

Internet and Censorship in Germany

Leave-taking of the international Internet?

A short introduction

»There's a common belief that cyberspace cannot be regulated – that it is, in its very essence, immune from the government's (or anyone else's) control.«

Lawrence Lessig: CODE, 1999 Basic Books, New York

“The development of the internet gives him [the Internet user] inevitably control over which information and content reaches him when and how. The new media is no longer dependend on intermediators like publishers, broadcast stations, newspapers or the music industry. In the Internet a ‘mass communication’ from individual to individual is possible. By now we are not prepared for this development to this control by the user.

We have to develop new mechanisms of regulation.”

Dr. Marcel Machill, Jens Waltermann: Verantwortung im Internet, Selbstregulierung und Jugendschutz. [Responsibility in the Internet, self-regulation and protection of minors], p. 9f.; Verlag Bertelsmann Stiftung, Gütersloh 2000

The “Bertelsmann Stiftung” is the owner of the Bertelsmann Network, which unites hundreds of media companies: TV and radio stations, magazine and book publishers, music labels, direct-to-customer businesses and a variety of service providers – so it is comparable to the fox network.

In Germany, it is forbidden to publish right wing propaganda like denying holocaust. Since 2001, the local regulation office in Northrhine-Westfalia wants to force Internet access providers to “barricade” foreign right wing websites.

The media watchdogs from the Rhine have a “regulated” Internet in mind, in which any content that in the regulator's vision is “legally not allowed”, will be faded out. Finally, this would be the end of the Internet as we know it, the end of the dream of a free communication

net. For the first two sites that shall be blocked are only a testing balloon to test a general blocking of “legally not allowed” Internet content, published in foreign countries. You can't fight right-wing extremism in this way, but fighting right-wing extremism is only a make-believe to prepare for the blocking of thousands of further sites.

Some companies are already developing filter systems, that shall block single “bad” URLs centrally, with a advanced routing and proxy combination.

Some providers sue against this blocking order. Provisional decisions from courts say that the providers must block. Judgements from the main negotiation are missing yet.

To choose right-wing extremist sites as the first sites to be blocked is very clever, for in Germany there is a common consensus, that such tendencies are objectable. It is planned to block more sites through the backdoor. Blocking orders are planned for the protection of minors: action games/shooters and online pornography for example. There are also lots of companies, that would like to get rid of disagreeable content – under the disguise of trade mark right or copyright.

If these intentions will not be stopped – judicially or socially –, the aftermath is incalculable. You have to worry about thousands of blocked sites and therefore a massive cutback of the right to inform yourself from any public information resource.

But this will not be limited to Germany only. In almost any country of the world, there are attempts to eliminate unwanted content and to engage the access providers, to “block” these content.

About ODEM.org

ODEM.org is a german initiative, that picks up sociopolitical questions of the Internet. Main target at present is Internet censorship. In 2001, ODEM-founder Alvar Freude won the \international \media \art \award together with Dragan Espenschied for their anti-censorship working.*ert_coin*.

More information: <http://censorship.odem.org/> – info@odem.org

Internet or Germany.Net?

Explosive backgrounds regarding web filtering measures in Northrhine-Westphalia, Germany

FIRST PUBLISHED IN GERMAN BY HEISE ONLINE; THE GERMAN ARTICLE CAN BE FOUND ON <http://www.heise.de/ct/aktuell/data/jk-28.01.03-010/>

Some documents of the district government Duesseldorf and audio snippets of conversations in the authority fortify the thesis, that the intent of the district government between Rhine and Ruhr goes further than just fighting right wing extremism.

The platform for online demonstrations and events and for ensuring human and basic rights in a democratic internet (ODEM, <http://odem.org/>) has now published an all-embracing collection of materials [<http://odem.org/informationsfreiheit/o-ton.html>] on the net. This collection sheds a new light upon the motives of the district government Duesseldorf [<http://www.brd.nrw.de/>] in the scope of their filtering decree for internet sites [<http://www.heise.de/newsticker/data/jk-08.02.02-011/>]. “The authority says, they would do something against right-wing extremism”, ODEM front man Alvar Freude [<http://alvar.a-blast.org/>] describes the results of the recherche that lasted for several months to date. “In reality their intent is likely to be the creation of an all-embracing infrastructure to give them the power to filter any unwanted content from the net.” This would include pornographic content as well as pirated copies or satire.

The censorship fighter has prepared audio and text documents of the house of the Duesseldorf district governor Juergen Buessow [<http://odem.org/akteure/juergen-buessow.de.html>]. They show that nobody in this house believes in the efficiency of the so far propagated ‘filtering method’ [<http://www.heise.de/tp/deutsch/inhalt/te/11175/1.html>] utilizing the domain name system (DNS). “Users with deeper IT knowledge or dedicated right wing extremists will certainly find ways, to come to the contents”, Juergen Schuette, leader of the department for media control in the district government admitted more than a year ago.

The intent is to make it hard for the “08/15” user to get to one of the initially four incriminated web sites containing Nazi propaganda or repelling pictures, Buessow explained the measures taken back then. But how could it be a solution to a problem if web sites would be ‘blocked’ only for those, who ‘have no intent whatsoever to view them’, one of the representatives of an concerned ISP asked. The answer of the district governor shows, according to Freude, an antiquated and dangerous sense of policy: “ISPs shall be immunized against accusations, they would leave space for illegal content in the internet, by working together with us.”

Freedom of press

The ODEM site also uncovers news about Buessow's respect to the freedom of press: Under a catch phrase "A censorship is taking place" there is a detailed reconstruction of how Buessow's 'home broadcaster', the West Deutscher Rundfunk (WDR), took offline a critic's column about the 'do as one likes' behaviour of this SPD (Socialdemocratic party of Germany) politician. Being in the role of the most influencing media minder, the district governor allegedly used his direct wire to the WDR director Fritz Pleitgen to get rid of that unappreciated text. "The WDR assured me, that they will back me and that they will not join on in the attacks that happened on the WDR online section.", is what Buessow says in an audio document. However, this attack could not be completely removed, because the 'stumbling block' is still available through the California (US) based project archive.org

[<http://web.archive.org/web/20011127185655/http://online.wdr.de/online/computer/schiebwoche/index.phtml>]

The primary material of the ODEM documentation consists of some advisory law opinions and protocols, which were taken during a 'hearing' in november 2001 and during a colloquium of representants of internet providers in the following month. The documents were put out only after a long 'back and forth' by the district government in late autumn and, according to Freude, 'largely blackened and incomplete'. The computer expert had to file a petition based on the northrhine-westphalian 'freedom of information act'

[http://www.lfd.nrw.de/fachbereich/fach_IO_I.html] which was rejected by the authority. After involving the country's data protection officer in the case, which was one of the first cases for this fresh citizen's rights law, the documents were finally put out. The 'O-Ton' files (original tone) on the other hand, which put the grain of salt in this collection of cites, originated from disputed 'clashes' in the meetings between the internet providers and the district government (disputed because they were held due to Buessow's initiative). The documents leaked to Freude from Duesseldorf.

Contradictions

The documents reveal, according to Freude, several contradictions in the argumentation coming from the river Rhine, all basing on the somehow established yet wrong point of view, that an internet site would be comparable to an international broadcasting station, and that being the reason for Buessow to demand internet service providers to 'remove incriminated sites from their program'. Furthermore the documents fortify that Buessow is betraying the believers of some of his former statements – he gave e.g. the assurance, he would not insist on immediate

processing of the disputed enforcements of his filtering directives

[<http://www.heise.de/tp/deutsch/inhalt/te/11864/1.html>], which are now engaging several administrative courts [<http://www.heise.de/newsticker/data/anw-10.01.03-005/>].

Menacing for the future of the internet in our country, says Freude, is the attitude of the district government towards even more filtering sactions. Buessow himself admitted, he had removed e.g. the satire site rotten.com only for 'clearance' and in the sense of 'avoiding questions druing litigating a court case' from his list of sites to be filtered away. He believes, as he admits, that he would be legally entitled to also filter pictures from this site 'based on local law'. According to Freude, Buessow sees his companions in his filtering intentions amongst the lawyers *[<http://www.heise.de/newsticker/data/jk-06.05.02-001/>]* who wish to use the 'protection of persons' aspect in this internet issue to brush through the web, as well as amongst the 'protectors of the youth' *[<http://www.heise.de/newsticker/data/tol-26.01.03-006/>]* – and most of all he sees accordance coming from the music and film industries, who are looking for measures against the unwanted replication of bits and bytes on the net and who already experimented with filtering techniques on their own.

For Freude, the project of the Duesseldorf district government is trying to achieve a final, big goal: "Everything you want to get rid of, but you cannot get hold of in Germany, shall be taken offline with the help of the access providers." For Freude, who is an active assentor of freedom of information, this raises the question how the future of a networked world will look like, which should be discussed in the public now, before facts are made and fortified. "Do we actually want the internet or the germany.net?" Those who applaude to the latter, should also stipulate clearly and precisely, that they said their fairwell to all the promises of the information society, the innovative potency of the net and the basic though of free worldwide communcation.

Declaration for freedom of information in the internet

PLEASE SIGN ONLINE PETITION HERE: <http://odem.org/informationsfreiheit/en/>

On February 8th 2002, the „Bezirksregierung Düsseldorf“ (the district government of Düsseldorf county, Northrhine-Westfalia in Germany) passed orders to more than 80 provider of internet-access („access provider“): they should „block“ the access from their users to some foreign websites. In this particular case, the „Bezirksregierung“ refers to its competence as the district government administration responsible for legal protection of children and the youth and „punishment of infringements of law“ regarding to the so-called „Mediendienstestaatsvertrag“ (interstate agreement on media services).

Although that particular authority is responsible for media-services like video-text and not for tele-communication services, the provider have been demanded to block their customers' access to two right-wing extremists' web-sites being hosted in the USA. That does not mean blocked access only, but blocked communication of any kind with the people behind it as well – e-mails etc. shall be made impossible.

At the moment, a pilot-project of a filter-system is being tested, which will be used to block the access to questionable web-sites. Those websites offer - according to German law - illegal content such as nazi-propaganda and are proved to endanger children and the youth. But: the blocking measurement also includes access to any web-site complying with these premises, no matter where it is hosted.

So far it is not known who shall be entitled to edit the „Black List“, which is necessary for this method. It is also not known if this „Black List“ will be subject to any control according to the federal republican law.

Societal Backstep

We condemn the action of the „Bezirksregierung Düsseldorf“ and their further plans in the strongest possible terms because of the following reasons:

1. Filter-systems implanted by a provider are inadequate and unreasonable

Article 5 of the German Constitution states: Any citizen has the right to freely inform himself of generally accessible sources without any limitations. This freedom of information is the undisputable backbone of an informed democracy being able and aware to defend itself. Filter-systems are used to make sources of information unaccessible for citizens.

Measurements of that kind remind us strongly of those used by totalitarian states and the so

called „Feindsenderverbot“ (the receive of hostile broadcast which was forbidden in World War II and the GDR). They are inadequate for any democratic state.

We are shocked that this limitation of the freedom of information shall also be aimed at science and research. It is planned that only universities are able to escape from this limitation by special authorizations – regulations that are similar to theses practised in the former GDR (the socialist east germany). People working for the media or journalists would also be affected – they are no longer able to receive unlimited information, as these are still existing but no longer available.

Any limitation of our fundamental right of freedom of information is – as far as we are concerned – a backstep of society. Freedom of information counts more than a possible danger, which is caused by the questionable sites in the internet.

2. Fighting the sources instead of fighting infrastructure!

The internet is a medium of communication. In legal terms it should rather be compared to telephone or mail than to broadcast or television. Any intrusion in confidential conversation by the administration offends basic conditions and our understanding of the internet. Additionally, filter systems will only be a measurement of intrusion in the neutral technical infrastructure of communication itself; filtering content does not have any effect in fighting the sources.

3. Blocking sites does miss the target group

Although the measures used today can simply be bypassed with basic knowledge in data processing, they - and any further measures - do seriously intervene our fundamental rights. Therefore, blocking web-sites will miss the effect on the target group and - worst case scenario - will result in a mystification and glorification of forbidden content. Filter systems are contraproductive: Striving for unrequired content in the internet being only made unaccessible means actionism without looking any further - striving for this measure does mean to escape from the real challenge: The real challenge would be to do something against the causes on a societal base.

We demand excluding filter systems used by any provider as a measurement to fight illegal und unrequested content in the internet. We demand finding political ways to solve the problem instead and that you will take assertive action against the originator of this content.

Do let us have a very close look at the problem instead of making the problem invisible to us!