

Legal questionnaire completed by DORDA Rechtsanwälte GmbH • September 2025

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Is this jurisdiction a European Union (EU) Member State or otherwise subject to EU laws/regulations (such as an overseas territory or department of an EU Member State)?

Yes

1. What laws and regulations contain legal definitions of the following terms or corresponding terms in your local jurisdiction (links to existing U.S. legal definitions are included, where relevant, as background for comparison – please include definitions of any corresponding terms in your jurisdiction):

a. child or minor (18 U.S.C. 2256(1), <https://www.law.cornell.edu/uscode/text/18/2256>)

The terms are defined in the Austrian General Civil Code (ABGB) and the Austrian Criminal Code (StGB).

The General Civil Code provides for a division into adults, minors of legal age, minors who are not of legal age, and children. According to § 21 Para. 2 ABGB ([RIS - Allgemeines bürgerliches Gesetzbuch § 21 - Bundesrecht konsolidiert, tagesaktuelle Fassung](#)), a person is considered an adult from their 18th birthday. According to § 21 para. 2 ABGB, minors between the ages of 14 and 18 are considered to be of legal age. Minors under 14 years of age but older than 7 years of age are minors under the age of majority according to § 21 para. 2 ABGB. According to § 865 para. 4 ABGB ([RIS - Allgemeines bürgerliches Gesetzbuch § 865 - Bundesrecht konsolidiert, tagesaktuelle Fassung](#) in conjunction with § 170 ABGB ([RIS - Allgemeines bürgerliches Gesetzbuch § 170 - Bundesrecht konsolidiert](#))), children are defined as persons under the age of 7.

The Austrian Criminal Code contains further definitions. According to Section 74 para. 1 no. 1 ([RIS - Strafgesetzbuch § 74 - Bundesrecht konsolidiert, tagesaktuelle Fassung](#)) all persons under the age of 14 are considered minors, while according to Section 74 para. 1 no. 3 of the Austrian Criminal Code, all persons under the age of 18 are considered minors.

b. child sexual exploitation (Missing Children's Assistance Act of 2023, Section 2, (a)(1)(9), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)

There is no singular definition of the term “child sexual exploitation” in Austrian law.



According to Section 104a para. 1 of the Austrian Criminal Code ([RIS - Strafgesetzbuch § 104a - Bundesrecht konsolidiert, Fassung vom 12.03.2024](#); "Human trafficking") there is a prohibition on harboring, recruiting, transporting, offering or passing on to another person or otherwise accepting persons of legal age if this is done with the intention of exploiting the person concerned. Para. 4 contains the prohibition regarding minors. However, the provision does not include a legal definition of the term "exploitation".

Sexual exploitation occurs where the victim is required to provide sexual services and is either not paid at all or is deprived of all or at least the majority of the remuneration due for the services provided. "Sexual services" include sexual acts by the victim with another person or on themselves, but also participation in pornographic performances (e.g. appearances in peep shows) or as a model for the production of pornographic images or videos. In the latter cases, there may also be exploitation of labor.

The exploitation component could lie not only in inadequate remuneration, but also in the prescribed "working conditions", which violate the vital interests of the victim - taking into account their specific need for protection. However, exploitation always requires an economic component in addition to the serious violation of interests: if the pay is reasonably commensurate with such difficult working conditions, there is no exploitation. Austria has ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention). The Lanzarote Convention was ratified by Austria in 2011:

"[...]

Article 3 – Definitions For the purposes of this Convention:

- a) "child" shall mean any person under the age of 18 years;
- b) "sexual exploitation and sexual abuse of children" shall include the behaviour as referred to in Articles 18 to 23 of this Convention;
- c) "victim" shall mean any child subject to sexual exploitation or sexual abuse.

[...]

Article 18 – Sexual abuse

1. Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct is criminalised:
 - a) engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities;
 - b) engaging in sexual activities with a child where:
 - use is made of coercion, force or threats; or
 - abuse is made of a recognised position of trust, authority or influence over the child, including within the family; or
 - abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.
2. For the purpose of paragraph 1 above, each Party shall decide the age below which it is prohibited to engage in sexual activities with a child.
3. The provisions of paragraph 1.a are not intended to govern consensual sexual activities between minors.

Article 19 – Offences concerning child prostitution



1. Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct is criminalised:
 - a) recruiting a child into prostitution or causing a child to participate in prostitution;
 - b) coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes;
 - c) having recourse to child prostitution.
2. For the purpose of the present article, the term “child prostitution” shall mean the fact of using a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment, regardless if this payment, promise or consideration is made to the child or to a third person.

Article 20 – Offences concerning child pornography

1. Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct, when committed without right, is criminalised:
 - a) producing child pornography;
 - b) offering or making available child pornography;
 - c) distributing or transmitting child pornography;
 - d) procuring child pornography for oneself or for another person
 - e) possessing child pornography;
 - f) knowingly obtaining access, through information and communication technologies, to child pornography.
2. For the purpose of the present article, the term “child pornography” shall mean any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child’s sexual organs for primarily sexual purposes.
3. Each Party may reserve the right not to apply, in whole or in part, paragraph 1.a and e to the production and possession of pornographic material:
 - consisting exclusively of simulated representations or realistic images of a non-existent child;
 - involving children who have reached the age set in application of Article 18, paragraph 2, where these images are produced and possessed by them with their consent and solely for their own private use.
4. Each Party may reserve the right not to apply, in whole or in part, paragraph 1.f.

Article 21 – Offences concerning the participation of a child in pornographic performances

1. Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct is criminalised:
 - a) recruiting a child into participating in pornographic performances or causing a child to participate in such performances;
 - b) coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes;
 - c) knowingly attending pornographic performances involving the participation of children.
2. Each Party may reserve the right to limit the application of paragraph 1.c to cases where children have been recruited or coerced in conformity with paragraph 1.a or b.

Article 22 – Corruption of children

Each Party shall take the necessary legislative or other measures to criminalise the intentional causing, for sexual purposes, of a child who has not reached the age set in



application of Article 18, paragraph 2, to witness sexual abuse or sexual activities, even without having to participate.

Article 23 – Solicitation of children for sexual purposes

Each Party shall take the necessary legislative or other measures to criminalise the intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age set in application of Article 18, paragraph 2, for the purpose of committing any of the offences established in accordance with Article 18, paragraph 1.a, or Article 20, paragraph 1.a, against him or her, where this proposal has been followed by material acts leading to such a meeting

[...]"

c. sexually explicit conduct (18 U.S.C. 2256(2), <https://www.law.cornell.edu/uscode/text/18/2256>)

“Sexually explicit conduct” is not specifically defined or expressly used in the Austrian Criminal Code. However, three sections of the Austrian Criminal Code are relevant:

- violation
Section 201 para. 1 ([RIS - Strafgesetzbuch § 201 - Bundesrecht konsolidiert, tagesaktuelle Fassung](#)) describes violation as follows: Any person who compels a person to engage in or tolerate sexual intercourse or a sexual act equivalent to sexual intercourse by force, by deprivation of personal liberty or by threat of imminent danger to life or limb.
- sexual coercion
Section 202 para. 1 ([RIS - Strafgesetzbuch § 202 - Bundesrecht konsolidiert, Fassung vom 09.07.2025](#)) describes sexual coercion as follows: whoever, except in the cases of § 201, compels a person by force or by dangerous threat to perform or tolerate a sexual act.
- violation of sexual self-determination
Section 205a para. 1 ([RIS - Strafgesetzbuch § 205a - Bundesrecht konsolidiert, Fassung vom 09.07.2025](#)) describes violation of sexual self-determination of self-determination as follows: anyone who engages in sexual intercourse or a sexual act equivalent to sexual intercourse with a person against that person's will, by taking advantage of a predicament or after prior intimidation.

d. child sexual abuse (18 U.S.C. 2243(a), <https://www.law.cornell.edu/uscode/text/18/2243>)

According to Section 207 of the Austrian Criminal Code ([RIS - Strafgesetzbuch § 207 - Bundesrecht konsolidiert, Fassung vom 24.01.2025](#)) there is no explicit definition of the sexual abuse of a "child" but of "minors". However, the provision is to be read together with Section 206 of the Austrian Criminal Code ([RIS - Strafgesetzbuch § 206 - Bundesrecht konsolidiert, Fassung vom 24.01.2025](#)), which defines the serious sexual abuse of persons under 18 years of age.

According to this provision, serious sexual abuse of minors means the performance of sexual intercourse or the performance of a sexual act equivalent to sexual intercourse with a minor. Anyone who induces a minor to perform or tolerate sexual intercourse or a sexual act



equivalent to sexual intercourse with another person or, in order to sexually arouse or satisfy themselves or a third party, induces a minor to perform a sexual act equivalent to sexual intercourse on themselves is also committing serious sexual abuse of a minor.

Sexual abuse under Section 207 is committed by anyone who, with the exception of Section 206, performs a sexual act on a person under the age of consent or has a person under the age of consent perform such an act on them. Sexual abuse of minors is also committed by anyone who induces a minor to perform a sexual act with another person or to perform a sexual act on themselves in order to arouse or satisfy themselves or a third party.

e. child pornography or child sexual abuse material (CSAM) (18 U.S.C. 2256(8), <https://www.law.cornell.edu/uscode/text/18/2256>)

Section 207a para. 4 of the Austrian Criminal Code ([RIS - Strafgesetzbuch § 207a - Bundesrecht konsolidiert, Fassung vom 24.01.2025](#)) states as follows:

"[...]

Visual sexual child abuse material and visual sexual depictions of minors are one or more of the following

1. realistic depictions of a sexual act on a person under the age of consent or a person under the age of consent on themselves, on another person or with an animal,
2. realistic images of an event involving a minor, the viewing of which gives the impression under the circumstances that it is a sexual act involving the minor or the minor himself/herself, another person or an animal,
3. realistic images
 - a) a sexual act within the meaning of no. 1 or an event within the meaning of no. 2, but with minors of legal age, or
 - b) of the genitals or the pubic region of minors, insofar as these are luridly distorted images, reduced to themselves and detached from other expressions of life, which serve the sexual arousal of the viewer;
4. pictorial representations, the viewing of which - due to the alteration of an image or without the use of such an image - gives the impression under the circumstances that it is an image pursuant to no. 1 to 3.

[...]"

In this context, a person shall be punished in accordance with para. 1 of this provision who makes an image or representation in accordance with para. 4 or offers, provides, hands over, presents or otherwise makes accessible to another person.

Any person who obtains or possesses an image or representation of a minor of legal age pursuant to para. 4 no. 3 and no. 4 shall be liable to a custodial sentence not exceeding two years. Any person who obtains or possesses an image or representation of a minor pursuant to subsection 4 shall be liable to a custodial sentence not exceeding three years. Likewise, anyone who knowingly accesses an image or representation on the Internet in accordance with para. 4 commits an offence.

However, anyone who produces or possesses an image of a minor of legal age pursuant to para. 4 no. 3 with their consent and for their own use, or produces or possesses an image of



a minor of legal age pursuant to para. 4 no. 4 for their own use, is not guilty of an offence provided that the act does not entail any risk of the image being disseminated.

Likewise, anyone who (in the cases of para. 1, para. 1a, para. 2 first case, para. 2a in conjunction with para. 2 first case, para. 3 and para. 3b) produces, possesses or offers, procures, hands over, presents, or otherwise makes available to others for their own use an image or representation of a minor of legal age pursuant to para. 4 no. 3 or 4 or possesses an image or representation of a minor of legal age pursuant to para. 4 commits no offence.

- f. **computer-generated images or videos of child pornography or CSAM (created by artificial intelligence or morphed) (18 U.S.C. 2256(8) & (9), <https://www.law.cornell.edu/uscode/text/18/2256>)**

This term is not specifically defined; however, the following pieces of legislation are relevant:

The already mentioned Section 207a para. 4 no. 4 of the Austrian Criminal Code places virtual images under the pictorial sexual child abuse material and pictorial sexual depictions as defined in Section 207a para. 4. This clarifies that “virtual pornography” falls under pornographic depictions. This includes representations that have been produced completely artificially (for example on the computer) or by manipulating real images.

- g. **enticement or grooming (encouraging, persuading, or coercing a child to engage in sexual activity or to create child pornography or CSAM) (18 U.S.C. 2422(b), <https://www.law.cornell.edu/uscode/text/18/2422>)**

This term is not specifically defined; however, the following pieces of legislation are relevant:

Section 208a of the Austrian Criminal Code

(<https://www.ris.bka.gv.at/NormDokument.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10002296&FassungVom=2025-01-24&Artikel=&Paragraf=208a&Anlage=&Uebergangsrecht=>)

criminalizes the initiation of sexual contact with minors. According to this law, anyone who, with the intention of committing a criminal offence against a minor pursuant to Sections 201 to 207a para. 1 no. 1, proposes a personal meeting to a minor by means of telecommunication, using a computer system or in any other way under deception about his or her intention or agrees on such a meeting with the minor and takes a concrete preparatory action to carry out the personal meeting with this person commits an offence.

Any person who establishes contact with a minor by means of telecommunications or using a computer system with the intention of committing an offence under Section 207a para. 3, 3a or 3b in relation to an image or representation under Section 207a (4) of this person also commits an offence.

- h. **legal age of consent for sexual activity – are there laws and regulations, if so, what ages are specified?**

This is regulated in Section 206 para. 4 ([RIS - Strafgesetzbuch § 206 - Bundesrecht konsolidiert, Fassung vom 24.01.2025](#)) and Section 207 para. 4 ([RIS - Strafgesetzbuch § 207 - Bundesrecht konsolidiert, Fassung vom 24.01.2025](#)) of the Austrian Criminal Code.



According to these provisions, the (serious) sexual abuse of minors - i.e. persons under the age of 14 - is prohibited. Since criminal liability in Austria only begins from the age of 14, sexual intercourse for under 14 year olds is prohibited but not punishable.

It is also not punishable if the age of the perpetrator does not exceed that of the minor by more than 3 years or (4 years according to Section 207 para. 4) and the minor is neither placed in an agonizing condition for a longer period of time nor humiliated in a particular way by the act and the act does not result in serious bodily injury or the death of the minor. In any case, it is punishable if the age of the minor does not exceed 12.

- i. **Sextortion (extorting money or sexual favors from a child by threatening to share sexually explicit, child pornography or CSAM images of the child) (Missing Children's Assistance Act of 2023, Section 2, (a)(1)(8), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)**

According to Section 202 para. 2 of the Austrian Criminal Code ([RIS - Strafgesetzbuch § 202 - Bundesrecht konsolidiert, Fassung vom 24.01.2025](#)), anyone who coerces a person to perform or tolerate a sexual act by force or by dangerous threat commits an offence. The Austrian Criminal Code contains a definition of the term "dangerous threat" in Section 74 para. 1 no. 5 ([RIS - Strafgesetzbuch § 74 - Bundesrecht konsolidiert, tagesaktuelle Fassung](#)). It reads as follows:

A threat of injury to body, liberty, honor, property or the most personal sphere of life by making available, disclosing or publishing facts or images which is likely to cause reasonable apprehension to the person threatened, taking into account the circumstances and his personal nature or the importance of the threatened evil, regardless of whether the threatened evil is directed against the person threatened himself, against his relatives or against other persons placed under his protection or personally close to him.

The threat of publishing nude photos (regardless of whether taken voluntarily) can constitute a dangerous threat and an offence.

If the dangerous threat is only used in order to enrich oneself financially, the offence is coercion according to Section 105 of the Austrian Criminal Code ([RIS - Strafgesetzbuch § 105 - Bundesrecht konsolidiert, Fassung vom 24.10.2024](#)).

2. **Please explain any legal or regulatory requirement or recommendation for Online Platforms to undertake any of the following activities on their systems to protect children online from sexual exploitation:**
 - a. **review, screen, moderate, or detect content to identify child pornography or CSAM content**

According to Art 8 of the EU Digital Services Act (DSA) ([Regulation - 2022/2065 - EN - DSA - EUR-Lex](#)), which is directly applicable in Austria, "no general obligation to monitor the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity shall be imposed on those providers". However, Art 16 of the DSA provides that "providers of hosting services shall put



mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access and user-friendly and shall allow for the submission of notices exclusively by electronic means".

In specific cases, national authorities may order targeted monitoring measures for platform providers. These include injunctions issued by civil courts. In such cases, a monitoring obligation for the provider can be triggered by a qualified notice or warning pursuant to Sec 81 para 1a of the Austrian Copyright Law (Austrian Supreme Court 30.3.2020, 4 Ob 36/20b).

To that end, according to Art 6 para 1 lit b of the DSA "[...] the service provider shall not be liable for the information stored at the request of a recipient of the service, on condition that the provider upon obtaining such knowledge or awareness, acts expeditiously to remove or to disable access to the illegal content".

Additionally, according to Sec 54e in conjunction with Sec 54d para 1 nr 1 of the Austrian Audiovisual Media Services Act, video sharing platform providers are obliged, relating to visual material depicting sexual abuse of children and visual depictions of sexual acts involving minors, to provide reporting options on the platform. Video sharing platform providers must also ensure that reported content is removed immediately or access to it is blocked if, based on a reasonable assessment, the content is likely to be illegal.

The blocking of illegal content, if the platform provider is aware of the illegal activity, is already required under general Austrian criminal law to counteract being charged with aiding and abetting a criminal offence through omission.

b. review, screen, moderate, or detect content to identify enticement, grooming, or sextortion of a child

See (a) above.

c. report child pornography, CSAM, enticement, grooming, or sextortion that they become aware of or are notified about on their systems to a law enforcement or government agency or nongovernmental organization

According to Art 18 of the EU Digital Services Act (DSA) ([Regulation - 2022/2065 - EN - DSA - EUR-Lex](#)), "as where a provider of hosting services becomes aware of any information giving rise to a suspicion that a criminal offence involving a threat to the life or safety of a person or persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available."

Further, "where the provider of hosting services cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or where its legal representative resides or is established or inform Europol, or both."

Pursuant to Sec 54e para 2 nr 3 of the Austrian Audiovisual Media Services Act, there is a specific obligation for video sharing platform providers to secure reported content, the time



of its creation, and the data necessary to identify the author for evidence purposes, including for the purposes of criminal prosecution. Video sharing platform providers must store the content concerned for a maximum period of ten weeks. This period may be exceeded in individual cases at the express request of a law enforcement authority if the preservation of evidence would otherwise be frustrated.

Finally, according to Sec 13 of the Austrian E-Commerce Act, intermediary service providers are obliged to provide a domestic court upon its order information that could help find, investigate, or prosecute people who use their service and have agreements with about sending or storing information.

d. remove or take down any child pornography, CSAM, enticement, grooming, or sextortion that they identify, become aware of, or are notified about

Austrian domestic law contains no explicit order to actively remove or take down such content. However, the recitals (22) of the DSA ([Regulation - 2022/2065 - EN - DSA - EUR-Lex](#)) stipulate that if a hosting provider obtains actual knowledge or awareness of the existence of illegal activities or content, it must remove them or block access.

e. review content by human moderators to screen or moderate for child pornography or CSAM

There are no obligations to screen or moderate for child pornography or CSAM.

f. remove child pornography, CSAM, enticement, grooming, or sextortion from their systems when notified of its presence by a victim, nongovernmental organization, law enforcement, or government agency

According to Section 78 of the Austrian Copyright Act (RIS - Urheberrechtsgesetz - Bundesrecht konsolidiert, Fassung vom 18.07.2025), portraits of persons may not be publicly exhibited or distributed in any other way that makes them accessible to the public if this would violate the legitimate interests of the person depicted. This also includes publication on online platforms. According to § 81 of the Austrian Copyright Act, a claim for injunctive relief exists if the provision of § 78 has been violated. Injunctive relief is available against the person who uploaded the material to a platform and the platform operator itself.

There are also general claims for injunctive relief, which can be based on general compensation provisions.

g. use any specific technology to detect, remove, block, or take down any child pornography, CSAM, enticement, grooming, or sextortion, including:

- i. **“Hashing technology”** (<https://www.thorn.org/blog/hashing-detect-child-sex-abuse-imagery/>). Many Online Platforms hash and tag images and videos of child pornography or CSAM and then use hashing technology to scan content on their systems to detect the distribution of child pornography or CSAM online so it can be removed.
- ii. **Artificial intelligence or machine learning tools to detect the presence of child pornography, CSAM, enticement, grooming, or sextortion.**

There is no legal or regulatory requirement that Online Platforms must use hashing technology, artificial intelligence or machine learning to detect, remove, block or take down any child pornography, CSAM, enticement, grooming, or sextortion.

- h. if the applicable laws or regulations require some, but not all, Online Platforms to perform any of the above activities, describe how the differing requirements apply. For example, are differences based on the number of online users, types of services offered, etc.?

3. Are Online Platforms legally required or recommended to implement any method to verify the age of a user before allowing access to an online platform?

Regulations to increase child protection are provided by Art 35 of the EU Digital Services Act (DSA) ([Regulation - 2022/2065 - EN - DSA - EUR-Lex](#)), directly applicable in Austria.

Art 35 of the DSA ([Regulation - 2022/2065 - EN - DSA - EUR-Lex](#)) applies exclusively to providers of very large online platforms and very large online search engines.

4. Are Online Platforms legally required or recommended to implement any method to obtain parental consent before a child uses the services of such Online Platforms?

There is no legal provision in Austria that requires parental consent to access a website. However, Art 6 para. 1 lit a of the Regulation (EU) 2016/679 ([Verordnung - 2016/679 - EN - Datenschutz Grundverordnung - EUR-Lex](#)) applies.

According to Section 4 para. 4 DSG ([RIS - Datenschutzgesetz Art. 2 § 4 - Bundesrecht konsolidiert, Fassung vom 06.01.2025](#)) Austria has determined that consent to the processing of a child's personal data is lawful if the child has reached the age of fourteen.

5. Are there legal remedies for children who have been victimized by online child sexual exploitation? This may include children who are victimized by the distribution of child pornography or CSAM imagery in which they are depicted, or children victimized by enticement, grooming or sextortion. If such legal remedies exist, do they include:

- a. The ability to stop the publication of the pornography or CSAM imagery by the Online Platform?

As Austrian law obliges platforms to remove illegal content once notified, under Section 15 of the E-Commerce-Gesetz (ECG) ([RIS - E-Commerce-Gesetz § 15 - Bundesrecht konsolidiert, Fassung vom 03.12.2024](#)) and Art 9 of the EU Digital Services Act (DSA), it is possible to file a notification with the competent authorities. Alternatively, any person is free to report criminal matters to the public prosecutor's office or the police. The legal basis for this can be found in Section 80 of the Austrian Code of Criminal Procedure (Strafprozessordnung - StPO) ([RIS - Strafprozessordnung 1975 § 80 - Bundesrecht konsolidiert, Fassung vom 16.05.2025](#)).

- b. An obligation on the part of the Online Platform to take active steps to remove the pornography or other imagery from their servers?



There is no specific legal framework to prevent such publication from an online platform. Austrian law obliges platforms **to remove illegal content once notified**, under Section 15 of the E-Commerce-Gesetz (ECG) ([RIS - E-Commerce-Gesetz § 15 - Bundesrecht konsolidiert, Fassung vom 03.12.2024](#)) and Art 9 of the EU Digital Services Act (DSA).

c. An ability to get an injunction or other court order against the Online Platform to stop them from publishing the pornography or imagery?

For procedural actions in civil court proceedings, representation by one parent is sufficient. (Section 169 Austrian Civil Code - [RIS - Allgemeines bürgerliches Gesetzbuch § 169 - Bundesrecht konsolidiert, Fassung vom 22.07.2025](#)) As mentioned below, Section 20 Austrian General Civil Code (ABGB) ([RIS - Allgemeines bürgerliches Gesetzbuch § 20 - Bundesrecht konsolidiert, tagesaktuelle Fassung](#)) forms the legal basis for claims for injunctive relief in case of an infringement of personal rights. This claim exists in principle against the person who uploads illegal content to a platform. However, paragraph 3 of this provision expressly provides for the possibility of taking action against the intermediary if the primary offender has made use of their services. The claim exists not only against violations of personal rights that have already occurred, but also where such a violation is imminent.

Victims can obtain a civil injunction (einstweilige Verfügung) from Austrian courts under § 382 EO (Enforcement Act).

Art 81 of the Copyright Act ([RIS - Urheberrechtsgesetz § 81 - Bundesrecht konsolidiert, Fassung vom 22.07.2025](#)) provides a special injunctive relief claim which is generally directed against the primary infringer. However, according to para. 1a, action can also be taken against the intermediary if the primary offender has made use of their services.

d. A protective order or other court order that prohibits the person who posts the pornography or imagery from doing so in the future on the same or other Online Platform?

The substantive legal basis for such a claim for injunctive relief can be found in Section 20 Austrian General Civil Code (ABGB) ([RIS - Allgemeines bürgerliches Gesetzbuch § 20 - Bundesrecht konsolidiert, tagesaktuelle Fassung](#)). According to this provision, a person whose personal rights have been infringed can sue for injunctive relief and for the removal of the unlawful situation. Furthermore, the claim exists not only against violations of personal rights that have already occurred, but also if such a violation is imminent.

Additionally, Section 81 of the Copyright Act provides a special remedy for injunctive relief. This is applicable if the portrait protection of Section 78 of the Copyright Act has been violated. No culpability is required and the claim is directed against the person who has committed or intends to commit this infringement. In addition, the claim may be directed against the owner of a company if the infringement was committed by one of his employees or agents.

Section 549 of the Austrian Code of Civil Procedure (ZPO) ([RIS - Zivilprozessordnung § 549 - Bundesrecht konsolidiert](#)) forms the legal basis for a civil procedure in which those affected can quickly and inexpensively remove certain infringing content (such as texts, postings, images) from the internet. The mandate procedure is available to individuals who have had their personal rights violated within an electronic communications network, thereby impairing



their human dignity. The court may issue an injunction against the person who posted the illegal content. In serious cases, the provisional enforceability of this injunctive relief can even be declared immediately. In such a case, the defendant must remove the unlawful content immediately, even if it has lodged an objection to the injunction.

e. the ability to seek financial damages or any sort of monetary recovery from an offender who has shared the child's image or video, either in a civil or a criminal proceeding?

Victims may join criminal proceedings as a private party (Privatbeteiligte) to claim damages directly during prosecution (under § 66 StPO, [RIS - Strafprozeßordnung 1975 § 66 - Bundesrecht konsolidiert](#)).

The victim has a general claim for damages against the perpetrator in a civil court procedure. In order to successfully enforce a claim for damages in Austria, the following four requirements must be met:

1. damage:

There must be damage. A basic distinction is made between material and immaterial damage. In the present case, immaterial damage will occur. The Supreme Court has consistently ruled that compensation for immaterial damage will only be awarded if this is expressly provided for by law. Such an explicit legal provision is contained in Section 1328a of the Austrian Civil Code (ABGB) ([RIS - Allgemeines bürgerliches Gesetzbuch § 1328a - Bundesrecht konsolidiert, tagesaktuelle Fassung](#)). According to this provision, damages must be paid if there has been an unlawful and culpable invasion of a person's privacy. This applies if circumstances relating to a person's private life have been disclosed or exploited. However, the term "privacy" is not defined in the provision. For this reason, when defining this term, reference must be made to the concept of private life in Article 8 of the ECHR and to the Austrian Criminal Code. If conduct punishable under the Austrian Criminal Code has been committed, damage within the meaning of this provision has also been caused in any case.

2. causality:

The perpetrator's conduct must be a causing factor for the damage to occur. This will be the case where the damage would not have occurred without the perpetrator's actions. In most cases, causality is a low barrier.

3. illegality:

For an action to result in liability for damages, it must also be illegal. Whether an action is illegal must be assessed on the basis of the entire legal system. The provisions of the Austrian Criminal Code are therefore also decisive. If an act violates one of the criminal provisions already mentioned, the illegality of the act can be affirmed in any case.

4. culpability:

The final prerequisite for a claim for damages is fault. The offender must be culpable for their behavior and culpability will generally be assumed unless the perpetrator can prove their subjective innocence.

If these conditions are met, the claim for damages is justified. Damages to be compensated



include, for example, compensation for loss of earnings, hotel or other accommodation costs if it was no longer reasonable to remain in one's own home, or compensation for expenses incurred to prevent the impairment (e.g., costs for advertisements). However, lost profits are only compensable if the perpetrator's conduct qualifies as gross negligence. In cases of significant violation of privacy, there is also a claim for compensation for non-pecuniary damage. The amount of compensation shall be determined by the court based on the circumstances of the individual case.

In addition, Section 87 of the Copyright Act ([RIS - Urheberrechtsgesetz § 87 - Bundesrecht konsolidiert, Fassung vom 31.12.2021](#)) provides a specific legal basis for claims for damages. Anyone who violates the provisions on image protection in this law (Section 78 of the Copyright Act) must compensate the injured party for the damage incurred in accordance with Section 87. The lost profit must be compensated regardless of the degree of fault. If there is a violation of Section 78 of the Copyright Act, the claim for damages must be based on Section 87 of the Copyright Act.

f. the ability to seek any other forms of victim compensation/recovery/services provided for under the law and/or by a government-funded source?

Austrian law contains the Crime Victims Act (Verbrechensopfergesetz - VOG). Section 1 of this Act specifies the scope of application. According to Section 1 Para. 1 No. 1 ([RIS - Verbrechensopfergesetz § 1 - Bundesrecht konsolidiert, Fassung vom 07.01.2025](#)), Austrian citizens who have suffered physical injury or damage to their health as a result of an unlawful and intentional act punishable by imprisonment of more than six months are entitled to assistance. If this applies to an affected person, they are entitled to assistance. The services provided include the following:

- Compensation for loss of earnings or maintenance
- Medical care (e.g. for medical assistance, medication, institutional care)
- Vocational rehabilitation
- Lump sum compensation for pain and suffering

However, persons who were involved in the offence, or who culpably failed to contribute to the investigation of the offence, the search for the perpetrator, or the determination of the damage, are excluded from receiving such assistance.

g. notification to a victim when an offender is arrested for distributing child pornography or CSAM in which the child is depicted?

Austria has implemented the EU Victims' Rights Directive (2012/29/EU) into national law. Victims (or their legal guardians) have the right to be informed about key stages in the criminal process (including arrest, release, prosecution) and to request updates on developments, especially if there is a personal safety risk. The relevant legal provisions are as follows: Section 70 of the Austrian Code of Criminal Procedure (Strafprozessordnung - StPO) ([RIS - Strafprozeßordnung 1975 § 70 - Bundesrecht konsolidiert, Fassung vom 26.01.2025](#)) according to this provision, the public prosecutor's office must inform victims of the conduct of preliminary investigations. Victims must also be informed of their rights to information. Section 172 Para. 4 of the Austrian Code of Criminal Procedure ([RIS - Strafprozeßordnung 1975 § 172 - Bundesrecht konsolidiert, tagesaktuelle Fassung](#)), Section 177 Para. 5 of the Austrian Code of Criminal Procedure ([RIS - Strafprozeßordnung 1975 § 177](#)



- [Bundesrecht konsolidiert, tagesaktuelle Fassung](#)) According to these provisions, a victim must be informed upon request of the release of the perpetrator or the accused. Section 181a of the Austrian Code of Criminal Procedure ([RIS - Strafprozeßordnung 1975 § 181a - Bundesrecht konsolidiert, Fassung vom 21.01.2025](#)), The victim must be informed upon request of the escape of an accused person from pretrial detention. Section 149 Para. 5 Austrian Penal Code (Strafvollzugsgesetz – StVG) ([RIS - Strafvollzugsgesetz § 149 - Bundesrecht konsolidiert, Fassung vom 27.01.2025](#)), provides a victim must be informed upon request of the first unguarded release and the impending or actual release of a prisoner. This is managed via the public prosecutor’s office or victim support services.

6. “Safety by Design” is defined as tools or processes that are built into an Online Platform to protect children by making it easier for the relevant Online Platform to detect or prevent the distribution of child pornography or CSAM.

a. Are Online Platforms legally required to incorporate “Safety by Design” into their systems?

See Art 35 of the EU Digital Services Act (DSA) ([Regulation - 2022/2065 - EN - DSA - EUR-Lex](#)).

i. If so, must these steps be taken before the launch of an Online Platform?

Art 35 DSA is only applicable to very large online platforms and online search engines which, by definition, already have a large number of users. Therefore, these measures do not have to be taken before launch.

ii. If so, if an Online Platform has already been in public use, when must they have incorporated “Safety by Design” measures?

See above.

iii. For each of 6(a)(i) or (ii) above, please describe the legal requirement or recommendation.

See above.

b. Please include information about the parameters for monitoring, management, and enforcement of any legal or regulatory requirements for the Online Platform’s incorporation of “Safety by Design”?

See Art 35 DSA [Regulation - 2022/2065 - EN - DSA - EUR-Lex](#).