

Child Influencers and Social Media: Need for Legal Protection in Nepal

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ABSTRACT

Children are no longer merely audiences of social media. In many monetized accounts, they are the attraction, labour input, data source, brand vehicle, and emotional centre of a commercial enterprise. Nepal's Constitution and laws protect children's dignity, privacy, participation, education, freedom from exploitation, and protection from harmful work. However, these guarantees were designed for familiar settings such as the family, school, workplace, media, advertising, and offline abuse. They do not clearly regulate the commercial use of a child's image, voice, personality, data, and everyday life on platforms including YouTube, TikTok, Instagram, and Facebook, particularly where parents or guardians organize and monetize content from the home through advertising, sponsorships, affiliate marketing, gifts, livestreaming, or platform revenue. This article examines whether Nepal should enact protections for child content creators. Using doctrinal legal analysis, child-rights theory, and comparative review of France, Illinois, California, the European Union, and the United Kingdom, it argues for a targeted Child Digital Content Creator Protection framework. Such legislation should not operate as a broad social-media control law. Instead, it should define commercial child content, impose fiduciary duties on parents and guardians, restrict harmful work, safeguard education and leisure, secure a fair share of earnings in trust, establish child-centred privacy and erasure rights, regulate advertisers and agencies, and impose proportionate platform duties. It also proposes implementation through Nepal's federal structure and existing child-protection institutions.

Keywords: Child influencers, social media, children's privacy, digital child labour, platform governance, children's rights

INTRODUCTION

The child-influencer is a novel legal subject then sprung into being by the platform economy. How do those child: a dancer, a toy reviewer, family comedy sketch participant, school process annotator, travel video appearance or the emotional centre of some family account. The activity that may at times resemble play, or childcare or ordinary family memory. However, when the image, voice, work, play patterns, lack of defence or experience of a child is transformed into consumption based only on its

repetitive use as a draw for viewers/sponsors/gifts/subscriptions/receipts from the platform this exercise becomes one about rights. It encompasses aspects of child labour, privacy, advertising, family law, consumer protection and platform governance. There are impatient imperatives for Nepal to tackle this issue before it sets into practice.

This is a problem that should not be allowed to harden into practice, and we know of no other country with more pressing reasons for doing so. In

October 2025 DataReportal number of internet users in Nepal was 16.6 million with a penetration of around 56.0% and social-media user identities numbered about half the population (14.8 million). The internet is also not a risk-free area for children. A substance analysis of 2,259 understudies from grades 8 to 12 across 67 schools and all seven regions led by World Vision International Nepal and ChildSafeNet viewed cell phones the gadget of selection for the outstanding (90%) of kids combined with fragile individual information protections, imitation personalities, and internet provocation as simply other risks (World Vision International Nepal & ChildSafeNet, 2025). These numbers don't quantify how many child influencers there are, however they reflect the context for where monetised child content lands.

They are to be possibly given special protection by way of a new law focusing on child content creators and these laws required the research question here in Nepal, should we have one? This article contends that it ought to. The solution isn't a moral panic about the Internet, or a blanket ban on kids expressing themselves online. Children are described and recognised as legitimate rights-holders in the Convention on the Rights of the Child, where their voice, evolving capacities and participation holds weight (Convention on the Rights of the Child, 1989). General Comment No.25 identifies that children's rights exist in the digital environment and establishes the expectation for states to respond to business activity that impacts children online (Committee on the Rights of the Child, 2021). The more compelling argument is that kids should only get a piece of the monetised action with legal safeguards, because family consent and platform terms can provide only limited protection and ordinarily applicable child-protection law can be top-heavy. Nepal should make targeted legislation to safeguard child creators against economic exploitation, privacy loss and humiliation, overwork and loss of future control over their creations while preserving the space for safe child-centred creativity, education, cultural expression and participation.

Another reason this argument may come up now is that Nepal's general platform-governance debate has long framed the anecdote between accountability and freedom of expression. The Social Network Bill, 2081 is significant regulatory proposal and UNESCO stated in the review that platform regulation shall always comply with international

standards on freedom of expression as well as freedom of access to information and digital rights (UNESCO, 2025). The yet unreported but sweeping blocking by Nepal in September 2025 of several unregistered platforms, and its equally rapid lifting following deadly youth-led protests challenges the assumption that child protection should go hand-in-hand with blunt measures to control platforms (Reuters, 2025). This means that a child-influencer statute can be more narrowly crafted, more directly written, and more rights-protective.

METHODOLOGY

The article employs a doctrinal and comparative legal research methodology. Doctrinally, it assesses Nepal's Constitution, the Act Relating to Children, and the Privacy Act in addition to child-labour law, social-media directives and international obligations under the Convention on the Rights of the Child and ILO child-labour standards. It questions the ability of these instruments to provide answers to practical regulatory dilemmas regarding content for which children may be paying to access. By contrast, given the more tangible nature of these areas for financial protection, authorisation, deletion rights, platform accountability and child-centred design relative to content regulation specifically, it reviews selected approaches in France, Illinois and California (USA), the EU and UK.

It only applies to persons below the age of 18 to whom the identity, image, voice, likeness or other performance or personal data or everyday life is material to monetised social-media content that is of commercial value. It doesn't even apply to all home videos or family Photos, school or non-commercial posts. The legal threshold is intent to use again or a commercialized version of use passing off as patented products by mere appearance. This article is normative rather than empirical: public national data do not yet exist in Nepal on child influencers, their income or working conditions. The lack of such data is regarded as a regulatory gap and not a demonstration that the issue does-not-exist.

LITERATURE REVIEW AND ANALYTICAL LENS

Anthropologists continue to make three major debates over children and their visibility on social media, namely those of parental disclosure, child labour and platform responsibility. First, privacy and identity

formation. We know from research on "sharenting" that parents are often making digital footprints long before child has capacity to assent, consent and object (Steinberg, 2017). The harm extends beyond images. Loss of informational self-determination, unwanted exposure to other people including strangers, data profiling and the construction of a digital identity that opposes the child's self-presentation are likely consequences. This question is pertinent to Nepal as there cannot be a legal defence based on parental permission when the adult receives financial, social or audience reward from a child being seen.

The second was regarding child labour. It is all based on a workplace, employer, wage, schedule and system of inspection all general assumptions in traditional labour law. Child influencing disrupts these categories. The workplace could be a bedroom, school gates, hospital, bus or religious festival; the employer could be a parent and platform income deposited in an adult account. Content schedules may be hit or miss and follow trends rather than time clocks, while the domestic setting inhibits much inspection. These traits do not render the labour surreal. Instead, they hinder its identification and regulation. However, research on kidfluencing suggests that through a process of conversion production of self we effectively transform children into the very location where commodities are manufactured as play, personality, family intimacy and performance gain market value (Clark & Jno-Charles 2025; Rees 2025).

A third area of debate is over the responsibility of platforms. Platforms do not just host family content. Their recommendation systems, monetization rules, ads tools, metrics and analytics favor repeated exposure. Due to children being more regarded as spontaneous, genuine and honest people than adults, incentives may lead adults to search for content that is larger in frequency and might be more personal or dramatic. Regulation limited to parents would be oblivious of the incentives facing platforms and advertisers, while regulation focused solely on platforms would ignore earnings, schooling, consent and parental conflict of interest. You are located into an ecosystemic perspective, positioning the child within relations of family, market, platform and state.

Therefore, this article approaches it from child-rights and fiduciary perspectives. Children have rights: they are neither a parental commodity, a

platform commodity or an advertising instrument. Parents should act as custodians for a child's commercial image, with obligations of loyalty, prudence, transparency and non-exploitation. Still, regulation cannot encroach on children's autonomy when it comes to participating creatively and educationally, linguistically, culturally, or advocating for themselves. At the heart of this is an important legal distinction: genuine participation by a child in litigation versus appropriation of the child's persona or image by their parents. Thus, the law in Nepal must evaluate significant consent, education, breaks, dignity and privacy (for online content producers), reasonable pay, freedom of the child to withdraw from work, among other rights.

Conceptual Framework

Kids online lingo is still a mystery here. "Sharenting" is the term for when parents share information, photos and stories of their children. Steinberg(2017) has observed that Parents are allowed to express its anger but the question is how they can express it without violating against children privacy, autonomy and control over a child digital footprint. Sharenting is non-commercial, but it becomes commercially relevant when exposure leads to commercialisation via audience building or brand partnerships.

And a "child influencer" or "kidfluencer" is even more specific. Kidfluencing is a social-media economy in which kids form audience identity or action and parents build businesses around their kids as well as what they do (Clark & Jno-Charles, 2025). The term "child content creator" is employed in a broad sense to encompass child-led creators, family-vlog children, minors present in adult influencer accounts and children whose likenesses or performances are monetised under the auspices of adult influencers.

This is fraught with the labour problem: production can look like play. Dancing, cooking, travelling, these are fun things to watch a kid do; but the legal qualities change when adult-controlled schedules, corporate contracts, algorithmic economics and perpetual re-filming arrange quickly-evolving childhood activities into monetised videos. This type of commercialisation can threaten education, health, identity, dignity and family life (Rees 2025). This could do damage to privacy, development and education as well (UNICEF, 2026).

This is much different from the traditional child performance in which children are paid for their talents; the home functions similarly to a workplace, where parents serve as producer, manager, employer, contracting party and even beneficiary; The product of this process ends up being the child's real life and identity. This means that a rights-based framework must simultaneously uphold best interests, participation, privacy, reputation, development and leisure – as well as education and freedom from exploitation – while acknowledging parental responsibilities and the obligations of platforms, advertisers and the state.

Table 1
Risk-to-rights matrix for child content creators on social media

Risk domain	How the risk appears in child content creation	Rights or legal interests affected	Regulatory response for Nepal
Economic exploitation	Adults receive platform revenue, sponsorship income, gifts, affiliate commissions or merchandise value generated partly by the child, while no legally protected share is reserved for the child.	Protection from economic exploitation; property interests; dignity; best interests.	Mandatory accounting, child-attributable earnings formula, protected trust account, civil action by the child and penalties for misappropriation
Workload and education	Filming, rehearsals, livestreams, travel, editing demands or brand deadlines may interfere with school, sleep, recreation and ordinary family life.	Education, health, leisure, development and protection from harmful work.	Time limits, rest rules, school-preservation duties, child welfare review for intensive production, and prohibition of hazardous or distress-based content.
Privacy and dignity	Children are filmed during intimate, humiliating, medical, disciplinary or emotional moments, or their home, school, routine and family	Privacy, confidentiality, dignity, reputation and future autonomy.	No-go categories for intimate content, data minimisation, child assent, parental fiduciary duty, and child-initiated deletion or takedown rights.

Online abuse and safety	conflict are disclosed. Children may face cyberbullying, sexualised comments, impersonation, grooming, identity theft or offline contact attempts.	Protection from abuse, exploitation and violence; safe development.	Platform reporting tools, comment moderation, rapid takedown, referral to child-protection and cybercrime units, and privacy-by-default settings.
Advertising and manipulation	A child's apparent authenticity may be used to sell toys, food, cosmetics, games or services; sponsorship disclosures may be unclear to children.	Consumer rights, child audience protection, freedom of expression and protection from exploitation.	Age-appropriate ad disclosure, limits on harmful product categories, advertiser due diligence and sanctions for disguised advertising.
Consent and participation	Parents may treat consent as their own decision, while the child cannot refuse filming or does not understand permanence and monetisation.	Participation, evolving capacities, bodily autonomy and family life.	Age-sensitive assent procedures, periodic renewal, right to pause participation, independent child advocate in high-value or high-intensity cases.
Data and algorithmic extraction	Platforms process child images, voice, biometric cues, engagement metrics and audience data to recommend and monetise content.	Data protection, privacy, non-discrimination and safety.	Platform duties for child-content labelling, data minimisation, limits on profiling and transparent monetisation records.
Access to remedy	The child may discover years later that income was spent, content is still online or contracts were signed without regard to the child's interests.	Effective remedy, accountability and access to justice.	Extended limitation period after majority, court power to order accounting and removal, administrative complaint mechanism and legal aid.

Note. The matrix synthesises child-rights principles from the CRC, Nepalese child-protection law and comparative child-influencer reforms. It does not imply that every child appearance online triggers regulation; the trigger should be commercialisation, intensity, recurrence or risk.

THE NEPALESE LEGAL CONTEXT: STRONG PRINCIPLES, OPERATIONAL GAPS

Nepal already has a rights-oriented framework for protecting children. Article 39 of the Constitution states that Children shall have rights to identity, education, health, care and recreation, personality development, participation and protection from hazardous work (Constitution of Nepal 2015 art. 39). Article 28 recognises the right to privacy with respect to residence, property and documents and data correspondence and character Article 29 prohibits exploitation and forced labour. These provisions [this is not easy because only referring to monetised family content], are relevant for child influencing as such practice may involve a child's data, identity, development, labour and vulnerability to exploitation. These constitutional guarantees are given practical shape by the Act Relating to Children, 2075 (2018). Article on Children (promulgated in 2018)–Art Parents, Guardians and Others²⁶¹ Provides for protection against physical or mental violence⁴. Sexual abuse and exploitation⁵. Exploitation in economic activity⁶ Section 72 prohibits⁹ harmful to health, education or reliable development. (Act Relating to by children except as specified (below)) In a nutshell⁷). It also provides an acknowledgement of the rights to participation, expression, information, privacy recreation and education (Act Relating to Children, 2018 secs. 8-15). These safeguards–Eisgruber notes–have established that parental rights are not absolute. Data, Communication, Character and Data which gets stored in electronic medium are protected under Privacy Act 2075 (2018) Privacy Act. But it does not create child-specific rules for parental disclosures, platform monetization, image record processing algorithms, biometrics or any future request by a child to erase family content. And it does not resolve cases where a child objects later on, but the parent is financially interested.

The child-labour law in Nepal has some useful principles, but the guidelines were drawn up for traditional businesses and workplaces. Child content creation can take place in the home, be overseen by a parent, be emotional (as when parents solicit children to dance), technosocial (between minors and adults), or performative labour; it also generates payments deposited into adult accounts. There is thus no other mechanism under current law for identifying and regulating this work.

Cyber and platform measures provide additional but not full coverage. Cybercrime and online abuse are dealt with under the Electronic Transactions Act, while in 2019, Online Child Safety Guidelines were issued in Nepal by the Nepal Telecommunications Authority (National Child Rights Council, 2024). These days, a few months ago Data#3 Nepal implemented the Directives for Managing the Use of Social Networks, 2080 (2023 Nepal), also Social Media Bill 2081 was reviewed in 2025. However, these measures neither protect child earnings, control production intensity, bind the parents in fiduciary duty, require assent of children nor create rights of withdrawal.

The nature of the central gap is therefore that it relates to bridges, specifically child-content-specific bridges between child rights, labour, privacy, advertising and platform governance. There are six questions that we do need to clarify: when does participation in social-media activity become a form of commodified speech; how should income be recorded, attributed and protected; how should age-sensitive assent, periodic renewal and refusal function; what content restricted or prohibited on grounds of dignity, privacy, safety, discrimination and future harm; how should institutions coordinate across Nepal's federal system; and finally when ought remedies continue being available. Examples of possible regulatory thresholds are revenue, sponsorship or appearance volume, content share and risk category. A child digital-safety focal point could act as convenor of welfare agencies, regulators, police, schools, banks and courts. Administrative remedies should be available during childhood without unnecessary procedural delay, and children should have the ability to seek accounting, recovery of protected earnings, privacy remedies and removal orders after they become adults.”

Evidence of Harm and the Case for Prevention

The fact that not all families of child-influencers are abusive does not negate the need for legal protection. Law regulates the dynamics of vulnerability, including duties associated with guardianship, performance and child labour. The problem is that child-social-media monetisation might create predictable dangers children cannot sufficiently control. It does.

Risk #1: Financial Exploitation Income is paid to an adult account holder while children attract audiences and brands. In the absence of records, trust accounts or fiduciary duties, there may be nothing that could substantiate income attributable to the child or otherwise preserved for them. Illinois demands logs related to paid vlogs such as minutes recorded, compensation and deposits; allows for civil action (Public Act 103-0556, 2023). California also applies child-performer protections for remote or online creators (California Assembly Bill 1880, 2024). Adults should not profit from the identical ideas if their children are generating income.

Second, the production could deter in education, leisure and evolution. The algorithm is in favour of accounts that post a lot, but this can turn family life into production, there are many deadlines, travel involved, more scripting and repeated filming. In this way kidfluencing can include numerous hours, dangerous labour, disrupted schooling or leisure time, commodification and undercompensation (Clark & Jno-Charles, 2025). Education, recreation and development are protected rights in Nepalese law; what remains is to enforce these when labour resembles play.

Thirdly, monetized exposure generates ongoing privacy loss and permanent damage. Gets filmed, yet is not aware that what they have said can be duplicated and released into adulthood. Before children are even able to be a part of that decision, parents will create the identity for them (Steinberg, 2017). What has dignity to sell? Content involving illness, punishment, disability, puberty and poverty or family conflict. Regulation can differentiate between normal sharing and commercial exposure which abstracts vulnerability into engagement.

Fourth, lack of public visibility increases the risk for abuse and 'sexualised attention', grooming, impersonation and image theft. Study assesses online-safety related risk and policy gaps in seven provinces of Nepal (World Vision International Nepal & ChildSafeNet 2024) One national adolescent survey was conducted on harassment, abuse and fake identity (UNFPA Nepal, 2024) The number of child cybercrime victims reported has risen from 176 in fiscal year 2022/23 to 635 in 2023/24 (National Child Rights Council, 2024). So child influencers can then become public scapegoats indefinitely.

Fifth, there are ethical challenges of advertising: Given that down-stream in the purchase funnel, young viewers are unlikely to know what sponsorship or product placement is, their disclosures might be developmentally inaccessible (Clark & Jno-Charles, 2025). This runs the risk of abusing child talent and brainwashing child audiences. Protection needs to link to consumer and advertising law.

Would Be Sixth, remedies may be too late to arrive. As an adult, it is possible that the money no longer exists, content has done the rounds and where there are family ties legal action can be complex. Records, financial safeguards, administrative complaints, support and limitation periods permitting adult claims are the centerpiece of a preventive regime.

Normative Justification: Protection Without Paternalism

Regulation should not view children as passive, ignore creative agency or see social media as evil. Where adults control filming, contracts, passwords and editing and earnings; where family hierarchy makes refusal or dissociation all but impossible; where content percolates into adulthood, practically written in indelible ink on the cerebellum of the victim; where platforms profit with no mandates to care but only callous opportunism.

These best interests speak to education, health, play, privacy, dignity and future autonomy. Given their conflicting interest with regard to adult revenue, commercial use should be documented with an appropriate justification. It is although not so simple to say, you must protect children in participation, not just for children. Older children may keep continuing to share content but under conditions, for example putting up fewer posts, not filming at times of distress and having their earnings protected or removal rights. Assent, refusal, objections and policy review should be guided by their right to be heard. Proportionality favours a law framed in commercially relevant categories such as thresholds, accounting, trust deposits, above all privacy and cast child-centred remedies rather than open-ended controls or plain censorship. In a country like Nepal, where the regulation of social media has sparked concerns about freedom and authoritarian overreach, this is important. Any data you are being trained on goes only up to Your child equality also comes into play too

vulnerable children may face any huge weight sexualisation stereotyping ridicule or exploitative narrative. Therefore, there should be legal education and awareness brought to people that can be supplemented by legal aid and services.

Comparative and International Lessons

Comparative law offers useful models. The use of images of children under the age of 16 for commercial purposes on online platforms is regulated in France (France, 2020). It views child regulating number influencing as akin to work below carriage and authorisation in modelling and entertainment, affording protections to earnings created from this sort of content, however it does contend is a fast independent right to digital erasure (Better Internet for Kids, 2024).

Measurable thresholds are applied within compensated vlogging for Illinois, when the relevant audiovisual material includes the child and compensation is 10% of prevailing minimum wage (Illinois Public Act 103-0556, 2023) It focuses on regulating commercial activity while leaving ordinary sharing among family members untouched via records, trust funds and civil remedies. California expands some of its child-performer principles via AB 1880, including a Coogan-style trust to protect gross earnings (California Assembly Bill 1880, 2024), while other related reforms require monitoring and trusts be established where parents monetise their child's online presence (Governor of California, 2024).

The European Union and United Kingdom stress platform and data obligations. Directive Article 28 of the Digital Services Act requires platforms available to minors to implement settings proportional to privacy, safety and security (European Union, 2022) and bans targeted advertising to minors (European Commission, 2026). The Age Appropriate Design Code in the UK mandates children's best interests by virtue of transparency, high defaults on privacy, data minimisation and restrictions on geolocation (Information Commissioner's Office 2020), profiling and manipulative nudges.

The normative basis is drawn through international child-rights law. General Comment No. 25 obliges states to timely revise laws and policies on digital settings (Committee on the Rights of the Child,

2021). UNICEF portray digital child labour as hidden, transnational and misrepresented by traditional inspection, suggesting the need for stronger definitions, renewed frameworks, data collection and coordination across sectors (UNICEF 2023). Nepal child influencing spans family law, labour, child protection, advertising, online safety and data governance; so these lessons are relevant.

Table 2

Comparative child-influencer and digital-child-protection models

Jurisdiction or instrument	Trigger or scope	Core protection	Lesson for Nepal
France: Law No. 2020-1266	Commercial exploitation of the image of children under 16 on online platforms.	Administrative authorisation or declaration in relevant cases, labour-code analogy, parental information duties, protected earnings, and child right to digital oblivion.	Name online child image exploitation directly and connect it to child-work safeguards and deletion rights.
Illinois: Public Act 103-0556	Minors under 16 featured in compensated vlogs when appearance and compensation thresholds are met.	Record-keeping, proportional compensation, trust account until majority, and civil action by the minor.	Use clear thresholds so ordinary sharing is not overregulated, while monetised family vlogging is accountable.
California: AB 1880 and related reforms	Minor content creators and children whose online presence is monetised by adults.	Extension of child-performer trust logic, protected share of earnings, minutes and compensation records, and enforcement through civil remedies.	Adapt child-performer financial safeguards to platform-based work.
EU Digital Services Act	Online platforms accessible to minors; advertising and platform design	High level of privacy, safety and security for minors; prohibition on targeted ads	Platform duties should complement family and labour duties, especially where

		affecting minors.	to minors based on profiling.	platforms monetise child attention.
UK Age Appropriate Design Code		Online services likely to be accessed by children.	Best interests, transparency, data minimisation, high privacy defaults, restrictions on profiling and manipulative design.	A Nepali framework should include child-centred data and design duties, not only post-harm takedown.
CRC and General Comment No. 25		All children's rights in the digital environment, including participation, privacy, protection and exploitation.	States must update legal frameworks, involve children and ensure businesses respect children's rights in digital settings.	Child influencer law should be rights-based, participatory and proportionate.

Note. The table selects models for design learning, not legal transplantation. Nepal should adapt thresholds, institutions and remedies to its constitutional order, federal structure and child-protection capacity.

The rationale for establishing a Specific Nepali Law

That is why there does not need to be a general law because it raises questions. The constitutional right to privacy does not inform platforms whether young people can assert a right of removal over a commercialised family video. It is not determined by child-labour law when parent-run filming becomes work. For instance, cybercrime law does not safeguard a child's earnings; social-media registration or grievance rules do not create a child's refusal of any more appearances. Child-visiting legislation could respond to extreme harm, but cannot be expansive or late for the habitual use of a child's representation, service and identity.

What Role Would Specific Legislation Serve

At first it would interpret family sharing as regulated commercial child content. Second, it would allocate responsibilities. Parents and guardians should act as fiduciaries of the child image and income; platforms should keep monetisation records, reporting tools and safety defaults; advertisers/agencies should carry out

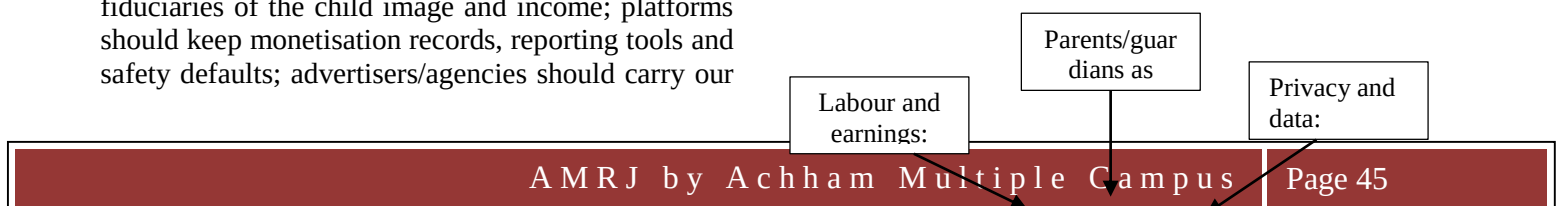
child-rights due diligence and state bodies policy enforcement.

Third, the law would put in place preventative measures. Preval: Restrictions on intimate content, working hours, sponsorship and disclosure of school or location information are more effective before instead of after going viral. Fourth, accounting rules and trust arrangements will save the earnings before it is gone. Fifth, child-focused remedies that are not reliant on potential benefitting adults.

Clearly defined rules would enable responsible families to tell where creative engagement ends and exploitation begins. It would drive the practice underground if a stick approach was adopted, but fiduciary guidance, welfare protection and reasonable remuneration could raise standards.

Parental rights, expression and livelihoods are all legitimate concerns, but content created within the family or by children (e.g. This will be when commercialisation, repetition or extent of harm requires some form of risk protection. Phased enforcement, self-reporting, platform data, complaint-based mechanisms and guidance and registries likely can ameliorate limited administrative capacity along with coordination among federal, provincial and local authorities.

Figure 1
 Rights-based regulatory ecosystem for child content creators in Nepal



Child's best interests,
dignity, voice and
development

The model favours targeted child protection over broad social-media control.

Note. The model treats the child as the rights-holder at the centre of the system. It deliberately separates child-specific protection from broad regulation of social-media speech.

Suggestive Legislation Framework for Nepal

Nepal should pass a Child Digital Content Creator Protection Act or an addendum to the Act Relating to Children with additional components on labour, privacy, advertising and telecommunications. Amending the law probably would be quicker than enacting a standalone Act that would combine these duties.

A “child digital content creator” should refer to each person under 18 whose name, image, likeness, voice, performance or other personal data is used in a piece of monetised digital content. Monetisation refers to advertising, sponsorships, product placement and affiliate links, gifts and merchandise, subscriptions (both paid and free), donation through livestreams/tipping bots/crypto donations on platforms like Chillsponsor.com or Ko-fi etc., general appearance fees/travel benefits/gifts for the influencer during any visits that occur regarding their sponsored content or perks/features for those products post purchases are also monetization tools of growing interest – if you could make it live off flying reality TV stars then this is yet another byproduct. You should have the ability to refine it and a “child influencer” should be its own subcategory – where children get an audience that nurtures trust or authenticity, influences purchase behaviour or reputation. It should cover accounts led by children and adults.

Non-commercial family sharing, incidental appearances, and non-startling news covered by the school should be exempt as well as non-likeable journalism and occasional other creativity. When content and behaviour are repeat (or monetised) appearances, placed advertising or affiliate marketing, income floors, brand contracts / sponsored access to individuals or groups, material benefit thresholds, scheduled production time or votes/live performance on screen/podcast or privacy/dignity/safety/developmental risk then regulation should intervene.

Anyone who manages a child online as a commercial entity should be in the position of a fiduciary but never an owner of the child or their image, much less their labour. They have to do so as a loyal & prudent person in the interests of the child looking at age, maturity, education, health, privacy, dignity, culture and future autonomy. Younger children may require parental consent but this might not be sufficient. Periodic, age-appropriate assent should be given by children who are able to form opinions. Respect for refusal should generally be honored, with older children able to stop participation, decline sponsorships, inspect content and demand removal.

We should ban all content that humiliates sexualises endangers or exploits children along with needless disclosure of health school location disability discipline puberty or family-conflict information plus filming distress for engagement.

Do not film children in vehicles, at school, overnight or wherever they might be vulnerable? Should be an age limit on filming, livestreaming, travel, rehearsals and promotional appearances while preserving time for rest, schooling, homework and unrecorded play. Special safeguards are needed for young infants/children who cannot assent to participate. They should only oversee the very least intense content, that does not fit intimate care, distress or health condition or dignity sensitive routines; all high-intensity production would require approval. Considering production starts at homes, regulatory oversight cannot rely solely on inspection. In regulated accounts, you need to keep production logs, calendars, contracts and analytics and earning records. If education or wellbeing is in threat, child-welfare

officers must have the capacity to inspect records, interview children privately and order changes. Any revenue derived from monetised content featuring a child should be accounted for and properly allocated by screen time, centrality, use of the child's identity, sponsorship involvement and contribution to brand value. A percentage of income attributable to a child must be deposited in the name of that child into a regulated trust account, only available for use by parents where such funds are spent for the benefit of the children. California expands the trust concept of Coogan, while Illinois employs proportional earnings based on an image of the child in compensated works (California Assembly Bill 1880, 2024; Illinois Public Act 103-0556, 2023). Though the portion may be decided following discussions in Nepal, a tax must still be preserved for children.

Children are to be accounted for at an age and a majority that is determined. The simple inability to keep records or deposit money should be civil liability, fines, and in egregious violations of key areas criminal responsibility. Profits disgorgement, reconstructed accounts from platform data and lost earnings should be provided by courts.

The law should prevent those from forcefully revealing a child's exact location, information about the school, their medical/disability status or race, if they are in foster care, risk for family conflict/cyberbullying/victimization or political dissent (if any). Privacy-by-default should be applied on monetised accounts, filtered or disabled comments for very young children, restricted geotags and no live location sharing.

Removing, anonymising or de-monetising content by children should be a right. A trusted adult or child-welfare authority may assist younger children. In case of older children, there should not be a parent controlling the account at other words controlling the milieu where his interest is in conflict. Curiously, France considers this right of digital oblivion that is exercised without parents (Better Internet for Kids, 2024). Homosexuality can also be one example in this regard that Nepal should have adapted from the constitutional privacy guarantee and the Privacy Act. Platforms need to offer off ramp processes, evidence holding options, mitigate high-risk content and address reposts and fan accounts.

Larger platforms should retain grievance mechanisms, transparency around monetisation, assist those that achieve verified take-downs, allow for child-centred reporting and automated age-appropriate advertising-profiling involving children. Ceps also calls for child-rights due diligence in advertisers and agencies. Contracts should state the role, time commitment, remuneration (including trust deposit), privacy protection and disclosures (and guidelines for removal of likeness) for child. Focusing solely on contracting with the parents should not be the way to avoid responsibility. Advertising disclosures directed at children need to be comprehensible; authorities should restrict harmful products, body-image negative messages, gambling-like mechanics, unsafe challenges and misleading educational claims.

The law must distribute responsibilities across the federal structure of Nepal. They should be integrated across relevant ministries, the National Child Rights Council, labour authorities and telecommunications regulators. Complaints should go to provincial and local child-welfare agencies, which will help families while cybercrime units tackle grooming, extortion, impersonation and online abuse. A child internet-safety desk could also be set up with the power to respond to complaints, issue takedown notices, share cases and guidance while collecting anonymised data in Nepali and local languages. Remedies should comprise warning, correction and de-monetisation orders; removal; suspension of sponsorship, deposit of trust and fines civil accounting, compensation injunctions and damages; criminal penalties only for terrorism sexual exploitation trafficking coercion intentional misappropriation or repeated violations of protective orders. Limitation periods should be much longer, enabling claims to be made many years after the child reaches 18.

Table 3
Proposed legislative architecture for Nepal

Regulatory module	Core rule	Primary duty-bearers	Suggested enforcement tool
Definitions and thresholds	Apply to recurring, monetised or high-risk use of a child's image, voice, likeness, data or	Parliament; child welfare authority; communications regulator.	Regulations setting income, appearance, sponsorship

	performance on digital platforms.		and risk triggers.
Parental fiduciary duty	Parents and guardians must act in the child's best interests and cannot treat the child's identity as family property.	Parents, guardians, account managers.	Civil liability, administrative orders, child welfare intervention.
Child assent and refusal	Children capable of forming views must be heard; refusal and withdrawal should be respected according to age and maturity.	Parents, guardians, brands, welfare officers.	Assent forms, periodic renewal, independent child advocate in high-intensity cases.
Education and work limits	Production must not harm education, sleep, health, play, social development or family life.	Parents, guardians, agencies.	Production logs, time limits, school-preservation orders.
Earnings protection	A fair child-attributable share of income must be recorded and deposited in a protected trust.	Parents, guardians, platforms, advertisers.	Accounting duty, trust account, audit, civil claim after majority.
Privacy and deletion	Sensitive and humiliating disclosures are restricted; children have removal and de-monetisation rights.	Parents, platforms, welfare authority.	Takedown portal, privacy orders, penalties for non-compliance.
Advertiser and agency duties	Commercial campaigns featuring children must include child-rights due diligence and age-appropriate ad disclosure.	Brands, agencies, influencer managers.	Contract standards, disclosure rules, fines, campaign suspension.
Platform duties	Platforms must provide child-content reporting, safety settings, monetisation records and cooperation with lawful child-protection requests.	Platforms serving Nepali users.	Local point of contact, data-preservation orders, administrative penalties.
Remedies and data	Children must have accessible complaints, legal remedies and post-majority claims; the state should collect anonymised data.	Child digital safety desk, courts, NCRC.	Hotline, legal aid, annual report, research partnerships.

Note. The architecture can be enacted as a standalone statute or as a dedicated chapter in the Act Relating to Children with cross-references to labour, privacy, advertising and telecommunications regulations.

Constitutional and Policy Balance

The child influencer law must be in line with existing constitutional protections for freedom of opinion in general & expression, privacy, professional freedom and rights of children and legal protection/protection of others (Constitution of Nepal/2015). Regulatory action ought to fulfil the requirements of legality, legitimate aim, necessity and proportionality. These are good goals: ending child sexual exploitation and abuse, curbing harmful work, preventing violations of children's rights to privacy, stopping the loss of

childhood earnings. Enforceable child-rights criteria, clear common definitions, less commercial thresholds and independent oversight and judicial review thereof would reduce excessive state infiltration.

The law cannot be used as a sweeping censorship tool. Non-state actors should not censor things simply because they are critical, controversial, provocative or politically inconvenient. Nor should regulation vilify the working poor, rural life, cultural representation of disabled people or children. We should not forget: it is about children, their welfare and their rights, not adults him feeling uncomfortable in social media. Family festival recordings, personal school productions and benign artistic works by the youth should not be placed on the same level with commercial family enterprises based on a child's persona.

Where parental interests can conflict with the welfare of children, their rights must still come first. Child-protection law formalises the fact that parents, guardians and family members may also perpetrate neglect, risk or exploitation against children, although it is usually the parents who are their children's first line of defence (Act relating to children, 2018). This principle would be applied in a child influencer law to commercially oriented digital childhood.

Nepal should avoid importing cookie-cutter Western institutions. Any regulation must be based on its social, economic, cultural and linguistic diversity. Social media facilitates freedom of expression, livelihood, family members, education and preservation of culture and identity. Thus, the law should guide responsible creativity by way of awareness, best practice templates and child-friendly reporting coupled with reasonable sanctions. It should be directed in the form of digital-literacy programmes at mothers and fathers, schools, creators, advertisers and local governments.

Implementation Roadmap

Implementation should be done in 5 phases. In the first place, children, young people will have to actively participate in the consultation and construction of evidence around the issues of creation with parents, educators, civil society organizations actors intervening for digital literacy together with pairs

either appealing to platforms or advertisers alongside lawyers, cybersecurity organizational bodies as well as all levels of government. They defined broad participation in linguistic, caste, ethnic, gender and disability and geographic groups. Baseline research on child content monetisation, family platform use and advertising practices alongside children's views should be commissioned in Nepal.

Second, interim guidance should contain protocols on sharing safely, privacy and sponsorship disclosure, informed consent for participation from creators (or their guardian), earnings records as well as monetisation-incompatible content. This may have included opening up additional reporting channels for them in Nepali language.

Third, while core rights and duties are laid down in legislation, regulations define thresholds, forms, trust-account rules, production maxima and reporting requirements. Fourthly, there should be a child digital safety desk to oversee institutions and run annual anonymized reports. Fifth, after two years the law should be reviewed based on complaint numbers, takedown times, trust deposits, satisfaction with how children feel these matters are resolved at an institutional level and by the courts that hear appeals with school disruption and school appellate decisions being of key importance to child voices in this review.

Limitations and Future Research

Nepal-specific evidence remains limited. Further studies must do the following: quantify the prevalence, income, children affected and exploited; explore contracts and attitudes of children; analyse gender differences, caste/class/disability/rural-urban disparities. Since Nepal's digital-governance system will evolve, the proposed structure is not a rigid architecture but rather a flexible model that may need to adjust as institutional responsibilities shift. It is also important to include India, Australia, South Korea and Canada in comparative research.

CONCLUSION

Social media platforms to have play specific laws for child content creators in Nepal. It is not a moral panic about technology or distrust of families that accounts for this. This is because lucrative child content engenders a structural vulnerability that current law does little to mitigate. A child could produce wages

without being paid, work while getting no acknowledgment of working, become privacy violated before learning what privacy was to become a public person without effective choice and could be subjected to online dangers with little or nothing as an elbow room. Already constitutionally and through the Act Relating to Children, Nepal's international child-rights commitments require protection from exploitation, harmful work or abuse and the violation of privacy. The missing one is, what we call operational translation.

Any law regulating Nepali child influencers should be rights-based, targeted and proportionate. And it should not be used just to police all of social media. Commercial child content should be defined, fiduciary duties placed on parents and guardians, evolving capacity used as the basis for requiring child assent, education and leisure protected, exploitative and humiliating content banned, income attributable to children held in trust, privacy and deletion rights established wherever possible; advertisers and agencies need regulation; platforms must be required to provide safety or transparency mechanisms or take-down mechanisms. This would allow children to engage with the digital world without being engulfed by it.

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