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The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human rights and with reference to the joint communication [AL CHN 3/ 2021] dated by 30 March 2021, has the honour to transmit herewith the reply by the Chinese Government.

The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Office of the High Commissioner for Human Rights
GENEVA

(Translated from Chinese)

Receipt is hereby acknowledged of communication AL CHN 3/2021, of 30 March 2021, from the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the right to education; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on violence against women, its causes and consequences; and the Working Group on discrimination against women and girls, of the United Nations Human Rights Council. The Chinese Government wishes to respond with the following:

Neither TikTok's place of registration nor its location of operation is in China; it only provides service to users outside of China and carries out localization operations. As TikTok is a multinational enterprise, in accordance with international practice and the rules and regulations of each country, its subsidiaries or teams in the countries and territories where it works carry out operations in accordance with local principles and rules and with respect for the local laws, and they establish and coordinate cooperation mechanisms with local governments and law enforcement agencies. The management of the accounts and content in question and the coordination with law enforcement agencies that carry out investigations comply with the country's or territory's rules and regulations relating to cybersecurity and privacy. In respect of illegal or harmful information published or disseminated on the TikTok platform, it is suggested that the case should be given to the relevant agencies of the territory or country in question to deal with these, in accordance with the law and to take stronger measures to crack down against the source.

China attaches a great deal of importance to the protection of children online and has adopted a series of measures to crack down on crimes of obscene content involving children. First, in accordance with laws and regulations such as the Cybersecurity Law and the Measures on the Administration of Internet Information Services, we have developed the management of Internet information services and through such bodies as the State Council's working commission on women and children's affairs we have strengthened interdepartmental coordination and interaction, punishing for example the spread of obscene or lewd content or the harming of the physical and mental well-being of minors through the use of the Internet, in accordance with the law. Secondly, we have encouraged self-regulation in the industry, urging Chinese Internet service providers to carry out their own investigations and take corrective action so as to create a web environment conducive to the health and growth of children, and providing guidance for a user-friendly means of reporting complaints of illegal and harmful web content through the Internet Society of China's 12321 reporting centre, which can be reached through multiple channels, for example by phone, web page or app.

The Chinese public security agencies have always treated the crime of online child sexual abuse with the utmost seriousness and have continued to severely crack down on illegal criminal acts that use the Internet to spread obscene content involving children. The Chinese public security agencies work hand-in-hand in close cooperation with the law enforcement agencies of other countries bilaterally and multilaterally to counter the crime of the transnational online spread of obscene content involving children. Since 2020, partial statistics indicate that the Chinese public security agencies have promptly carried out verification work on 91 requests for assistance in the investigation of online child sexual abuse notified by the International Police Organization (INTERPOL) and the law enforcement agencies of the United States of America, France and other countries and have given timely feedback. The Chinese public security agencies will further step up their law enforcement efforts and will continue to maintain high pressure and a serious posture in cracking down on the crimes of online dissemination of obscene content involving children and online child sexual abuse.

China has drawn up and issued clear provisions to protect the rights and interests of workers and to prohibit the use of child labour, including the Labour Law, the Labour



Contract Law, the Regulation on Labour Security Supervision and the Provisions on the Prohibition of Using Child Labour. The labour safety inspection bodies of the Chinese human resources and social security services have made use of various law enforcement methods such as everyday inspections, investigations of reports and complaints and examinations of records to vigorously carry out law enforcement and to protect people's rights. They ensure the early detection, intervention, investigation and punishment of illegal acts such as the use of child labour. They have facilitated channels for workers to file reports and complaints and have carried out special law enforcement actions and widely publicized the labour safety laws and regulations.

联合国人权理事会买卖和性剥削儿童问题特别报告员、人权与跨国公司问题工作组、教育权问题特别报告员、当代形式奴役问题特别报告员、贩卖人口特别是妇女和儿童问题特别报告员、暴力侵害妇女问题特别报告员、消除对妇女歧视问题工作组 2021 年 3 月 30 日来函[AL CHN 3/2021]收悉。中国政府对来函答复如下：

Tiktok 实体注册地和运营地均不在中国，只向中国境外用户提供服务并实施本地化运营。Tiktok 作为跨国企业，遵照国际惯例和各国相关规定，在业务开展国家或地区均由当地子公司或团队依照本地化原则进行运营，遵守当地法律，同当地政府和执法部门建立协调配合机制。有关账户和内容及管理以及配合执法部门开展调查工作遵循所在国家或地区的网络安全和隐私保护规定。对于在 Tiktok 平台发布或扩散的违法有害信息，建议请其所在地国家有关部门依法予以处理，并加强源头打击。

中国高度重视涉网络儿童保护工作，采取一系列措施打击网络儿童淫秽信息犯罪活动。一是依据《网络安全法》、《互联网信息服务管理办法》等法律法规开展互联网信息服务管理，通过国务院妇女儿童工作委员会等机制，加强跨部门协调联动，依法惩治利用网络传播淫秽色情信息、危害未成年人身心健康等活动。二是推进行业自律，督促境内互联网信

息服务提供者开展自查自纠，为儿童健康成长营造良好网络环境；指导中国互联网协会 12321 举报中心畅通电话、网站、APP 等多种网上违法不良信息主体举报受理渠道。

中国公安机关历来高度重视涉网儿童性犯罪问题，对利用网络传播儿童淫秽信息的违法犯罪行为坚持予以严厉打击。中国公安机关积极通过双边、多边执法合作渠道同各国执法部门开展密切合作，携手应对跨国网络传播儿童淫秽信息犯罪活动。据不完全统计，2020 年以来中国公安机关对来自国际刑警组织、美国、法国等执法部门通报的 91 起涉网络儿童性侵害协查请求第一时间开展核查工作，并及时予以反馈。中国公安机关将进一步加大执法力度，继续对网络传播儿童淫秽信息等涉网络儿童性犯罪保持高压严打态势。

中国制定了《劳动法》、《劳动合同法》、《劳动保障监察条例》、《禁止使用童工规定》等法律法规，对维护劳动者权益、禁止使用童工等作出明确规定。中国人力资源和社会保障部门劳动保障监察机构综合运用日常巡查、举报投诉调查、书面审查等执法方式，大力开展执法维权工作，对使用童工等违法行为早发现、早介入、早查处。畅通劳动者举报投诉渠道，开展专项执法行动，广泛宣传劳动保障法律法规。