



UNITED NATIONS
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OFFICE OF THE HIGH COMMISSIONER

RECOMMENDATIONS TO COMBAT CHILD EXPLOITATION IN SOCIAL MEDIA

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SPRING
THE SPRING GROUP

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2. Executive Summary

Social media has exploded in usage amongst children. 50% of parents state that their child has access to some type of social media, with 32% of parents reporting that their children aged 7 to 9 have access to social media. Three quarters of parents have shared the content of their children online.¹

With staggering numbers of children online, child content in social media is increasingly profitable. In 2020, the highest paid YouTube content creator was 9 year old Ryan Kaji, best known for his toy reviews.² In fact, content creators like Niki Phillips, DaddyOFive, and Myka Stauffer have all gained significant online followings through their content based on their children. Unfortunately, this creates numerous opportunities for exploitation of the content creator. Family content channels have been accused of physical and emotional abuse of their children in their content. Content creators have also violated the privacy and dignity of neurodivergent or adopted children.

The legal landscape isn't much help either. There are very few laws around the world requiring child content creators to be compensated for their work by their parents. Labor protections, such as working hour limitations are also nonexistent.

We propose four areas that should be resolved:

- Financial Compensation: Requiring that children be financial compensated for their work
- Labor Protections: Extending labor protections for children, including working hour restrictions for children
- Right to be Forgotten: Children should have the right to have content posted by parents removed online
- Third Party Monitors: Offering third party monitors to help ensure child welfare.
- Revisions/Addendums to the UDHR & SDGs: Integrating children's right to be forgotten and for dignity in work

In this brief, we call for the reinforcement of existing privacy laws & fair compensation practices for children who are often the subject of privacy violation and indiscriminate abuse physically and financially derived from social media content implicating children.

¹ [Security.org, 2021](#)

² [Neate, 2020](#)

3. Introduction and Background

A growing body of evidence finds that “children under 13 are eager to use social media platforms, for whatever reasons – entertainment, celebrity, connecting with friends, or being drawn in by the engagement-promoting design common on these sites,” said Dr. Jenny Radesky, an assistant professor of developmental behavioral pediatrics at University of Michigan C.S. Mott Children’s Hospital.³ 50% of parents with children aged 10 to 12 say that their children have some form of access to social media apps on a regular basis. A further 32% of parents with children aged 7 to 9 say their children have similar access. Nearly 95% of Americans between 13-17 have used YouTube, and one in five teens describe themselves as constantly online.⁴

With more children using online platforms, this creates a marketplace for child social media stars. The amount of adolescent content creators has exploded on all platforms, and they’re making it big. In 2020, the highest paid YouTuber was 9 year old Ryan Kaji, known for his YouTube Channel Ryan’s World, earning \$29.5 million.⁵ The highest earner on TikTok in 2021 was then 17-year-old Charli D’Amelio, who made \$17.5 million.⁶

Sharenting has also exploded. This phenomena involves parents sharing their children on social media for the general public. An estimated 77% of parents have shared their children on social media, and over 80% of parents have used their children’s real names.⁷ Sharenting has also become immensely profitable for parents. Numerous family content channels have exploded, featuring parent’s children in videos and posts. From van life families to families with neurodivergent children, family content creators are widespread online.

Posting children online can create unforeseen consequences. From violating privacy to creating financial exploitation, child social media stars can suffer severe harm from their online presence.

³ [Rogers, 2021](#)

⁴ [Vogels et al., 2022](#)

⁵ [Neate, 2020.](#)

⁶ [Spangler, 2022](#)

⁷ [Security.org, 2021](#)

4. Manifestations of Exploitation

The commercialized “sharenthood” (a portmanteau of ‘share’ and ‘parenthood’) industry involves the sharing of parent’s children online. While most parents only intend to share children online for close friends, many families increasingly make money off of showcase their children. Unfortunately the industry is highly underregulated, offering ripe opportunities for abuse. Numerous cases have surfaced involving physical and emotional abuse of children for views.

4.1 Physical Abuse

Family YouTube channels often include pranks in video uploads, but these can often go too far, endangering child safety. In 2019, an Arizona mother was accused of torturing her seven children featured in their popular YouTube series, Fantastic Adventures.⁸ The mom was accused of pepper spraying her children and forcing them to take ice baths. In 2017, Heather and Mike Martin were sentenced to five years of probation for child neglect. The couple’s channel was notorious for posting prank videos of themselves screaming at their children and breaking their toys.⁹ In an attempt to garner views, these content creators often resort to abusing children, causing physical and emotional abuse in the end

4.2 Privacy Violations

A growing trend over the past few years has been for content creators to feature their neurodivergent children online. Myka Stauffer’s adoption of her child is one of the most prominent cases of exploitation. Through social media posts chronicling her autistic child, Stauffer gained hundreds of thousands of views. When it increasingly became difficult to manage her autistic son, she ‘rehomed’ him over vague concerns of being ill equipped to handle the child.¹⁰

By displaying their child for the world, content creators exploit their neurodivergent children and violate their privacy for fame and financial gain. These posts often include discussions of a child’s meltdowns, further violating their dignity.¹¹

Similarly, chronicles of adoption are unique stories that present an opportunity for parents to post about. Content creators, including Myka Stauffer, often post their adoptive children, often insulating they don’t adopt for humanitarian reasons, but for financial gain.

⁸ [Mettler, 2021](#)

⁹ [Levin et al., 2017](#)

¹⁰ [Weiner, 2020](#)

¹¹ [Cousins, 2020](#)

In one of the most notorious cases, YouTuber Niki Phillippi opted out of an adoption because they couldn't film the child for one year.¹²

It's not just adoptive and neurodivergent children. On a fundamental level, posting children to the public can amount to a violation of their privacy. Childhood is often a time for kids to grow and make mistakes, putting them in the public light can deprive them of privacy and dignity.

4.3 Financial Abuse and Coercion

With few protections for children, child content creation is rife for financial abuse. Content creation can occur anywhere, anytime, and requires few people to produce content, unlike the traditional entertainment industry. This makes it easy for parents to use children for content, yet refusing to compensate them for any of the work they do.

Another important problem is consent. At such a young age, it's difficult for children to consent to being in videos because they do not fully understand the repercussions. In fact, the US' Children's Online Privacy Protection Act (COPPA) sets the minimum age of digital consent at 13.¹³ Even if parents allow kids to decide whether to be featured on camera, the families' reliance on their child's social media content for income presents a difficult situation for the children. On one hand, continuing to film may violate their privacy, but refusing to film may harm the families financial stability.

¹² [Business Insider via the South China Morning Post, 2023](#)

¹³ [Pasquale et al., 2022](#)

5. Legal Landscape of Child Content Creator Protections

Because many child labor provisions and treaties were written before the advent of social media, child content is often excluded from many child labor protections. However, the legal landscape is currently changing, to add provisions for child social media stars.

5.1 International Labor Standards

International treaties have established universal bans against child labor. The International Labor Organization's minimum age convention sets the minimum age for child labor for dangerous or hazardous work that may jeopardize the health, safety, or morals of the child at 18 years old.¹⁴ Furthermore, it bans child labor for those who have not completed compulsory education or are under 15 years of age. The International Labor Organization's worst forms of child labour convention bans any form of slavery, trafficking, debt bondage or forced employment, regardless of occupation.¹⁵

5.2 Social Media Protections

While international labor standards attempt to outlaw child labor, social media stars often lack many legal protections to curb abuse. Child influencers often have no legal recourse through traditional or state child labor laws. America's Fair Labor Standards Act, which was designed to end child labor, created carve outs for children in the entertainment industry. Although California's Coogan Law requires parents to put at least 15% of gross revenue the child earns from acting into a third party Coogan account, the law doesn't apply to social media stars.¹⁶ Thus, the risk of physiological, financial, and physical exploitation among these children are incredibly high.¹⁷

The Right to be Forgotten is the idea that consumers have a right to remove their data from online sites. The EU's General Data Protection Regulation (GDPR) enshrines this right. Article 17 cites that an individual may erase personal data concerning them without undue delay.¹⁸ This right is especially important for child influencers because their parents have posted content about them for years.

¹⁴ International Labour Organization (ILO), *Minimum Age Convention, C138*, 26 June 1973, C138

¹⁵ International Labour Organization (ILO), *Worst Forms of Child Labour Convention, C182*, 17 June 1999, C182

¹⁶ Joan Reardon, *New Kidfluencers on the Block: The Need to Update California's Coogan Law to Ensure Adequate Protection for Child Influencers*, 73 Case W. Rsv. L. Rev. 165 (2022)

¹⁷ [Edwards, 2023](#)

¹⁸ [European Union, n.d.](#)

However, this right changes for children under 18. Child influencers featured under family profiles do not obtain the right to be forgotten, as they were featured from a very long age.¹⁹ This is, of course, very problematic: for one, it oversteps boundaries for children who may not want to be shown in the media. That's why it is crucial for adults to follow requests of erasure from children who do not wish to be in the media anymore. Though, every child's situation is different, which is why each case has to be evaluated independently.²⁰

5.3 Change in Child Labor Laws

Although child labor laws are lacking, there's a flurry of new laws giving child influencers protections. France, for example, recently introduced protections, which include the right to Be Forgotten for children. The bill would enable children to take down content their parents posted even without parental consent.²¹ While this is a step forward, this new law does not establish many child labor provisions, such as maximum working hours.¹⁴

In Illinois recently signed a child influencer bill. Senate Bill 17982 would require children who appear in over 30% of content in a 30 day period to receive at least 50% of the revenue of the content they were featured in.²² More states in the US are considering implementing such provisions. Legislators in Pennsylvania are currently considering including child stars in child labor protections.²³

A central reason why child influencers face so few protections is the gray area that child influencers occupy in labor law. Social media for most people is simply a means of staying connected. For child internet stars, however, it's a job; yet, this line presents a fundamental difficulty with the regulation of child influencers.

While some national governments have established right to be forgotten laws for content creations (with the exception of the European Union), International Governmental Organizations (IGO) haven't done much to address right to be forgotten laws. IGOs are essential for regulating child influencers. Social media content creation is a transnational issue. Creators frequently post content of them traveling with their children, and some families' entire niche is traveling with their children. International regulation can create universal protections for child influencers, no matter what country a child travels to.

¹⁹ [Venis, 2022](#)

²⁰ [UK Information Commissioner's Office, n.d.](#)

²¹ [Boring, 2020](#)

²² [Illinois General Assembly, 2023](#)

²³ [Klinedinst, 2023](#)

6. Recommendations

6.1 Requiring Financial Compensation For Children

Because most child labor laws were written before the advent of social media, child internet stars lack financial protections. Although Coogan's law requires financial compensation towards child actors, California's Coogan law largely doesn't extend to child influencers.²⁴ We found only one country, France, which has national laws requiring compensation of child internet personalities.²⁵ We recommend the creation of financial compensation laws with the following stipulations:

- Reserving a percentage of gross revenue: Laws should require percentages of gross revenue, opposed to net revenue, to be reserved for children. This ensures that children's revenue share isn't diluted by management fees or other fees designed to siphon off the child's share.
- Coogan Accounts for any deal: In the California entertainment industry, children must have Coogan accounts in order to work on film or television projects.¹ These accounts help protect children's money by providing a specific account for children. By extending the bank account provision to any social media monetization or advertising deal, parents would be forced to fund children

6.2 Creating Labor Protections

Child influencers occupy a difficult space to govern. Unlike television or motion picture productions, they're work can be filmed anytime and anywhere. It can be done just by themselves without anyone. Furthermore, labor protections, such as the United State's Fair Labor Standards Act often do not extend to child influencers. This presents difficulties with regards to labor protections. We recommend extending protections to children with several key principles:

- School Conflict Bans: Social media and content creation must not interfere with the schooling.
- Coercion and Consent: Children should not be coerced into social media or content creation work.
- Dignity: Child content creation, especially by parents, should respect children's privacy and dignity. Content produced should not embarrass children or lead to

²⁴ [Lambert, 2019](#)

²⁵ [Kayali, 2020](#)

social stigmatization. This is especially important for neurodivergent children, who are often featured in ways that violate their privacy.

6.3 Enshrining the Right To Be Forgotten

Courts around the world have increasingly found a right to be forgotten. The European Union's General Data Protection Regulation (GDPR) included this right, allowing data controllers, consumers, to request data processors, i.e tech companies, to take down data. While countries are increasingly recognizing this right, child social media stars may not be able to exercise it. The crux of the issue involves whether the parent or the child is posting content. In the EU's GDPR, if the parent decides to post the child's content, it's difficult to ascertain whether the child would have the right to take down the content if the two interests conflict.²⁶⁻²⁷

France's new child influencer law addresses this conundrum. The law allows minors to request social media platforms to remove their data, without their parents consent.²⁸ We recommend both international organizations and national governments recognize a right to be forgotten. The right should allow children, similar to France, to remove content without parental consent at any age.

Children deserve the right to remove content that they disdain because while parents may have legal responsibility for the minors, being a minor does not forfeit all their autonomy. We should respect the right of children to exercise their expression whenever possible. Allowing children to remove content of themselves is a reasonable form to exercise this right.

6.4 Third Party Monitors

Because of the accessibility to produce content, exploitation of children can be easily hidden from authorities. We recommend the creation of third party monitors to help ensure child protections. The implementation of third-party monitoring systems may function as an effective accountability & enforcement mechanism behind general principles backing human dignity, respect, fair working conditions, and just compensation. These should be social workers tasked with several responsibilities

²⁶ [Bunn, 2019](#)

²⁷ [Bessant & Schnebbe, 2022](#)

²⁸ [Venis, 2020](#)

- Consent: Ensuring that children consent to the filming of their image on social media.
- Dignity: Conducting periodic audits on content produced by parents, ensuring that content does not violate a child's dignity. This includes content describing children's health, academic affairs, and other private information..
- Compensation: Ensuring that children receive compensation for their work.
- Labor Protections: Ensuring children's work in social media does not interfere with schooling, socialization, or other responsibilities.

If these provisions are violated, the third party monitors should use the legal system to remedy these violations.

6.5 Revisions/Addendums to the UDHR & SDGs

The UN Sustainable Development goals include numerous mentions of fair pay. For example, UN sustainable development goal 10.2 calls for "By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status" and 10.4 advocates for "Adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality." UN SDG 8.5 also calls for achieving "full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value" by 2030. While these SDG's advocate for financial compensation for all, we hope that the SDG's also focus on the ideas of dignity and work.

We therefore recommend the addition of several standards:

- Proposed SDG 8.9: Ensuring everyone can consent to their work, whether online or in person.

While the UN Declaration for Human Rights' Article 12 enshrines the right to privacy, this right should be adopted to the digital age, which is increasingly focused on data protection. We propose an amendment to the right to privacy that includes the right to be forgotten. This right should allow children to remove content of themselves posted by their parents without their permission.

7. Conclusion

Given the depth of child exploitation by means of social media, we resolutely support actionable steps to cease the pernicious, insidious instrumentalization of children for profit & attention. We urge the UN Human Rights Office of the High Commissioner and the Special Rapporteur to generate international action and attention to act on this pervasive yet invisible crisis that exists today.

Building on the growing precedent of international labor standards, social media protections, and change in child labor laws, we suggest the following:

1. Requiring financial compensation for children;
2. Creating labor protections;
3. Enshrining the right to be forgotten;
4. Establishing third party monitoring systems; and
5. Implementing revisions/addendums to the UDHR & SDGs

The UN has the power to alter policies of state and non-state actors and unify institutions to protect child content creators. We urge them to use it.