

Compensation for immaterial damage in accordance with the Austrian E-Commerce Act.

Since 17 February 2024, the Austrian E-Commerce Act has stipulated that victims of hate speech online can receive compensation for the personal damage that they have suffered from the person who put the hate post online, even outside media law. Here, the amount of the court fees is determined on the basis of the amount claimed as compensation.

Report to the police

If the content of the hate post is also punishable, you can also make a report at the nearest regional police headquarters.

You can find this at polizei.gv.at > Kontakt > Dienststellenverzeichnis > Ihr Bundesland [Contact > Directory > Your Province].

You can also make a report if you do not (yet) know the real name of the author. In this case, the public-prosecutor's office can investigate the perpetrator officially.

The following criminal offences according to the Austrian Criminal Code (StGB) are a possibility for hate posts:

coercion (section 105 StGB), dangerous threat (section 107 StGB), stalking (section 107a StGB), continuing harassment by means of telecommunications or

a computer system (section 107c StGB), incitement to hatred (section 283 StGB), libel (section 297 StGB).

The report and the criminal proceedings are free of charge for you.

Court assistance

In certain cases, victims of hate speech online are entitled to **free** psychosocial and legal assistance during the proceedings.

i You can find more information here: [Hilfe bei Gewalt \(hilfe-bei-gewalt.gv.at\)](https://hilfe-bei-gewalt.gv.at).

There are counselling centres that you can contact, e.g. the ZARA Counselling Centre #Again-stOnlineHate, You can find these at <https://zara.or.at/de/beratungsstellen/GegenHassimNetz>.

Keep a screenshot of the post as evidence. Legal information

Media owner, publisher and editor:
Federal Ministry of Justice
Museumstrasse 7, 1070 Vienna
bmj.gv.at
Vienna, 2025

bmj.gv.at

How can I fight back against “hate speech online”?

You have recently encountered a hate post and would like to fight back? You have several options: to begin with, you can have the post deleted from the platform. You can also file a cease and desist order or an application for compensation with the court. You can report the incident to the police as a crime.

Because the internet is not outside the law.

Here is a step-by-step guide on how to fight back if you are a victim of “hate speech online”:

Screenshot

First of all, you should take a screenshot of the post or take a photograph of it. Make absolutely sure that the date is visible. You should also ideally take a photograph of the entire thread. This will enable you to provide evidence of the post later, even if it has been deleted by the author or the platform.

Now you can take further action:

Deletion of the content by the online platform

Platforms have an obligation to provide a system for reporting and redress, e.g. a report button. You can report the hate post there. Irrespective of whether it is a public message or a private post that has offended you, you can request the online platform to delete the post.

How do you go about this?

- Report the post directly via the report button on the platform and request the platform to delete the post.
- The online platform will inform you how it will deal with your report and will let you know as soon as

the post has been deleted. The post or other obviously unlawful contents must be deleted promptly.

If the post has not been deleted, the platform will inform you about the possible appeal procedure at the same time as it tells you its decision. If you do not agree with the platform’s decision or do not receive a response, you can lodge a complaint with the Austrian Communications Authority (KommAustria). This option also exists if the platform does not offer a system for reporting and redress (report button).

You can find further information here:

https://www.rtr.at/medien/was_wir_tun/Beschwerdetelle/Beschwerdeportal.de.html.


At the court

In general, the competent court is the court in the district where the respondent lives. However, if the respondent lives in another EU country, you can specify the court in your place of residence. To find out which court has jurisdiction, enter the post code here: [justiz.gv.at](https://www.justiz.gv.at) > Gerichte > Gerichtssuche [Courts > Search for a Court].

Cease and desist order

If the platform does not delete the post in spite of your request, you can take legal action against it. You must specify the contact details for the platform so that the suit can be served. You will find them in the legal notice.

The cease and desist order is directed against the violation of your human dignity online. This includes, for example, obscene insults or death or rape threats. Irrespective of this, you can certainly take legal action against the author of the post. If you do not know the name of the author, you can ask the provider of the website. This request can also be enforced by separate court proceedings. Alternatively, you can request registration information – in person, by post or over the internet with ID Austria – from the local authority or municipal corporation if you already know the name.

 You can find the form for the cease and desist order at [justizonline.gv.at](https://www.justizonline.gv.at). It is also possible to file it directly via this platform. You will incur at least € 114 in court fees.

Since 17 February 2024, it has been possible for the court to serve its decision to the platform electronically in certain cases so that the post can be deleted more quickly in future in many cases.

Compensation in accordance with the Austrian Media Act

You can also demand compensation from the media owner (e.g. owner of a Facebook or Instagram profile) for defamation, abuse, libel or a violation of your intimate privacy in court. To do this, you must make an application to the court, for which you will incur submission fees of € 287.