterine stage of development of a human being; the embryo is able to feel pain, which is confirmed by the latest scientific data in the field of prenatal pain research (Brekhman, 2011; Condic, 2018; Golichenkov, 2015; Kischer, 2008; Mercado, 2021).

Discussions on the prohibition of new reproductive technologies of surrogate motherhood and in vitro fertilization, which contradict the norms of international law on the prohibition of the sale of children, have been set aside, and the question of the humanity of conducting medical experiments on children has been raised. Many scientists around the world have expressed their negative position on new reproductive technologies and advocated their complete ban (Bishop & Loff, 2014; Funk, 2017; Kastro, 2016; Lotz, 2012).

Numerous studies of the Central Institute for the Protection of Children and Adolescents and Russian specialists prove the harmfulness of reproductive (not to be confused with sexual) education due to the unpreparedness of the child's psyche to perceive sexual information. That leads to the formation of

psychological trauma, the impossibility of creating an intact family in the future as a result of parents' negligence and modern media production (Belskaya, 2018; Blonsky, 1935; Sorokin, 2006).

Resolving these issues would make it possible to humanize international law substantially.

Whether this policy meets the interests of women, men, children, the demographic interests of states, traditional communities or this process are driven just by economic reasons (the involvement of more and more people, mobile and not burdened with family responsibilities, in global labour activities in order to expand markets and profit). This problem deserves a global conversation related to the responsibility of the state and society for demographic choice and future development.

7. Conclusion

As far as Russia is concerned, most experts argue that protecting demographic sovereignty is an important part of national security policy. Regardless of the prevailing global trends, each country has the right supported by the UN Charter to defend its independent way of preserving and reproducing the population through institutional and legal mechanisms. All states have demographic sovereignty, as part of the sovereignty of the state in matters of demographic policy, in accordance with the principles of "equality of states" enshrined in the UN (United Nations Charter on 26 June 1945, [UN Charter], 1945), "The sovereign equality of states" (Declaration on Principles..., 1970); "respect for cultural diversity, tolerance, dialogue and cooperation in an atmosphere of trust and mutual understanding" (Universal Declaration..., 2001). "Sovereign equality of all its Members" (UN Charter, 1945) means that states are sovereign and equal in exercising their right to sovereignty, this right is enshrined in the fundamental international treaty – the UN Charter (Chapter 1, article 2).

The new model of the UN's demographic development does not meet the national interests of Russia. The demography should not target the programs of family planning and population reduction (data on the planet overpopulation, especially the Russian territory, is not scientifically verified), but programs to preserve and increase the nation, its gene pool, population size, conservation and rational use of natural resources and preservation of spiritual and folk life. The state as a guarantor of demographic security must counteract external information threats to demographic security, support programs to increase the birth rate, using the resource of the media, culture, religion, science and education, recreate the value of family and children in society, preserve and strengthen the institution of motherhood. Today this is extremely underestimated and unprotected in the system of social relations, it still remains an irreplaceable basis for the development, culture and spiritual values of the state.

This strategy does not contradict the ideas of the global world and achievements in the field of informatization, on the contrary while maintaining humanity it brings a value component to the modern model of globalization.

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