

Digital Child Labor: Kid-influencer and Legal Countermeasure in China

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Abstract

With the tendency of Internet developing, from the “child model” of online shopping to the kid-influencer on we-media, digital child labor is becoming a common social problem. Driven by Internet commerce, children are engaged in “digital labor”. They are turning from Internet users to Internet media producers. Kid-influencer spend different time on the internet, produce content with different themes and styles, making it difficult to define whether they are child stars or child labor. This article aims to describe the phenomenon of children internet celebrities in China and analyze the causes of this phenomenon of children internet celebrities. Their need of new things, social relations, and recognized needs by society, obtained expression channels in the rise of Internet media. While children’s weak self-control, their guardians’ weak legal awareness, as well as misguided influences of internet celebrity economy have made kid-influencer facing the risks in right to education, portrait rights and privacy

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rights. In order to cater to the needs of network flow, there are even content that infringes on children's right to health.

The new law on the protection of minors will be implemented on June 1, 2021. The law includes a new chapter on internet protection in a bid to protect those under the age of 18 when they are online. It also stipulates that families and society are responsible for preventing minors from indulging in the Internet. Whereas, this law doesn't provide the kid-influencer and digital child labor issues. Kid-influencer have become digital child laborers who are forced to do business under the rules of the Internet. The government should improve the legal system, protect the rights of kid-influencer, and promote Internet companies to develop products for children. In addition, Internet platforms should bear the responsibility of verifying the content of kid-influencer products.

1. Overview of Child Digital Labor

(1) Derivatization of Digital Labor

Digital labor originated from the rise of internet technology. With the development and popularization of Internet applications, the internet has become the main channel for people to obtain information. The subsequent emergence of digital media technology has absorbed labor resources globally, forming a person-to-person (hereafter referred as P2P) network

platform such as online shopping platforms, new-media, and social platforms. Users of online platforms use their fragmented time to create value for commercial media and become exploited digital laborers without knowing it.² Christian pointed out that commercial capital exploits “digital labor” through compulsion, alienation, and double commercialization of the producer.³ In the Internet information age, Internet writers create Internet literature triggered by their interests. In this period, the digital labor of Internet writers is a way of existence that reflects personal values. After capital has entered the platform-based operation of online literature, online writers have become “digital laborers” in the true sense, whose labor motivation is alienated from free interest-oriented creation into the pursuit of high-value commercial interests.⁴ Since then, with the rise of e-commerce, online shopping platforms have absorbed a large number of “entrepreneurial labor” to become sellers of online stores. Although these online e-commerce sellers are market entities with a certain degree of autonomy, they are also dependent on e-commerce platforms. And because of the rules set by e-commerce platforms for entrepreneurs who use their platforms based on their operating methods, creative laborers face extremely long working hours every day, and they also have to face the

² Li Yixuan, (2020). Forms of Digital Labor on Social Platforms and its Motivity Mechanism. *New Media Research*, 18, p.11.

³ Christian Fuchs & Dallas Smythe. (2012). Today – The Audience Commodity, the Digital Labor Debate, *Marxist Political Economy and Critical Theory. Triple C*, 10(2), pp.692-740.

⁴ Jiang Shuyuan, Huang Bin. (2020). When Art-Youth become Digital Labor: Reflection on the Alienated Labor of Network Writers, *China Youth Study*. 12, p.24.

source of online shop customers allocated by the online platform. For this reason, they need to make their own shops meet the various assessment requirements of the platform. In the field of e-commerce, the platform is both a rule-maker and a referee. At the same time, it has become a participant in commercial games by setting up its own online store, and grabs profits in all aspects of e-commerce transactions through such a trinity power monopoly. This has led to entrepreneurial labor not only being the main body of the commercial market, but also being controlled and actually exploited by capital behind internet platform.⁵

With the development of new media technologies, short video platforms such as Instagram, Tiktok, Douyin, and Kuaishou have expanded the scope of digital labor. If it is said that in the initial stage of the development of the Internet, the only people engaged in digital labor are those who have the ability to use the Internet to produce at a certain extent, like internet writers. In the stage of e-commerce platform, there are a large number of offline stores and idle “start-up laborers” are “transported” to online commerce. In the new media era, with the popularization of mobile smart terminals such as mobile phones and the development of online social platforms, anyone can engage in “digital labor” on the Internet. Research points out that users of new media platforms consciously upload

⁵ Julian Kücklich. (2005). Precarious Playbour: Modders and the Digital Games Industry. The Fibreculture Journal, 05, see at <https://five.fibreculturejournal.org/fcj-025-precariou-playbour-modders-and-the-digital-games-industry/>. Accessed on 25 May, 2021.

pictures and videos. Obligations to promote the platform, translate, and even participate in paid or unpaid crowdsourcing tasks have been commoditized. These user-generated content (hereafter referred as UGC) content have become the new growth point of digital capitalism's surplus value.⁶ In the labor process, digital labor forms the production of “manufacturing consent” .⁷ Julian Kücklich first proposed the concept of “playbour” , that is, the participation and creativity of players in online games are presented in the form of leisure and entertainment, where their unstable and unpaid labor identity is obscured.⁸ Children playbour has become the young laborers of the consumer terminal of smart products, and the enclosure movement of digital capital and new media technology has deeply expanded to the group of children in the family.⁹ In general, communication studies believes that individuals who use online platforms, through the work of browsing the website and making comments, bring traffic to the website, attracting capital to place advertisements through the platform, and the platform accurately delivers the advertisements to consumers. The cost of publicity is finally calculated into the cost of the product and burdened by consumers. Under such a closed-loop marketing

⁶ Yao Jianhua, Xv Sisu. (2019). Global Digital Labor Studies and the Chinese Context: A Critical Review. *Journal of Social Science of Hunan Normal University*. 5. p.144.

⁷ Burawoy M. *Manufacturing Consent: Changes in the Labor Process under Monopoly Capitalism* [M]. Chicago, IL: University of Chicago Press, 1979.

⁸ Julian Kücklich. (2005). Precarious Playbour: Modders and the Digital Games Industry. *The Fibreculture Journal*, 05, see at <https://five.fibreculturejournal.org/fcj-025-precariou-playbour-modders-and-the-digital-games-industry/>. Accessed on 25 May, 2021.

⁹ Cao Jin, Zhuang Qianwei. (2013). Fingertips World--Urban Preschoolers Play with the Invasion of Electronic Intelligence, *Open Times*. 1, pp.179-198.

model of “capital-platform-user-capital” , internet users simultaneously play the roles of viewing, dissemination and production. The unpaid “digital labor” they engage in under fragmented time is transformed into digital capital with proliferation effect, participates in digital production in the form of “crowdsourcing production” .

The subject of digital labor is diverse, and the general term “labor” is difficult to accurately describe the actually very complex group of laborers.¹⁰ Therefore, the discussion on “digital child labor” is really necessary. In addition, we have also seen that there is no universally accepted definition of digital labor in communication studies. Some studies have relatively broad definitions of digital labor, which has expanded the scope of digital labor. Whether digital labor need to have a relatively fixed production practice of “non-material labor”, and its labor is commoditized under the influence of capital power still need to be discussed. Based on this, we sort out the phenomenon of kid-influencers in China, and analyzes the causes of kid-influencers and the risks they are facing.

(2) Legalization of the “child labor”

Article 32, paragraph 1, of the Convention on the Rights of the Child, adopted by the United Nations General Assembly in 1990, stipulates that “States parties confirm that children have the right to be protected from

¹⁰ Yao Jianhua, Xv Sisu. (2019). Global Digital Labor Studies and the Chinese Context: A Critical Review. *Journal of Social Science of Hunan Normal University*. 5. p.147.

economic exploitation and any activities that may hinder or affect children's education or harm children's health or physical, mental, or spiritual, Moral or social development work".¹¹ The minimum age for employment set by the Contracting States is the age standard for child labor in different countries. The "Minimum Age for Admission to Employment Convention" (hereinafter referred to as Convention No. 138) adopted by the General Conference of the International Labor Organization in 1973 stipulates that, except for special exemptions, the minimum age for approval of employment or work by member states should not be lower than the age for completing compulsory education, and must not be less than fifteen years old under any circumstances. The 1999 "Worst Forms of Child Labour Convention" (hereinafter referred to as Convention No. 182) recognizes the "most harmful form of child labor" in terms of the form of labor, the content of labor, the illegality of labor, and the labor environment.

In China, Article 61 of the Law on the Protection of Minors, revised in 2021, stipulates that no organization or individual may recruit minors under the age of 16 unless the state has other regulations. In addition to the protection of minors under the age of 16, the law also stipulates that commercial entertainment venues, bars, Internet service business places and other venues that are not suitable for minor activities shall not recruit

minors who have reached the age of 16. That is, minors who have reached the age of 16 but have not yet reached the age of 18. Units and individuals that recruit minors who have reached the age of 16 shall abide by the state's regulations on types of work, working hours, labor intensity, and protective measures. The “Provisions on Prohibition of Child Labor” passed by the State Council in 2002 also referred to minors under the age of 16 as child labor.

(3) From Child Labor to Digital Child Labor

The concept of child labor constructed based on the logic of difference in modern society is composed of three indicators: location, economy, and culture. It is generally considered that child workers who are exploited in the market outside the family with low income and forced to engage in indecent work are child labor.¹² Location indicators are often used as clues to identify child labor. “Defining Child Labor” uses bibliometrics to prove that people do not use economic terms when subscribing to child labor. Instead, they use market work or housework.¹³ The location of work outside the home is closer to the location of child labor in social consciousness. China’s “Provisions on Prohibition of Child Labor” defines

¹² Zhu Zhengde, Hu Bin. (2021). How the WeChat Platform Constructs the Exceptional Status of Digital Child Workers -- An Ethnographic Study of the Children Drifter Group in Zhili Town, Zhejiang Province, E-Government, p.10. See at <https://kns.cnki.net/kcms/detail/11.5181.TP.20210409.0848.010.html>. Accessed on 25 May, 2021.

¹³ IPEC. Defining child labor: A review of the definitions of child labor in policy research[R]. Geneva: ILO, 2009.

child labor as minors under the age of 16 recruited by employers. The legal term “organization” also presupposes a place of work outside the home. As far as economic indicators are concerned, economic poverty is only a symptom of child labor, and economic dependence is its core. The International Labor Organization considers child labor to be forced labor, which takes into account the “involuntary and coercive factors.”¹ Based on this, child labor is more often directed to extreme environmental activities such as drug trafficking, prostitution and sex work. However, the digital hotbed for incubating digital labor uses intermediary logic to solve the coordination problems in market exchanges by expanding the Internet’s ability to compress distances to establish a network of relationships. This erodes the three indicators constructed by the logic of difference, making the “digital child labor” become the exception to above three indicators. Because with the development of digital media technology, the generation of young internet celebrities has broken through the limitation of the location indicator of child labor, and expanded the work place of child labor to the network platform, forming “digital child labor” and making this phenomenon universal. Digital child work is a group of digital labor, which is associated with the development of information and communication technology, as well as the digitalization of capitalism. In the capitalist digital economy, unpaid labor is the key to creating value. Although in Karin Fast's view, unpaid labor is not a brand-new concept in

the digital era, but is influenced by seven types that have appeared in human history, including slaves, apprentices, hobbyists, and volunteers. The tendency of media workers to become “unpaid labor” is becoming more and more obvious, and they are excluded from secure and stable labor relations.¹⁴

2. Phenomenon of Kid-Influencer in China

(1) From “child star”, “child model” to “Kid-Influencer”: The Generalization of Digital Child Labor

“Internet+” makes digital technology develop into an accessibly technology, embedded in various industries, transforming and deriving more and more labor forms and laborers.¹⁵ From the beginning of the 21st century to the present, the rise of online shopping platforms has enabled everyone to become sellers or buyers, and the development of online platforms has formed a wide range of social acceptance. Around 2018, the development of short video platforms has enabled everyone to become a creator of online content. The development of “Internet +” has expanded the typical full-time work of the industrial era in traditional societies to

¹⁴ Yao Jianhua, Xu Siyu. (2019). Global Digital Labor Studies and the Chinese Context: A Critical Review. *Journal of Social Science of Hunan Normal University*. 5. p.143.

¹⁵ Zhu Zhengde, Hu Bin. (2021). How the WeChat Platform Constructs the Exceptional Status of Digital Child Workers -- An Ethnographic Study of the Children Drifter Group in Zhili Town, Zhejiang Province, *E-Government*, p.1. See at <https://kns.cnki.net/kcms/detail/11.5181.TP.20210409.0848.010.html>. Accessed on 25 May, 2021.

flexible employment relationships established through digital platforms. Digital labor has also shown a rapid development trend with the emergence of this industry. Digital labor objectively uses information and communication technology, digital technology as means of production to perform manual or mental work.¹⁶ Although digital laborers have become free individuals under the “fourth-generation work model” defined by Boudreau and has a certain extent of freelance work, they are often pushed into a professional state where welfare and occupational safety are absent.¹⁷ “Digital child labor” has become a more vulnerable group among “digital labor”.

The rise of the online children's clothing market on shopping platforms such as Taobao and the traffic competition in online stores have promoted the corresponding child model industry. Zhejiang Zhili is famous for the industry of children's clothing, and its offline child model shooting industry has also emerged at this historic moment. In 2019, the video of the 3 years old girl, Niuniu being kicked and beaten by her mother at the shooting location was exposed, which aroused widespread concern about child models in the society. Child models were facing the risks of being punished by not cooperating, shooting off-season, shooting in the rain, heavy workload, lack of nutrition and hygiene. Other harsh working

¹⁶ Sandoval M. (2015). Foxconned labor as the dark side of the information age: Working conditions at apple's contract manufacturer in China[J]. *Triple C*, 20(02). pp.1383- 1399.

¹⁷ Boudreau J. (2015). *Lead the work: Navigating a world beyond employment*[M]. Hoboken: Wiley, pp.27-30.

environments and work difficulties were also exposed. The Niuniu case also triggered the intervention of the government and the media. Investigation found 139 children who work as models, most of which were 3 to 6 years old and 8 to 10 years old. In the child model industry, there are tendency such as low age, long working hours, and poor working environment. According to the data of Baby Model website in 2019, the number of boys and girls aged 0-2 years is the largest group among the model working ages. Various recruitments on film, television or print advertisement shooting published on this website rank third in demand for child models under one years old, accounting for 13%. In fact, long before the emergence of online commerce “child models”, there were also phenomena of “child stars” shooting advertisements and commercial performances. Children have gained wide popularity because of their appearances in TV dramas or movies, and companies employ “child stars” to advertise their products and services through platforms, commercial performances, serving as TV show guests, and shooting advertisements.¹⁸ These “child stars” are often well-known, and their participation in commercial activities is restricted by the “Advertisements Law”. It stipulates “Minors under the age of ten shall not be used as spokespersons for advertisements.” “Child stars” can get corresponding legal protection, but “kid-influencer” are treated differently, because the content generated

¹⁸ Sun Yao. 2016. The Phenomenon of Child Star and the Way of Legislation Protection -- Comments on Article 38 of the New Advertising Law, Contemporary Youth Research. 1, p.84.

by kid-influencer is private family activities conducted with the consent of their parents, rather than “performances”. Activities cannot be regarded as “labor” because it lacks the relationship between employers and employees. But after their activities are uploaded to the platform, their labor become media content facing the public. Not only will it bring content to the audience on the online platform, but it will also bring traffic to the platform. Therefore, the kid-influences who are essentially child actors are also facing the same hazards. They often face the risk of privacy, child labor, child exploitation and risk of other opportunities being denied, such as absent school. They also suffer additional physical and psychological harm due to the lack supervision of social media. Due to the lack of labor law supervision, as well as the free style of social media platforms and “family activities”, kid-influencers will face unlimited working hours.

The procuratorate in Hangzhou promoted the establishment of a child model protection mechanism. In May of 2019, it issued the “Opinions on Regulating Child Model Activities to Protect the Legal Rights and Interests of Minors”. It is the first time to supervise and regulate the behaviors that harming child models legal rights and interests. In addition to showing “red cards” to abuses such as beatings and verbal abuse, the “Opinions” also specifically clarified that in child model activities, minors under the age of 10 must not be used as advertising spokespersons, and child models must not be hired continuously. At the same time, detailed requirements are set

up for the dressing and behavior of child models. Clothing, movements, and behaviors that do not meet the age and violate public order and good customs are strictly prohibited.

(2) From Star Packaging to Spontaneous Live Stream: “Playbor” of Kid-Influencer

With the rise of short video platforms such as Douyin and Tiktok, different types of video creators have provided communication channels. The types of digital child labor have expanded from child models to kid-influencers, more and more children have become online celebrities through short video media. As of December 2020, the number of online video users in China has reached 927 million, of which short video users are 873 million.¹⁹ The highest number of active users of the short video Douyin application reached 536 million, and Kuaishou also reached 442 million. Douyin and Kuaishou have become important channels for all ages of people to obtain information and share their lives. Among this research, in December 2020, Douyin users who were born after 2000 accounted for 13.7% of the total number of users, while Kuaishou accounted for 15.7%. People born on 1980s, 1990s and after the year of 2000 have become the head three largest user group using these two applications. The

¹⁹ China Internet Network Information Center: The 47th China Statistical Report on Internet Development, p.50. See at <http://www.gov.cn/xinwen/202102/03/5584518/files/bd16adb558714132a829f43915bc1c9e.pdf>. Accessed on 25 May, 2021.

2020 Youth Blue Book: Report on Internet Utilization by Chinese Minors shows that the age at which minors first use the internet continues to decrease, and the proportion of people who are under 10 years old start to access the internet has reached 78%.²⁰ In the short video platform represented by Douyin, child workers are mainly divided into two categories. One is preschool children aged from 2 to 6 who are mainly filmed and posted by their parents. The other is those aged from 6 to 14 years old who have the ability to produce video content. In 2016, 8 years old boy Fan Xiaoqin became famous on internet because he looks like Jack Ma, the founder of Alibaba. In 2017, the agent Liu Changjiang claimed that he could help Fan to go to school in Hebei. Fan's parents agreed Liu to take their son away. After signing a contract (non-paper contract) with the brokerage company, the broker opened short video accounts such as “Little Boss Ma Food”, “Little Ma Yun Nanny”, “Little Ma Yun Life Record”, “Little Ma Yun CEO” and some other accounts. Videos such as eating, hairdressing, shopping were published to attract internet traffic, and get paid through various commercial or show activities. However, during this period, Fan did not go to school for 10 months, and his short stature and second-degree mental retardation didn't get medical treatment in time. Afterwards his contract with the company was terminated. Children who have characteristics and popularity attract professional packaging and

²⁰ Ji Weimin, Shen Jie, Yang Binyan, Ji Lin. Annual Report on the Internet Use of Chinese Minors (2020) [R], Beijing: Social Sciences Academic Press, 2020.

publicity by brokerage companies and become full day kid-influencers. At the same time, many videos taken by parents or spontaneously created by children have also appeared on short video platforms, arousing the attention of other users. The parents of a 3 years old child kid-influencer Peggy opened an account for her to eat and attract fans. Peggy's weight reached 70 kg at her 3 years old. Although Peggy herself showed resistance and begged her parents not to give more food to her, netizens also remind her parents to pay attention to a balanced diet, they still let their children continue to eat and participate in live stream, with the words saying “break 100 kg immediately”. Another 13 years old boy Zhong Meimei posted a video imitating his teacher. In just a few days, his fans rose from 100,000 to 1 million, but he refused to sign the contract with the agency. He still publishes short videos in his own name.

There are also some “child pornography” content on short video platforms, such as underage girls wearing revealing clothes and doing some indecent actions and postures, and the subtitles contain explicit and suggestive content. The study pointed out that the young workers on the short video platform include puppet workers who are “forced to operate” under the adult rules, production workers who imitate content, and addicted workers who lack self-control.²¹

²¹ Zhang Zheng. (2020). Digital Child Labor: An Analysis of the Low Age of Digital Labor in the Age of Intelligence Media -- Taking Douyin App as an Example, Youth Journalist. July Middle, p.27.

3. Characteristics and Risks Faced by Kid-Influencer

(1) Kid-Influencer Characteristics

Young Internet celebrities refer to children who are posted on different social media platforms. They will attract a large number of viewers and fans by uploading content, and they will usually make money through sponsored content. Some media social platforms, such as Instagram and Youtube, require users to be over 13 years old when creating accounts on their websites. Therefore, most young internet celebrities are managed by their parents to maintain their online activities. Some of the more well-known younger Internet celebrities will be under pressure to produce content on a regular basis.

Driven by Different Reasons

Different from the forced labor encountered by child labor, the reasons why children become digital labor are different. Some children spontaneously join the short video platform to develop their creative talents and become kid-influencers, such as Zhong Meimei mentioned above. Some children were taken by their parents and uploaded videos and were welcomed as kid-influencers, such as Wang Guoer, her father catch video of life or singing and upload into Douyin, after she became well-known, she was invited to participate in TV shows. There are also many videos

taken by parents for siblings or siblings. In addition, there are also foreign kid-influencers on the Douyin app, such as the Laotian girl Aku, because a video taken by a Chinese businessman has attracted people's attention, but after becoming well-known, there has been no further news since March 2020. Therefore, generally speaking, the generation of kid-influencer is not only based on forced labor, but because of self-interest, parents or other people's attention or business.

Different work of kid-influencer

Compared with above three indicators for judging child labor mentioned above, the work of Kid-Influencer no longer follows the original recognition of the location, economy and culture of child labor. Generally, the place where kid-influencer shoots the video is at home, but there are also Vietnamese middle school students sharing their school life on Douyin. For economic indicators, kid-influencers do not necessarily get paid directly, but they still face exploitation by the platform. It's just that their labor is transformed into traffic, which brings benefits to the network platform. As for cultural indicators, the content of videos taken by kid-influencer is diversified, including family life, school life, and singing and dancing.

(2) Risks Faced by Kid-Influencer

In recent years, kid-influencers have gradually developed into a global problem. Kid-Influencers have spawned a 8 billion US dollars social media advertising industry on social media, and highly “successful” children generate up to 26 million US dollar in revenue each year through advertising and sharing sponsored content.²² Children face serious risks of exploitation because they lack the legal rights to the income they generate, or safe working conditions and labor law protection. According to a study released by the American Academy of Child and Adolescent Psychiatry, American children aged 8-12 spend an average of 4-6 hours a day watching or using screens, and teenagers spend up to 9 hours on screens. In fact, the legislation of many countries respects the right of parents to make independent decisions when raising children, so that there is almost no regulation of the production of social media content involving children.²³ Kid-Influencers face labor risks, privacy risks, and income risks.

In this industry, families of young internet celebrities get paid for sponsored content, digital advertising and merchandise promoted on social media platforms. The huge amount of funds in the online media platform

²² Masterson, Marina A.. (2020.5.11). When Play Becomes Work: Child Labor in the Ear of “ Kidfluencers. University of Pennsylvania Law Review, p.3.

²³ Langford Robin. (2020). The Rise of ‘kidfluencers’: Are Child Social Media Stars being exploited?. See at <https://www.netimperative.com/2020/07/10/the-rise-of-kidfluencers-are-child-social-media-stars-being-exploited/>. Accessed on 25 May, 2021.

industry provides strong incentives for parents and guardians, but for young Internet celebrities, the profit-seeking behavior of parents may lead to children's vulnerability.

The data shows that the age at which child models enter the industry is concentrated under 2 years old. Among them, the number of children who started working as child models in 6-12 months reached 17% of the total number of child models, and the number of children engaged in child models from 0-6 months reached 6.27%. In order to make the child model meet the publicity needs of the business, parents often dress the child or make up or dye the hair according to the needs of the business. Because clothing sales are often earlier than the seasons, child models often need to wear winter clothes to shoot when the weather is still hot, or wear spring or summer clothes for shooting when the weather has not yet warmed up. Off-season shooting is too strict for children's physical conditions. Although the studio will have temperature adjustment equipment, the temperature control effect is not significant, and not all shooting venues are indoors. In the recruitments on baby model website that clearly stated the clothing requirements, 30.8% of the recruitments requiring the shooting of autumn and winter clothing in spring and summer, requiring the shooting of spring and summer clothing during autumn and winter accounted for 26.4%. The proportion of recruitments of off-season shooting almost up to one-third. In addition, the shooting time of child

models are different. Recruitments requiring children to shoot for more than 4 hours accounted for 32.87%, and requiring children to shoot for more than 10 hours accounted for 28.45%. The use of flash for prolonged shooting will damage the eyesight of children and may cause irreparable damage.

Although many children's use of social platforms is not promoted by their parents, on the contrary, this is considered to be the children's own choice, because the content of these platforms is attractive. However, parents ignore the potential harm of exposing their children's lives to a large number of viewers who are concerned about their growth, that is, the possibility of supervising their children's growth and infringing on their privacy.²⁴

4. Legal Countermeasures of Kid-Influencer Protection

Article 49 of China's Constitution stipulates the state's obligation to protect children. Article 3 of the revised "Law on the Protection of Minors" that took effect on June 1, 2021 also stipulates the state's obligation to protect the rights of minors. In addition, the "Law on the Protection of Minors" stipulates in the sections of "family protection" and "social protection" that families and the state have an obligation to prevent

²⁴ Vanessa Cezarita Cordeiro. "Kidfluencers" and Social Media: The Evolution of Child Exploitation in the Digital Age. See at <https://www.humanium.org/en/kidfluencers-and-social-media-the-evolution-of-child-exploitation-in-the-digital-age/>. Accessed on 25 May, 2021.

and stop minors from indulging in the Internet. The family is the first place to train children, and the state's supervision of the phenomenon of “low-age internet celebrities” on online platforms is also a necessary measure for the state to fulfill its obligation to protect children. Therefore, in the implementation of future legislation and policies on digital child labor, it should be clear that the protection of children is the obligation of the state and the family.

Second, the difference between child voluntary labor, child employment, and child digital labor should be clarified. Some research believe that child voluntary labor refers to children’s work is conducive to their overall development, it does not affect their enrollment and education. On the contrary, voluntary labor facilitates their accumulation of life experience, improve their labor skills, and facilitates their integration into society. For example, the school organizes students to engage in tree planting or cleaning labor. Children’s employment refers to children’s actions to obtain economic remuneration through labor in industries that are not prohibited by law, such as children’s performances in art. Digital child labor is based on the definition of child labor in Chinese law, that is, recruiting minors under the age of 16 is the use of child labor, and the scope of the legal regulation of child labor is extended to the network platform level.

In the basic legal norms for protecting young internet celebrities and other types of digital child labor, scientific system design should be strengthened. Regardless of whether it is the private shooting time of digital child labor, or the commercial performance time received due to popularity, it should be regulated by law. The “Opinions on the Protection of Child Models” promulgated by the city of Hangzhou explores the time of child labor. The opinions stipulate that child models should not be used continuously for more than a week or one month, causing child models to drop out of school or long-term absenteeism; and they should not work continuously for more than 4 hours. Wait. As far as the private shooting time of digital child labor is concerned, a digital child labor access system can be established, through training and regular review of children and their parents, and the corresponding guidelines for the work of children's internet celebrities can be issued. Secondly, live webcast platforms and short video platforms should also be responsible for reviewing the time and content of videos released by children's influencers. If children’s internet celebrities participate in a live broadcast event, the time limit for children’s participation in the live broadcast shall be clearly specified.