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# Working Documents

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DOCUMENT 1-288/82

## Report

drawn up on behalf of the Committee on Youth,  
Culture, Education, Information and Sport

~~on~~ war toys

Rapporteur: Mrs M.-J. PRUVOT



At its sitting of 14 October 1980, the European Parliament referred the motion for a resolution by Mr GLINNE and others, on behalf of the Socialist Group, on the prohibition of the manufacture and sale of war toys (Doc. 1-487/80) to the Committee on Youth, Culture, Education, Information and Sport as the committee responsible and to the Committee on the Environment, Public Health and Consumer Protection and the Committee on Economic and Monetary Affairs for opinions.

At its meeting of 27-28 January 1981, the Committee on Youth, Culture, Education, Information and Sport appointed Mrs PRUVOT rapporteur.

It considered the motion for a resolution at its meeting of 24-25 February, 29-30 March and 17-18 May 1982 and adopted it at the latter by nine votes to two, with three abstentions.

The following took part in the vote: Mr. Beumer, chairman; Mr Hahn and Mr Schwencke, vice-chairmen; Mrs Pruvot, rapporteur; Mr Berkhouwer (deputizing for Mr Beywe de Ryke); Mr Bøgh, Mr Brok, Mrs Duport (deputizing for Mr Fajardie), Mr Gerokostopoulos; Mr Hutton; Mrs Krouwel-Vlam, (deputizing for Mrs Buchan); Mr Papageorgiou, Mrs Pery, and Mrs Seibel-Emmerling (deputizing for Mr Arfé).

The opinion of the Committee on Economic and Monetary Affairs is annexed to this report; the Committee on the Environment, Public Health and Consumer Protection will not be delivering an opinion.

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The Committee on Youth, Culture, Education, Information and Sport hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

on way toys.

The European Parliament,

- A. noting that one the the primary considerations behind the establishment of the European Community was peace,
- B. regretting that violence and warfare are often uncritically portrayed,
- C. emphasizing the importance of play and toys in children's lives,
- D. bearing in mind that many psychologists recognize the need for children to give vent to certain forms of natural aggression through play and toys,
- E. concerned at the growth in the number of toys which bear an increasingly close resemblance to real weapons and which are frequently marketed as replica weapons,
- F. dismayed at the rising popularity of these toys,
- G. whereas certain countries, both inside and outside the Community, have taken steps to limit the advertising of war toys and replica weapons,
- H. concerned that replica are frequently used in the perpetration of crime,
- I. whereas war toys may present a danger to the physical well-being of children,
- J. recognizing that the Treaty of Rome does not contain explicit provisions for banning the manufacture or sale of war toys and replica weapons,
- K. having taken note of the motion for a resolution on the prohibition of the manufacture and sale of war toys (Doc. 1-487/80) tabled by Mr GLINNE and others on behalf of the Socialist Group,

- L. having regard to the report by the Committee on Culture and Education of the Parliamentary Assembly of the Council of Europe of 9 June 1981 on banning or limiting advertising, production and sale of toy weapons (Doc. 4742),
- M. having regard to the report of the Committee on Youth, Culture, Education, Information and Sport and the opinion of the Committee on Economic and Monetary Affairs, (Doc. 1-288/82).

#### I - EDUCATIONAL CONSIDERATIONS

1. Points out that in the upbringing of children, and particularly in school and pre-school syllabuses and texts, emphasis should be given to the virtues of peace and to its achievements - such as the European Community - whilst pointing out the ruinous consequences of war and violence;
2. Draws attention to the direct responsibilities of parents and teachers in the upbringing of children and in the creation, through play, of a harmonious atmosphere in which a child's personality can develop;
3. Stresses the need to make available toys that lead children towards games which release potential aggression, but do not injure them to the idea of war;
4. Emphasizes the danger involved in giving children, through war toys, a liking for weapons;
5. Points out the physical danger to children, particularly those living in countries at war, in handling toys which closely resemble weapons;
6. Urges manufacturers to offer a wider range of creative or constructive toys to enable children to develop their intellect or imagination;

#### II - SOCIOLOGICAL CONSIDERATIONS

7. Regrets the advertising of war toys in the media, which influences children's choice;

8. Calls on the governments of the Member States, therefore, to take steps to limit the visual and verbal advertising of war toys;
9. Recommends that the Member States of the Community should consider a definition of those war toys which represent a hazard to the physical well-being of children;
10. Recommends that the production or sale of war toys should be progressively reduced and replaced by toys which are constructive and develop creativity;
11. Feels that manufacturers should show imagination by redesigning some items in their ranges of war toys as peaceful toys;

### III - ECONOMIC CONSIDERATIONS

12. Recognizes the social and economic importance of the European toy-producing industries, which employ more than 25,000 people in the Federal Republic of Germany and over 17,000 people in France, and notes that some 10% of these industries are at present engaged solely in the manufacture of war toys;
13. Welcomes the fact, however, that in Germany, the Community's major toy producer, opinion polls show 83% of the population to be in favour of banning war toys;
14. Believes that if the production of war toys is reduced, demand will be transferred to other categories of toys, for example electronic toys and musical instruments;
15. Calls on the Commission to grant conversion aid to undertakings which find it necessary to install expensive new equipment or technology;
16. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, and the Parliamentary Assembly of the Council of Europe.



EXPLANATORY STATEMENT

In recent months there have been various proposals or draft laws designed to prohibit the manufacture and sale of war toys.

In Sweden a legal initiative has been taken to halt the commercial exploitation of children by means of toy weapons and war toys. In France draft legislation is currently under consideration. In the Federal Republic of Germany, the world's third largest producer of toys, the Association of Toy Dealers has responded favourably to the request from the Federal Ministry of Justice that it should support a ban on the sale of war toys.

To ascertain the exact impact of a possible Community directive prohibiting the manufacture of war toys, this document presents a number of thoughts for consideration by the European Parliament's Committee on Youth, Culture, Education, Information and Sport.

It would appear to be necessary to consider the function and educational role of the toy, the concept of aggressiveness, as experienced by the child and, to a lesser extent, the economic repercussions of a possible ban on the manufacture of war toys.

Function and educational role of the toy

The role of the toy is complex. Although for a long time experts have held it to be part of the essential conditioning process, it now seems that toys of any kind enable the child to take stock of all the aspects of our civilization and to adopt his own position towards them. This is something that no one else can experience for him.

In a world where war and violence are given wide coverage by the mass media, war toys have naturally come to replace the cowboy pistol or the bow and arrow of the Red Indian.

As Professor DEBRE has pointed out:

'Playing at cowboys and indians is the same as playing at war and, as you know, parents would like there to be no more wars and their children not to play at war. I have to admit that I am not at all convinced that these games have any great influence in the wars waged by adults and I believe that this aggressiveness without malice often helps the development of the child: when children play at war they do not hate their enemies and they know quite well that it isn't real.'

'When a child plays it is not the content of the game that counts'. It is quite clear that in children's games violence and death do not have the same meaning as in adult experience and we should not be shocked by this. Many experts recognize that these games are in fact a vehicle for experiences which are essential to the child's development.

In addition, there is often a vast difference between the perception of the adult who is deeply affected by violence and that of a child who is less affected.

A child is perfectly able to distinguish between the representation of violence (in a game) and real violence. If a child is deprived of toys, such as guns, might the result not be one of considerable frustration for the child?

'Let your child play with toy soldiers and guns if he wants to. It won't do him any harm. If you forbid him to have any soldiers or guns you will create a taboo area. These toys will then acquire a fascination for him and he will play with them in your absence.' (DODSON)

Although some psychologists (DEBRE, DODSON, quoted in the working document) consider that there is no psychological risk in children playing with war toys, this view is disputed by others.

For them, the war toys brings serious risks of incitement to violence and leads only to contempt for human life.

There is in their view a further risk of the child learning to solve his problems by violence.

Moreover, they contend, the new war toys accustom children to regarding murder and violence as a game and desensitize them to the real horror of modern wars.

The fact that parents tolerate or buy this kind of toy is an encouragement to children to play only with war toys.

I should also like to point out in passing the risk to children playing with war toys in certain countries at war. In Ireland children have been killed by mistake because the security forces thought them armed when in fact they were merely playing.

A ban on war toys therefore would not limit the function and educational importance of toys. In addition, given the fact that there is a potential capacity for violence within the child, it would seem to be both necessary and valuable to allow him to master it and understand it.

Finally, creative or constructive toys enable children to develop their intellectual abilities, creativity and imagination.

#### The child vis à vis aggressiveness and the influence of his environment

Mastering and understanding the capacity for violence, that is the aggressiveness, of the child comes down to understanding and analysing a natural phenomenon. Aggressiveness is a dynamic factor in the growth of the child.

Teachers, sociologists and paediatricians frequently even go so far as to say that 'those who have had no opportunity in their childhood for aggressive exchanges with other children, tend, as adults, to alternate between hopeless submission and excessive authoritarianism'. (A. STORR)

A distinction should also be drawn between aggressiveness and violence.

The report by the 'Committee for the study of violence, criminality and delinquency', published recently in France and more widely known as the 'Peyrefitte Report', emphasizes that in no case has the toy weapon been cited as a possible incitement to aggressiveness or violence.

Consequently, the reasons for a Community directive prohibiting the marketing and sale of war toys have to be sought in the adult perception of this phenomenon.

If we try to look at the problem of war toys from the point of view of the child, it has to be recognized that toys have never resulted in war. At all events, the problem is less that of the toys themselves than that of the atmosphere in which the child plays. The toy is an intermediary between the child and the world in which it lives. It is therefore the family environment, far more than the toy, that is the decisive factor in the child's character. Children become violent when their parents are violent or when they allow violence by their children to go unpunished.

Finally, it must be recognized that toys are frequently made to reflect the fantasies and anxieties of the adult world, and to wish to deprive children of war toys is to take away part of their universe.

To repress the natural aggressiveness of the child is to inhibit it and inhibiting the child is nothing more than violence turned against itself.

#### Economic repercussions of a ban on the manufacture and sale of war toys

The economic repercussions of a ban on the manufacture and sale of war toys would be considerable at Community level since two Member States - the Federal Republic of Germany and France - are among the world's leading toy producers.

It is estimated that the toy industry employs some 25,000 people in the Federal Republic of Germany and 17,500 in France. Approximately 7 to 10% of the industry is employed exclusively in the manufacture of war toys as are 30% of the model makers in the sector.

To abolish the manufacture of war toys would, without any doubt, result in severe financial difficulties for the 600 firms in the Community which specialize in the manufacture of toys.

In the Federal Republic of Germany, which is the Community's major toy producer, according to certain opinion polls, 83% of the population is in favour of banning war toys.

The nature of our society, our traditions and the position of the child within the family mean that toys in one form or another will continue to be sold for many years to come.

For this reason if fewer war toys are made, demand will be transferred to other categories of toys. The overall demand for toys will remain constant and therefore neither manufacturing nor sales levels will fall.

The replacement of war toys by creative toys could be facilitated through a system of competitions for ideas to help manufacturers choose the range of toys in which they wish to specialize.

The 'demilitarization' of toys: a child can play just as well with a civil aircraft as with a military aircraft or with a civil vehicle just as well as with a military vehicle.

Let us not delude ourselves: the army is the training ground for war, attack, defence or dissuasion.

We considered it useful to submit these reflections on what we regard as an important subject to the Committee on Youth, Culture, Education, Information and Sport for its consideration.

However, we do not consider that Article 36 of the EEC Treaty, which is intended to prohibit the import of goods on grounds of 'public morality and public health', can reasonably be applied to war toys.

MOTION FOR A RESOLUTION (Doc. 1-487/80)

tabled by

Mr GLINNE, Mrs SEIBEL-EMMERLING, Mr CARIGLIA, Mr G. SCHMID, Mr ALBERS,  
Mr GAUTIER, Mr SEEFELD, Mr ZAGARI, Mrs WEBER, Mrs VAYSSADE, Mrs ROUDY,  
Mrs FUILLET, Mrs VIEHOFF and Mrs WIECZOREK-ZEUL

on behalf of the Socialist Group

pursuant to Rule 25 of the Rules of Procedure

on the prohibition of the manufacture and sale of war toys

The European Parliament,

- whereas in several countries measures banning the sale of war toys have been successfully introduced,
  - whereas, for example, in Sweden a legal initiative has been taken to halt the commercial exploitation of children by means of toy weapons and war toys,
  - whereas, furthermore, the Association of West German Toy Dealers has responded favourably to the request by the Federal Minister of Justice to support a ban on the sale of war toys,
  - whereas the manufacture and sale of war toys should be prohibited in the member countries of the Community,
  - whereas, in answer to Written Question No. 86/80 by Mr GLINNE, the Council stated that it had received no proposal on the subject from the Commission,
1. Requests the Commission to draw up a directive banning the manufacture and sale of war toys;
  2. Instructs its President to forward this resolution to the Commission.

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

Draftsman: Mr K. NYBORG

At its meeting of 25 November 1980 the Committee on Economic and Monetary Affairs appointed Mr Nyborg draftsman of the opinion.

The committee adopted the opinion at its meeting of 20 January 1981 by 13 votes to 1 with 2 abstentions.

Present: Mr Delors, chairman; Mr Macario and Mr Deleau, vice-chairmen; Mr Nyborg, rapporteur; Mr Beazley, Mr Bersani (deputizing for Mr Schnitker), Mr Beumer, Mr Bonaccini, Mr Caborn, Miss Forster, Mr Forth' (deputizing for Mr Hopper), Mr Herman, Mr Leonardi, Mr Mihr, Mr Seal (deputizing for Mr Rogers) and Mr von Wogau.

1. This motion for a resolution concerns the prohibition of both the manufacture and sale of war toys.

The scope which exists under the ECSC Treaty for the Community to intervene in production in case of crisis does not exist under the EEC Treaty. This means that the Community is not in a position to prohibit the manufacture of war toys.

Nor does the EEC Treaty provide any scope for the Community to prohibit the sale of war toys; indeed, if war toys are legally marketed in one Member State, the sale thereof must also be allowed in the other Member States.

The situation where the EEC Treaty can come into play is therefore when one Member State adopts regulations which create obstacles to trade in war toys within the common market.

2. The EEC Treaty does not prevent one or more Member States from prohibiting domestic production of a given article, but Article 30 of the Treaty, on the other hand, normally prevents Member States from placing obstacles in the way of imports from other Member States.

The only means by which the Member States can restrict or prevent the sale of war toys are:

- by imposing specific taxes on such toys;
- for dealers to refrain voluntarily from selling war toys;
- for all the Member States independently to prohibit the manufacture of war toys.

3. In addition to this, of course, Member States can seek to use the exemption clauses in the EEC Treaty with a view to prohibiting imports under Article 36 of the Treaty on grounds of 'public morality' and 'protection of health and life of humans'.

However, it is extremely doubtful whether the Court of Justice would uphold the prohibition of imports of war toys under this exemption clause.

There are several reasons for this:

- the prohibition of imports of war toys is not a matter of human life and health and hardly affects 'public morality';

- if the sale of war toys is to be prohibited, there should also be a ban on films, television programmes, books, strip cartoons, etc which portray violent scenes;
  - it is better for a child to be allowed to work off its aggression while still a child instead of having to do so when it has grown up; for then it is no longer imitations that are used;
  - if there is a ban on sales, children will make their own war toys, which may be far more dangerous from a physical point of view than manufactured toys (e.g. a stone is more dangerous than a plastic hand-grenade);
  - where is a line to be drawn between war toys and other types of toys, sports goods, etc? What is the situation as regards bows and arrows, darts, boomerangs and water pistols?
4. Furthermore, a production ban would affect the export prospects of toy manufacturers and, hence, employment.

#### Conclusions

- (a) The EEC Treaty provides no scope for the Community to prohibit the manufacture or sale of war toys.
- (b) If an individual Member State were to prohibit the sale and thus the importation of war toys, this would contravene the EEC Treaty.
- (c) The Committee on Economic and Monetary Affairs therefore rejects the motion for a resolution.