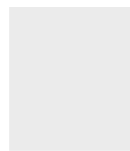


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ISSUE DESCRIPTION



COMMITTEE Social, Humanitarian and Cultural Committee
ISSUE Enhancing the Protection of Minors in the Entertainment Industry
SUBMITTED BY Gerda Ilona Bardon, Chair of the Social, Humanitarian and Cultural
Committee
APPROVED BY Vilmos Eiben, President of the General Assembly

Introduction

In 1939, Jackie Coogan, a beloved child star of silent films, discovered that his parents had spent nearly all the money he earned during his career. This revelation led to the creation of the Coogan Act, one of the earliest legal protections for child performers. Yet, decades later, minors in the entertainment industry continue to face exploitation, neglect, and abuse in many forms.

The entertainment industry encloses diverse fields such as film, television, music, and digital media, where minors are involved as actors, musicians, models, and even social media influencers. Some children are born into the entertainment world, often pressured to follow in their parents' footsteps, while others actively work to pursue artistic careers. Both scenarios expose minors to unique risks, including the loss of childhood, exposure to age-inappropriate content, and manipulation by adults in positions of power.

The issue becomes even more pressing when considering the intersection of labor rights and human rights. Article 32 of the United Nations Convention on the Rights of the Child (UNCRC) explicitly states that children must be protected from economic exploitation, yet gaps in enforcement mean that many minors are still overworked, underpaid, or denied basic protections. Beyond economic exploitation, these children are vulnerable to emotional, physical, and even sexual abuse, with lifelong consequences.

Protecting minors in the entertainment industry is not just about safeguarding their immediate welfare - it is about preserving their fundamental rights to dignity, education, and a safe environment. Addressing this issue is critical, as it speaks to the broader principles of child protection and human rights. As the industry evolves with new platforms and technologies, the need for robust safeguards becomes more urgent than ever.

Definition of Key Terms

ILO - The abbreviation of the International Labour Organization, which was founded in 1919 devoted to promoting internationally recognized labour and human rights, and social justice.

Child Labor - A work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development, defined by the ILO.

Child Exploitation - Child exploitation is when a child is used for someone else's benefit in a way that is harmful to the child. This can include sexual and labor exploitation, but also trafficking.

Industry Self-Regulation - Voluntary adoption of rules and standards by the entertainment industry to protect children working in the field.

Government regulation - Laws and rules created by governments to ensure that the children working in the entertainment industry are protected.

Coogan Act - Requires that 15% of a child actor's earnings be placed in a trust fund that they can access when they turn 18.

Fair Labor Standards Act - Sets minimum wage, overtime pay, and child labor standards including restrictions on the number of hours child performers can work and the types of roles they can play.

California Child Actors Bill - Requires that child actors have a qualified adult on set at all times and that they receive adequate breaks and meals.

Family Entertainment Television Act - This act requires television broadcasters to provide educational and informational programming for children.

General Overview

HISTORY OF MEDIA AND THE ENTERTAINMENT INDUSTRY

The entertainment industry as we know it has evolved over centuries, beginning with live performances in ancient theatres and progressing to the dynamic, global industry encompassing film, television, music, and digital platforms today. In the late 19th and early 20th centuries, innovations such as photography, film, and radio paved the way for mass media. The emergence of Hollywood in the early 1900s signalled the birth of modern cinema, and with it, the demand for child actors became prevalent.

The advent of television in the mid-20th century expanded the demand for child performers, as family-friendly programming became a staple of broadcasting. Shows like *The Mickey Mouse Club* introduced young performers to global audiences, but many of these children later reported struggles with exploitation and the long-term effects of early fame.

The rise of digital platforms in the 21st century has once again transformed the entertainment landscape. Social media platforms like YouTube, TikTok, and Instagram have created new opportunities for minors to achieve fame. However, this shift has introduced challenges such as the lack of clear regulations for protecting children in online spaces, as family vloggers and child influencers increasingly dominate the digital sphere. Despite the evolving mediums, the core issues of exploitation, inadequate regulation, and mental health challenges have persisted throughout the history of the entertainment industry.

THE HISTORICAL CONTEXT OF MINORS IN ENTERTAINMENT

The use of children in the entertainment industry is not a new phenomenon. From child actors in silent films like Jackie Coogan in the 1920s, minors have been central to the success of many media productions. However, the rapid growth of the entertainment industry also came with a history of child labour and exploitation. The lack of regulatory frameworks in the early days of film and theatre often subjected child performers to gruelling schedules, inadequate compensation, and abusive environments. For example, Jackie Coogan, one of the first child stars, inspired the creation of the Coogan Act after discovering his parents had splurged nearly all his earnings.

WHY MINORS ARE AT RISK

Children working in entertainment are particularly vulnerable due to the imbalance of power and the intense competition within the industry. The pressure to perform often leaves minors reliant on adults, such as agents, managers, and producers, who may not always have their best interests in mind. Children are also more likely to face emotional, physical, and sexual abuse in an industry with insufficient oversight and accountability mechanisms.

For instance, statistics from the International Labour Organization (ILO) highlight that more than 160 million children globally are involved in child labour, though not all work in the entertainment industry. The subset working in this field often face unique challenges, such as being exposed to age-inappropriate content, exploitation, and even trafficking. A 2022 report by the ILO showed that 30% of children working in entertainment globally lack access to basic legal protections.

FORMS OF EXPLOITATION AND ABUSE

Exploitation in the entertainment industry can take many forms:

Economic Exploitation: Despite the financial success of productions they star in, many child performers receive little to no compensation. Laws like the Coogan Act aim to protect earnings, but loopholes in many countries leave minors unprotected.

Physical and Emotional Exploitation: The long working hours, lack of proper schooling, and emotional stress can have lasting psychological effects on children. Former child stars like Britney Spears and Macaulay Culkin have spoken about the immense pressure and long-term consequences of working as minors in the industry.

Sexual Exploitation: Cases like those of Harvey Weinstein's involvement with young actors brought attention to the prevalent issue of sexual exploitation in Hollywood. Child actors are particularly susceptible to predators due to their vulnerability and dependence on adults for career advancement.

THE GLOBAL CONTEXT AND LEGAL FRAMEWORKS

While countries like the United States, France, and South Korea have passed laws to protect minors, gaps in enforcement remain a challenge. For instance:

- France's digital age legislation (2019) extended protections to children appearing in online content, a growing concern with the rise of social media influencers.
- India's Child Labour (Prohibition and Regulation) Act includes provisions for child actors but lacks strong mechanisms for addressing abuse or exploitation.
- The Philippines, known for its child performers in pageants and television, continues to grapple with inadequate protections and oversight.
- International frameworks like the United Nations Convention on the Rights of the Child (UNCRC) emphasize the right to protection from economic and sexual exploitation (Articles 32 and 34), yet enforcement remains uneven.

THE IMPACT ON MINORS

Children exploited in the entertainment industry often face devastating long-term consequences. Studies show that former child actors are disproportionately likely to suffer from addiction, depression, and early mortality due to the intense pressures they faced during their formative years. For example, a 2018 study by the American Psychological Association (APA) found that 43% of former child actors reported experiencing chronic mental health issues stemming from their work as minors.

CURRENT CHALLENGES AND THE EFFECTIVENESS OF EXISTING LAWS

Despite the existence of laws like the Coogan Act and the Fair Labor Standards Act, many issues persist. The rise of online platforms like YouTube and TikTok has introduced new forms of exploitation, such as children being used by their parents to generate revenue from family vlogs. The lack of uniform global regulations exacerbates the problem, as countries with weak enforcement become hotspots for exploitation.

WHOSE RESPONSIBILITY IS IT?

Protecting minors in the entertainment industry is a shared responsibility. Governments must establish and enforce strict legal frameworks to ensure child performers' welfare. What is more, industry stakeholders, including production companies and agents, should implement self-regulation policies and ethical hiring practices. Finally, society must challenge harmful cultural norms that normalize overworking and exploiting child performers. The continued exploitation of minors in the entertainment industry highlights the urgent need for comprehensive global

solutions. Addressing this issue is not only a matter of child protection but also an obligation to ensure that the rights of the most vulnerable are upheld.

Major Parties Involved

India: India is home to one of the world's largest film industries, Bollywood, and has a history of child actors being featured prominently in movies, television shows, and advertisements. However, the country also faces significant challenges in ensuring the protection of these minors. Many child actors in India work under conditions that fail to comply with established labor laws. Long working hours, poor compensation, and a lack of proper oversight on sets expose minors to exploitation. The Indian government has taken steps to address this issue through various laws, including the Child Labour (Prohibition and Regulation) Act and the Juvenile Justice Act, which aim to prevent the exploitation of children in hazardous industries. However, enforcement remains inconsistent, particularly in the entertainment sector, where child actors often work in informal arrangements that escape regulatory oversight. Additionally, societal pressures to achieve fame and financial success push many families to disregard these protections. The Indian entertainment industry has yet to establish comprehensive guidelines specific to child performers, leaving significant gaps in their protection.

Brazil: In Brazil, child performers are often featured in telenovelas and advertisements, which are cultural staples in the country. However, the entertainment industry in Brazil has been criticized for inadequate oversight of child labor laws. Many minors work in informal conditions without proper contracts, leaving them vulnerable to exploitation.

The Brazilian government has established laws such as the Child and Adolescent Statute to protect minors from exploitation, but enforcement remains a significant challenge. Poverty and inequality also contribute to the problem, as many families view the entertainment industry as a pathway out of hardship, often overlooking the risks involved. The government has attempted to raise awareness of these issues, but systemic problems persist.

United States: The United States has some of the most well-documented cases of child exploitation in the entertainment industry. Hollywood's reliance on child actors, coupled with the rise of social media influencers, has brought significant attention to the issue.

While legislations like the Coogan Act and the Fair Labor Standards Act provide some protections, many loopholes still exist. For example, the Coogan Act only applies to child actors and not to children working as influencers or appearing in online content.

Government intervention in the United States varies by state, with California and New York implementing stricter laws due to their large entertainment industries. However, in other parts of the country, protections for child performers are minimal or non-existent. The high pressure of fame and the potential for financial exploitation have led to numerous tragic outcomes, including cases of addiction, mental health struggles, and early deaths among former child stars. Despite its advanced legal framework, the U.S. faces ongoing challenges in adapting its laws to cover the growing influence of digital media.

South Korea: South Korea's entertainment industry, including its globally renowned K-pop industry, often features minors in music, television, and advertisements. Many young performers, particularly trainees in entertainment companies, face gruelling schedules, insufficient breaks, and emotional abuse. The country has come under scrutiny for the lack of protections offered to minors, despite the immense global success of its entertainment exports. In response, South Korea has begun implementing labour regulations for minors in the entertainment sector. For instance, child performers are now limited to working certain hours and must receive formal education. However, cultural pressures to succeed and the highly competitive nature of the industry mean that many minors continue to face exploitative conditions.

France: France has taken proactive steps to regulate the involvement of minors in entertainment, particularly in the digital age. In 2020, the French government passed a groundbreaking law aimed at protecting children who appear in online videos. This legislation requires that platforms like YouTube and TikTok ensure proper working conditions and earnings for child influencers, with provisions for part of their income to be held in trust until adulthood. The French government views the exploitation of minors as a pressing issue, especially with the rise of social media platforms. By focusing on digital media, France has set an example for other nations grappling with similar issues. However, challenges remain in enforcing these regulations, as the digital space often operates beyond traditional borders.

FURTHER NATIONS

Other countries like the United Kingdom, Australia, Canada, and Japan also have significant child involvement in the entertainment industry. While these nations have implemented various labour protections, challenges such as long working hours, inadequate pay, and exposure to harmful content still exist. The United Kingdom, for instance, requires performance licenses for child actors, but there is variation in how local authorities enforce these rules. Similarly, Australia has strict regulations for child actors in the film industry but struggles with oversight in reality television and digital content.

Timeline of Events

Early 1900s - People start getting concerned about child labour and exploitation in film and theatre, which leads to the formation of the National Child Labor Committee and similar organizations.

1914 - New rules are established by the Motion Picture Patents Company, including limits on working hours and minimum age requirements.

1938 - The Fair Labor Standards Act is passed in the United States, enacted by Congress as part of the New Deal.

1939 - The Coogan Act is passed in California, requiring that 15% of a child actor's earnings be placed in a trust fund that they can access when they turn 18.

1940s - 1950s - Child actors continue to work in film, television and theatre, but concerns about their welfare remain.

1970s - 1980s - Contract negotiations by the Screen Actors Guild and other unions that provide additional protections for child actors, such as limits on the number of hours they can work and the types of roles they can play.

1990s - The Family Entertainment Television Act is passed. Also, the Internet becomes a major platform for child exploitation, leading to new challenges for child protection.

1991 - The Internet becomes widely available to the public after the World Wide Web is developed by Tim Berners-Lee in 1989.

2000s - Present Days - The California Child Actors Bill is enacted. New challenges are to be faced as social media and online platforms rise.

Previous Attempts to Solve the Issue

Several significant legislative efforts have been made to protect minors in the entertainment industry, addressing issues of financial exploitation, unsafe working conditions, and emotional and physical abuse. Among the most prominent are the **Coogan Act**, the **Fair Labor Standards Act**, and the **California Child Actors Bill**. While these laws have marked progress in protecting young performers, they also face challenges in enforcement and adapting to modern realities.

THE COOGAN ACT

As mentioned earlier, the **Coogan Act**, passed in California in 1939, was one of the earliest laws aimed at protecting the earnings of child performers. Named after child actor Jackie Coogan, who discovered that his parents had spent nearly all his earnings, the law requires that 15% of a minor's income be placed into a trust fund, accessible only when they reach adulthood. While the Coogan Act has provided financial safeguards for countless young actors, it is not without its limitations. Enforcement varies by state, and families with legal guardianship often find ways to exploit loopholes. Moreover, the law primarily applies to traditional entertainment fields such as film and television, leaving children working in emerging digital industries, such as social media, vulnerable to similar financial exploitation.

FAIR LABOR STANDARDS ACT (FLSA)

The **Fair Labor Standards Act (FLSA)** of 1938 established foundational labour protections in the United States, including those for child workers. For minors in the entertainment industry, it set limits on working hours and established guidelines for ensuring safe working environments. The FLSA was a significant step forward, as it sought to balance the dual objectives of allowing minors to pursue their careers while safeguarding their rights to education and leisure. However, enforcement has proven to be a recurring challenge. The entertainment industry's fast-paced and often informal nature means that some employers bypass regulations,

especially for productions that occur outside of highly regulated states like California and New York.

CALIFORNIA CHILD ACTORS BILL

More recently, the **California Child Actors Bill**, enacted in 2017, addressed additional concerns about child safety on set. This law mandates the presence of a qualified studio teacher or welfare worker during production, ensures minors receive appropriate breaks and meals, and guarantees their working hours do not interfere with their education. The bill has been particularly successful in formalizing on-set protections for minors, but it has faced criticism for not extending its reach to digital platforms where child influencers and content creators often work without oversight. Additionally, smaller production companies sometimes lack the resources to comply with the law fully, highlighting the tension between creating effective regulations and ensuring they are feasible for all industry stakeholders.

While these legislative measures have significantly improved the working conditions and protections for child performers, they also reveal gaps that require further action. For example, emerging technologies and platforms, such as social media and streaming services, have created new challenges that existing laws do not adequately address. Moreover, the global nature of the entertainment industry means that protections in one country may not be replicated in another, leaving many minors vulnerable to exploitation. These successes and shortcomings underline the need for ongoing reforms that adapt to the evolving landscape of the entertainment world.

Possible Solutions and Approaches

Addressing the exploitation of minors in the entertainment industry requires a multifaceted approach that combines legislation, industry regulation, public awareness, and international collaboration. Below are several key areas of focus, along with the differences in perspectives and challenges in achieving these solutions.

RAISING AWARENESS AND EDUCATING STAKEHOLDERS

One of the most important steps toward solving this issue is raising public awareness about the exploitation faced by minors in the entertainment industry. This can be achieved through public campaigns, media coverage, and educational initiatives targeting both the general public and

entertainment professionals. By highlighting specific cases of abuse and exploitation, advocacy groups and NGOs can foster public support for stricter regulations. However, there is often a divergence in views on how to present this information. While some advocate for highly publicized cases to serve as cautionary tales, others argue that this can retraumatize victims and potentially deter minors from pursuing their passions.

STRENGTHENING AND EXPANDING LEGISLATION

Governments play a pivotal role in ensuring that minors are protected through comprehensive legal frameworks. Strengthening existing laws, such as the **Coogan Act** and the **California Child Actors Bill**, is essential. These could be expanded to include clearer guidelines for digital content creators, influencers, and child performers on social media platforms. Countries with limited protections for child performers must be encouraged to adopt similar legislation, but this can face resistance due to differing economic priorities or cultural norms. For example, while Western countries may emphasize strict regulations, developing nations may prioritize the economic benefits of their entertainment industries over child protection. Bridging this gap requires advocacy at an international level, potentially through UN agencies or regional organizations.

ENFORCING INDUSTRY-WIDE ETHICAL STANDARDS

The entertainment industry itself must adopt stricter self-regulation to ensure safe working environments for minors. This includes requiring companies to provide welfare officers on set, establishing limits on working hours, and mandating transparency in financial arrangements to prevent exploitation. Major corporations such as film studios and social media platforms must be incentivized to adopt these standards. However, smaller companies and independent creators may lack the resources to meet these requirements, leading to disparities in enforcement. To address this, governments or NGOs could provide subsidies or grants to smaller productions that commit to ethical practices, creating a level playing field across the industry.

PROVIDING COMPREHENSIVE SUPPORT SERVICES FOR CHILD PERFORMERS

Counselling and health services should be readily available to child performers to help them cope with the pressures of the industry and any potential abuse they might face. Governments and organizations could set up independent bodies to provide these services, ensuring

confidentiality and accessibility. However, differences in views emerge when it comes to funding these programs. While some argue that governments should bear the costs, others believe that private companies in the entertainment industry should be held accountable for providing support services to their employees. Striking a balance between these approaches could involve a mix of public and private funding.

PROMOTING INTERNATIONAL COLLABORATION

Since the entertainment industry operates globally, international cooperation is essential to protect minors. This could involve developing global guidelines under the leadership of organizations like the **International Labour Organization (ILO)** or **UNICEF**. These guidelines would standardize protections for minors across countries, ensuring that child performers working in international productions or digital content platforms are covered. Achieving international consensus, however, is challenging due to differing legal systems, cultural attitudes, and economic conditions. Countries must work toward compromises that respect cultural differences while prioritizing child safety.

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