



# 2003

## Annual Report

### ***Hotline against child pornography and national socialistic offences***



***www.stopleveline.at***

## **Imprint**

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**Editor:** Stopleveline

**Place of production and publication:** Vienna



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## Preface

Dear reader!

Thank you for your interest in the activity of the Stopline!

In the third year of its publication the annual report of the Stopline has already become traditional. Looking back on the year 2003 we would like to take the opportunity to inform you in this annual report about the intense and dedicated work of the Stopline.

After another year of its existence, we unfortunately have to state again that the Stopline's activities have not become less important. While we get pictures and reports about the Marc Dutroux court case in Belgium and reports on right-wing radical groups in the media are increasing, the Stopline has experienced a constant inflow of reports. This clearly reflects the increasing importance of the internet as well as the unchanged sensibility of its users.

In the name of the Stopline staff and all Stopline advisory board members I'd like to take this new annual report as an opportunity to give you our sincere thanks for your interest in the Stopline. I would also ask you to give your circle of relatives and friends an understanding of our activity of supporting an internet that is free of criminal contents.

We are looking forward to a further good cooperation, and we are gladly at your disposal for any of your questions at [office@stopline.at](mailto:office@stopline.at).

Barbara Haindl  
Chairwoman of the Stopline advisory board



## 1. History

### 1.1) Foundation of the Hotline

The reason for the formation of a report office for illegal contents on the internet was an incident at an ISP in Vienna in the year 1997. Due to a report in March 1996, based on the upload of illegal contents on the internet by a customer of this ISP, the entire technical equipment was confiscated. A protest was raised throughout Austria against these drastic measures.

With regard to the fast expansion of the internet, this incident has made clear that new ways of cooperation between the economy and the public authorities - but also between the individual users - had to be found and will have to be found. For this reason the providers, new ideas concerning a voluntary self-regulation in cooperation with the public authorities have been considered and deemed desirable. Thus, in September 1997, the ISPA (association of the Austrian internet service providers) was founded, and several work groups have been established, especially the work group „Criminal Law“ directed by Mr. Peter Rastl. This work group decided a working program on 20 June 1998, which proposed the establishment of a report office. The formal foundation of the hotline took place in November 1998, in agreement with the Federal Ministry of the Interior. Child pornography and right wing radicalism have been defined as its field of activity.

In January 2001, the ISPA-hotline gets a new look - it becomes the Stopleveline, which is introduced to the public on 17th January. As a matter of fact, its tasks remain unchanged.

### 1.2) The Hotline makes allies

In autumn 1998 the discussion of the Hotline was resumed, as it was interpreted by some providers not as a service and a protective measure rather than a means of censorship. This misunderstanding was removed by a personal discussion between the Hotline members and the providers, and a cooperative atmosphere based on mutual information was created. The communication among those involved - providers, public authorities and other hotlines - has been intensified and has worked smoothly ever since. Additionally, the Hotline advisory board was founded.

Particularly in order to inform the Austrian ISPs, who are the ISPA-members, about their responsibility, the ISPA code of conduct expressly deals with the handling of illegal contents.

Today the Stopleveline is a publicly authorized and accepted report office. The Stopleveline closely cooperates with the Federal Ministry of the Interior (Interpol, service of the state police) and with the internet service providers. An extensive cooperation with the public authorities also requires meetings in order to exchange the technical knowledge between the agents, especially with regard to new services and possibilities on the internet.

### 1.3) The Hotline expands

In the meantime, the Stopleveline has 4 part time staff members, who have been assigned to different fields of duty and who guarantee the operative process of reports at any time. Based on their professional work, the Stopleveline can react in a fast, reliable and efficient way.



## 1. History

### 1.4) Public relations of the Stopleveline

In the year 2001, the ISPA-hotline became the Stopleveline. This event has been the initial point to increase the public relations in order to extensively inform the internet users about the Stopleveline and its activities.

For this purpose an information brochure has been compiled, which can be ordered for free or obtained directly from the website.

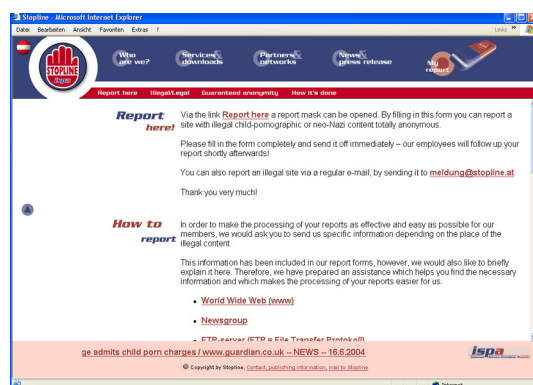


One of the most important ways to contact the Stopleveline is the website, which contains detailed information about the activities of the Stopleveline as well as the possibility to directly report supposed illegal contents on the internet. In this connection, there is a continuous effort to inform new groups, like organizations for the protection of children or minors, about the activities of the Stopleveline.



[www.stopleveline.at](http://www.stopleveline.at)

Naturally, the most important area is the topic „My report“. In this area substantial information (also legal matters) on the topics child pornography and right wing radicalism has been compiled.





# 1. History

Much attention was turned to the point „Security tips“, which should support the secure use of the internet for different user groups.

This area also contains links to several interesting sites which deal with the secure use of the internet and its services.

In addition, different documents of the Stopline, like the annual reports since the year 2000 or the folder, are provided for download. There is also an area that contains topical and interesting news reports from different providers, which are continuously compiled by the Stopline staff members.



## 1.4.1 Lectures

All persons in charge appreciate that the Stopline and its field of activity have been presented at different occasions over and over, and Stopline lecturers have been invited. This should inform the public about the existence of this hotline and sensitize them for a right and helpful use of the internet.

In June 2003, for example, an expert hearing of the Austrian family league dealing with „Child Pornography on the Internet“ took place in Linz. This was an opportunity for the Stopline to introduce its activities to the audience. The big interest shows that the public is highly aware of the many-sided dangers of the internet - apart from its advantages.



## 2. Structure

### 2.1) Structure of the Stopline

#### 2.2) The Stopline advisory board

The Stopline's head committee is the Stopline advisory board. This advisory board is a communication platform between the economy, the internet industry and the public authorities. Specialists like lawyers and university professors contribute additional know-how. The Stopline advisory board has 3 - 4 meetings per year.



On the one hand, this committee discussed the general cooperation between the groups in the struggle against illegal contents on the internet at those meetings. Additionally, knowledge is exchanged and possibilities for a mutual support are discussed. A major element of these meetings are guidelines for a „officially guided self-control“ of the economy.

On the other hand, the Stopline advisory board is responsible for the working methods of the Stopline, and therefore discusses internal sequences and competences and sets up topical priorities.

##### 2.2.1) The current members of the Stopline advisory board 2003

Peter Rastl	University of Vienna / Aconet
Kurt Einzinger	Secretary general of the ISPA
Wolfgang Schwabl	Mobilkom Austria
Regine Buchmann	Interpol
Günter Poßegger	Bundesamt für Verfassungsschutz und Terrorismusbekämpfung (Federal office for the protection of the constitution and the fight against terrorism)
Gabriele Schmölzer	University of Graz
Michael Pilz	Lawyer
Christian Reiser	Security expert
Richard Wein	Manager of nic.at
Barbara Haindl	Lawyer of nic.at, Stopline advisory board chairwoman

#### 2.3) The cooperation with internet service providers and authorities

The processing of reports requires a good contact with other parties involved in running a website (i.e. internet service providers and executive authority), as the contents of the internet can change constantly and rapidly. Thus, the Stopline staff has been able to determine reliable contact persons who are technically experienced during several conversations with ISPs. These people can be promptly contacted in case of an illegal content on their servers. This is especially relevant for illegal contents in newsgroups, which requires the support of the ISP, as access to these newsgroups is only possible via their news-servers.

Especially authorities like Interpol and the „Bundesamt für Verfassungsschutz und Terrorismusbekämpfung“ appreciate the Stopline as the industry's own initiative and as an important partner.

With regard to the Stopline advisory board, which consists of representatives of all these groups, this cooperation between the Stopline, authorities and the ISPs is especially beneficial.





## 3. International

During the last years the efforts of international organisations to fight illegal contents on the internet - especially child pornography - have increased. Worldwide networks have been established in several conferences, in order to fight criminal actions on the internet effectively and internationally. It must be pointed out that all these initiatives, in spite of their work against illegal activities, still have a positive opinion of the internet and its services.

### 3.1) European Union and INHOPE

#### 3.1.1) European Union

Already in 1997 the European Commission supported a pilot project to establish a European hotline-platform within the scope of the Daphne program. At that time the project INHOPE was established (already with a view to the Action Plan made up in 1999) - initially as a discussion platform, which checks the possibility to establish hotlines by the industry and which should find partners in Europe.

On 25 January 1999 the European Commission decided to launch the „Action Plan on Promoting Safer Use of the Internet“, better known as the „Internet Action Plan“. <http://europa.eu.int/ISPO/iap/decision/de.html> (decision no. 276/199/EG). The intention of this action plan is the creation of an European hotline network, in order to intensify the cooperation of the different hotlines as well as to force the establishment of new report offices in further countries. The success of this project prompted the EU to continue it (within the framework of the decision no. 1151/2003/EG from 16 June 2003), which made a further promotion of European report offices possible. Referring to these measures, the project INHOPE and the different hotlines are financially supported by the European Union.

In autumn 2003, the commission made a further decision (2003/C 209/05) within the framework of a plan for the secure use of the internet, which provides a further recommendation of the hotlines for a financial support by the EU, thus guaranteeing their continuity.



<http://europa.eu.int/ISPO/iap>

#### 3.1.2) INHOPE

INHOPE is the union of the Internet Hotline Providers. These are numerous report offices, especially in Europe but also in America, Australia and South Korea. In the meantime, INHOPE consists of 19 report office members in 17 countries of the world.



The Stopleveline is one of the founder members of INHOPE and has taken an active role in its development ever since. INHOPE meetings take approximate 3 times a year place in the countries of the respective partner hotlines and especially serve to the exchange of views, e.g. concerning the field of EDP, new behaviors of the offenders or their frequently used services. The exchange of information concerning staff welfare, which means the mental condition of the agents, also stays an important topic for INHOPE. In this regard it is important to pay attention to this topic and to provide support in advance, so that relevant damages do not occur or can be detected and averted in their initial stage.

However, one of the most important aspects is the cross-national investigation of illegal contents. So, the respective hotlines try to localize the possible illegal content and forward this information to the proper hotline in this country. In turn, this hotline has shorter and less bureaucratic contacts to the local authorities, who can initiate their proceedings immediately. This makes fast, efficient and oftentimes successful investigations of e.g. child pornographic contents possible, which are located on foreign servers.



## 3. International

Inhope has also installed several work groups in order to go deeper into special topics. At the moment, there are work groups that deal with special issues like code of conduct, contents, membership fees, public relations and new media, especially mobile communication. There are members of different hotlines involved within each of these work groups, who try to work out proposals for the best possible approaches. They aim to assimilate the operations as good as possible, as well as to expand the knowledge of the different hotlines, to considerably assist their staff members, and to support the foundation of new hotlines and to establish their position.

INHOPE (Association of Internet Hotline Providers in Europe) presents itself on the homepage [www.inhope.org](http://www.inhope.org), which also takes into account its members and the different countries. This site is available in German, English, French and Spanish.



### 3.1.2.1) Members

#### Country

America  
Australia  
Austria  
Belgium  
Denmark  
Germany  
Germany  
Germany  
Greek  
England  
Finland  
France  
Ireland  
Iceland  
Italy  
Netherlands  
South Korea  
Spain  
Sweden

#### Organization

Cybertipline (NCMEC)  
ABA  
Stopleveline  
Child Focus  
Red Barnet  
Electronic Commerce Forum  
FSM  
Jugenschutz.net  
Safeline  
Internet Watch Foundation  
Pelastakaa Lapset - Rädda Barnen  
AFA  
ISPAI  
Barnaheill  
Save the Children Italia  
Meldpunt  
ICEC Internet 119  
ACPI  
Rädda Barnen

#### Web address

[www.ncmec.org](http://www.ncmec.org)  
[www.aba.gov.au](http://www.aba.gov.au)  
[www.stopleveline.at](http://www.stopleveline.at)  
[www.childfocus.be](http://www.childfocus.be)  
[www.redbarnet.dk](http://www.redbarnet.dk)  
[www.eco.de](http://www.eco.de)  
[www.fsm.de](http://www.fsm.de)  
[www.jugenschutz.net](http://www.jugenschutz.net)  
[www.safeline.gr](http://www.safeline.gr)  
[www.iwf.org.uk](http://www.iwf.org.uk)  
[www.pela.fi](http://www.pela.fi)  
[www.pointdecontact.org](http://www.pointdecontact.org)  
[www.hotline.ie](http://www.hotline.ie)  
[www.barnaheill.is](http://www.barnaheill.is)  
[www.stop-it.org](http://www.stop-it.org)  
[www.meldpunt.org](http://www.meldpunt.org)  
[www.internet119.or.kr](http://www.internet119.or.kr)  
[www.asociacion-acpi.org](http://www.asociacion-acpi.org)  
[www.rb.se/hotline](http://www.rb.se/hotline)

### 3.2) Further international activities

The members of the Stopleveline also eagerly engage in other international initiatives - either by giving lectures or by joining conferences and work groups. Please find some relevant topics in the preceding annual reports of the Stopleveline.

So the activities of the Stopleveline should not just be seen in a national context but also as the part of a worldwide network, which is supported by a number of international initiatives.



## 4. Working method

We would like to point out that staff members of the Stopline do not actively search the internet for illegal contents, but exclusively deal with reported messages.

### 4.1) Reports to the Stopline

A report to the Stopline can be made in two ways: either the online form on the homepage [www.stopline.at](http://www.stopline.at) is filled out, or the illegal content is reported by e-mail to [meldung@stopline.at](mailto:meldung@stopline.at).



As desired, the sender can either remain anonymous or enter his e-mail address. If an e-mail address is entered, the Stopline sends a reply confirming the receipt of the report.

It is specially advised not to send pictures, as this could already be an illegal action. For an investigation it is sufficient for the Stopline to receive a detailed reference of the suspicious material. This would be a clear URL for contents of homepages (www), a detailed reference of the author, the date, subject and/or keywords in file-sharing programs (e.g. Kazaa), or a detailed description of the posting for news groups. In this case the name of the news group, the news server, sender, date and subject of the posting are important.

A free text field allows to summarize or comment on the content.

#### 4.1.1) The Stopline works on the report

Reports are treated anonymous. Sender addresses are not forwarded in any way. Depending on the quality of the report the discovery of the content is more or less time-consuming - the more precise the „guide“ is, the faster the investigation can commence. Afterwards, the members of the Stopline check, whether the reported content is actually illegal - according to the Austrian law. The procedure differs in a way, depending whether the illegal content was found on a web site or in a newsgroup posting.



## 4. Working method

### 4.1.2) Illegal material on websites and in e-groups

If there are illegal contents on websites, the Stopline locates the host, i.e. the ISP or server which grants access to the illegal content in the net. If an Austrian internet service provider is affected, he is contacted at the same time as the public authorities and informed about the illegal content. After the report is forwarded to the providers and public authorities, there is still a good cooperation between both. Providers and authorities now take further measures.

If the illegal material is located on foreign servers, the local authorities are still informed. In addition, the Stopline forwards the information to foreign partner-hotlines, which commence their own procedures and contact the authorities in their countries.

Please select whether it is about child pornographic or Neo-nazi material.

Please enter the web-address (URL).

This field is used for comments and notes.

If a sender e-mail address is specified it will not be forwarded third parties.

### 4.1.3) Illegal contents in newsgroups

If the content of a newsgroup posting is illegal, first the Stopline has to find out whether it can access this newsgroup. If not, the Stopline depends on the support of the provider, which can give the Stopline access to their news-servers. The work of the Stopline is more efficient, if the report concerning a newsgroup / a posting is detailed. If it is assumed illegal, the relevant data is reported to the competent authority.

At the same time a report goes out to all ISPA members, informing them that illegal material was found in the corresponding newsgroup.

Please select whether it is about child pornographic or Neo-nazi material.

This area is used for detailed information about the newsgroup. The more detailed the information is the more helpful it is for the processing by the Stopline staff members.

This field is used for comments and notes.

### 4.1.4) Illegal contents in file sharing-programs

If illegal contents are found in file sharing-programs, the feature of the content is copied (provided that the service allows it) and forwarded to the competent authority specifying author, subject and naturally the program.

As this area has become more and more relevant to the Stopline within the last years, much information has been gathered by INHOPE members, and the hotline staff members were purposefully informed and trained.



## 4. Working method

### 4.1.5) E-mails

The Stopline continuously gets reports concerning the receipt of undesirable e-mails - so called spam-e-mails. Complaints about the receiving of such e-mails are not within the responsibility of the Stopline, as investigation work would be necessary, which is reserved to the executive authorities.

However, if www-addresses or other services are shown in a forwarded e-mail, the Stopline will gladly process these messages in order to locate possible illegal contents.

During the INHOPE meetings, the awareness regarding spam e-mails has also been considerably trained.

### 4.1.6) Chat and other services

Chat and other services of the internet are treated by the Stopline only in special cases. Especially Chat (IRC - Internet Relay Chat) is a great challenge, as communication works in real-time. In addition, there is the possibility to move into „private rooms“, where the public usually does not have access to.

As the hotline does not carry out investigations (those are reserved to the police), the limits are obvious. Furthermore, a constant monitoring of the relevant chat is necessary. This means that every chat room must be observed for 24 hours a day, which would result in the assignment of many staff members.

Please select whether it is about child pornographic or Neo-nazi material.

Please specify the service and enter detailed information about the location of the content.

This field is used for comments and notes.

If a sender e-mail address is specified it will not be forwarded third parties.

### 4.1.7) Mobile communication

With regard to the development of the mobile communication, especially between mobile phones, there is the possibility to send photos and video sequences - also illegal ones - with mobile phones and other devices.

In the year 2003, such problems regarding the mobile communication have not yet become topical for the Stopline. However, this issue has already been discussed with foreign hotlines and members of the Stopline advisory board in order to be prepared for potential occurrences.



## 4. Working method

### 4.2) Overview of the working process



### 4.3) Reports to provider

Each report to a provider is exclusively informative. The Stopline does not delete contents itself, but rather advises the providers how to proceed. After that the provider decides for himself how to react to the content.

This responsibility of the ISP has become more important, especially with regard to the new e-commerce law, which has become effective on 1.1.2002.

### 4.4) Check of success

The Stopline gladly replies to a received report, provided that the sender has entered his e-mail address. However, the Stopline is neither able to give information about its own processing results nor about the investigations of the executive. However, there is often news in the media about a successful strike against distributors of child pornographic or neo-Nazi contents. Whether such successful strikes are based on a Stopline report, can only be assumed by the Stopline members, as the executive authorities don't provide relevant information.



### 5.1) Legal matters concerning child pornography and national socialistic offences

The topic child pornography has been the center of many discussions on the internet for the last years. Some critics tend to consider the entire new medium criminal.

That is wrong, as the current situation shows that the internet has been accepted to universities, office, schools and families, actually all areas of daily life. Many people make use of the positive aspects for their spare time or their jobs. New jobs have arisen, and if you listen to children talking about the internet, you can see that the virtual world has already become a part of their lives, has filled them with enthusiasm and has enabled them to access the whole world from their rooms.

Nevertheless, the pictures of child molestation on the internet have shocked many people. So a legislation that made child pornography a punishable offence has been created within a short time. But not all that seems to be child pornography is child pornography, also meets the penal elements of the crime.

#### 5.1.1) Legal facts of child pornography in Austria

In Austria the offence of child pornography is defined by §207a penal code.

#### **AUSTRIAN WORDING OF THE LAW (only available in german):**

##### **§ 207a Pornografische Darstellung mit Unmündigen**

- (1) Wer eine bildliche Darstellung einer geschlechtlichen Handlung an einer unmündigen Person oder einer unmündigen Person an sich selbst, an einer anderen Person oder mit einem Tier, deren Betrachtung nach den Umständen den Eindruck vermittelt, dass es bei ihrer Herstellung zu einer solchen geschlechtlichen Handlung gekommen ist, 1. herstellt oder zum Zweck der Verbreitung einführt, befördert oder ausführt oder 2. einem anderen anbietet, verschafft, überlässt, vorführt oder sonst zugänglich macht, ist mit einer Freiheitsstrafe bis zu zwei Jahren zu bestrafen.*
- (2) Mit Freiheitsstrafe bis zu drei Jahren ist zu bestrafen, wer die im Abs. 1 bezeichnete Tat gewerbsmäßig oder als Mitglied einer Bande begeht.*
- (3) Wer sich eine pornografische Darstellung mit Unmündigen (Abs 1) verschafft oder eine solche besitzt, ist mit Freiheitsstrafe bis zu sechs Monaten oder mit Geldstrafe bis zu 360 Tagessätzen zu bestrafen.*
- (4) Der Täter ist nach Abs.1, 2 und 3 nicht zu bestrafen, wenn die Tat nach einer anderen Bestimmung mit strengerer Strafe bedroht ist.*

Child pornography is defined by pictures of sexual acts children are involved in. A child is a person under the age of 14. Apart from classical photos, media like films, disks, cd-roms or interactive computer games also belong to the term pictures. Texts describing sexual acts with children are not punishable in the sense of child pornography, but eventually by other legal rules. Other pictures like drawings, paintings, comics or photomontage can be on the borderline, if it can't be seen at first glance whether there are living children involved or just adults with children's faces or heads. In this case it depends on the impression, as the viewer of the picture gets the impression of a sexual act with children has actually taken place or not.

All sexual acts become „sexual“ at a certain degree. This does not include a mere undressing or photos shot on a nudist beach. Also, many pictures have a certain sexual tendency like nude pictures of young girls in a pornographic pose. However, such pictures are not criminal.

If the picture contains child pornography, any action connected with it is illegal: producing, offering, acquiring, handing over, presenting and any other way to open it to the public like importing, transporting and exporting.

Concerning those types of pictures it has to be mentioned that there is a criminal offence, and prosecution is and must be left to the police. Reports to the Stopline are a good thing, if relevant websites or pictures were discovered by chance.

Even if the industry or especially austrian providers play an important role in cooperating with the public authorities, the internet user must be aware of the fact that it is not allowed to investigate on one's own initiative. No matter if the user's intentions are good - like reporting to the Stopline - he could eventually make himself liable to prosecution.



In this connection, it should be mentioned that, in the second half of the year 2003, the legislator has initiated a revision of the § 207a StGB. Among other things, the increase of the age of protection from currently 14 to 18 years has been decided. The changed § 207a StGB will become effective on 1st May 2004.

### 5.1.2) National socialistic offences

In Austria the denial of Nazi crimes as well as the dissemination and glorification of its ideologies is a punishable offence. By way of contrast, in other countries like England or America such activities are protected by law (freedom of opinion and speech). In these countries there is no legal basis for countermeasures, so in many cases the Stopline is not able to react as quickly and efficiently. Nevertheless, the Stopline does not pass up an opportunity in order to fight those pages.

Concerning the fight against national socialist offences the following legal regulations are used in Austria:

#### **AUSTRIAN WORDING OF THE LAW (only available in german):**

##### **Verbotsgesetz (Verfassungsgesetz vom 8.5.1945 über das Verbot der NSDAP)**

- §1 Die NSDAP, ihre Wehrverbände (SS, SA, NSKK, NSFK), ihre Gliederungen und angeschlossenen Verbände sowie alle nationalsozialistischen Organisationen und Einrichtungen überhaupt sind aufgelöst; ihre Neubildung ist verboten. ...
- §3 Es ist jedermann untersagt, sich, sei es auch außerhalb dieser Organisationen, für die NSDAP oder ihre Ziele irgendwie zu betätigen.
- §3a Einer gerichtlich strafbaren Handlung macht sich schuldig...:
  - 1. wer versucht, eine gesetzlich aufgelöste nationalsozialistische Organisation aufrechtzuerhalten oder wiederherzustellen oder mit einer solchen Organisation oder mit einer in ihrem Namen handelnden Person in Verbindung zu treten...
- §3d Wer öffentlich oder vor mehreren Leuten, in Druckwerken, verbreiteten Schriften oder bildlichen Darstellungen zu einer der nach §1 oder §3 verbotenen Handlung auffordert, aneifert oder zu verleiten sucht, insbesondere zu diesem Zweck die Ziele der NSDAP, ihre Einrichtungen oder Maßnahmen verherrlicht oder anpreist, wird ... bestraft.
- §3g Wer sich auf andere als die in den §§ 3a bis 3f bezeichnete Weise im nationalsozialistischen Sinne betätigt, wird sofern die Tat nicht nach einer anderen Bestimmung strenger strafbar ist, mit Freiheitsstrafe von einem bis zehn Jahren, bei besonderer Gefährlichkeit des Täters oder Betätigung bis zu 20 Jahren bestraft.

##### **Mit der Verbotsgesetznovelle 1992 wurde der § 3h dieses Gesetzes neu geschaffen (Strafbarkeit der sogenannten „Ausschwitz-Lüge“).**

- §3h ...wird auch bestraft, wer in einem Druckwerk, im Rundfunk oder in einem anderen Medium oder sonst öffentlich auf eine Weise, dass es vielen Menschen zugänglich ist, den nationalsozialistischen Völkermord oder andere NS-Verbrechen gegen die Menschlichkeit leugnet, gröblich verharmlost, gutheißt oder zu rechtfertigen sucht.

##### **Mit einer Verwaltungsstrafe werden Delikte nach dem Abzeichengesetz (Bundesgesetz vom 5.4.1960, mit dem bestimmte Abzeichen verboten werden) bestraft.**

- §1 (1) Abzeichen, Uniformen oder Uniformteile einer in Österreich verbotenen Organisation dürfen öffentlich weder getragen noch zur Schau gestellt, dargestellt oder verbreitet werden. Als Abzeichen sind auch Embleme, Symbole und Kennzeichen anzusehen.
- §2 (1) Die Verbote des §1 finden, wenn nicht das Ideengut einer verbotenen Organisation gutgeheißen oder propagiert wird, keine Anwendung auf Druckwerke, bildliche Darstellungen, Aufführungen von Bühnen- und Filmwerken sowie Ausstellungen, bei denen Ausstellungsstücke, die unter §1 fallen, keine wesentlichen Bestandteile der Ausstellung darstellen.  
(2) Auf sonstige Ausstellungen finden die Verbote des §1 dann keine Anwendung, wenn sich die Ausstellung und deren Zweckbestimmung eindeutig gegen das Ideengut der betreffenden verbotenen Organisation richtet.

Both wordings of the law point out that dealing with the ideas of an illegal organisation is legal, but not the approval of its ideas.





## 6. Facts and numbers

### 6.1) Why are statistics created?

The Stopline daily receives a certain amount of reports on supposed illegal contents within different services of the internet. Each of these reports is processed and categorized. With the help of statistics the Stopline is able to make out trends. For example, in the year 2003 these statistics showed that spam e-mails have continued to be sent to the Stopline.

Technical tendencies of the reports enable us to react faster to innovations by the use of training and better equipment, as well as to get specific information from the international network.

At the moment, the staff members have to deal with an amount of an average of 110 reports per month, whereas general and legal inquiries as well as services for providers and public relations are not included.

Further, the statistics are used by the European Union and INHOPE, because lectures and special topics require relevant information.

### 6.2) How are statistics created?

The statistics distinguish between 5 types::

- www means internet pages in the World Wide Web;
- News is the abbreviation for newsgroups;
- Filesharing-programs are services like Kazaa - persons offering relevant material keep turning up and use different techniques;
- Chat is the usual term for Internet Relay Chat;
- The field „others“ includes for example the forwarding of e-mails with a supposed illegal content to the Stopline.

The statistics created are again divided into 2 sections - on the one hand all received reports, and on the other hand reports concerning supposed illegal contents of different services. The last-mentioned are labelled „correct“.

The following numbers definitely show that www is the large part of the reports.

Chat can only be processed by the Stopline in special cases, as for an efficient work real-time monitoring is necessary for this medium. This procedure would be qualified as investigation work that can obviously just be carried out by the executive.

Reports are only added to the statistics, if they are actually processed. If an address is reported repeatedly within a short time, this report is just considered once for the statistics.

### 6.3) What is reported?

Regarding the content reports on child pornography predominate neo-Nazism with about 90 %. Neo-Nazi pages have usually been reported, whenever National Socialism was a central point of discussion in the local media.

For a clear overall view of „what is reported“ we also create statistics on the reported contents.



## 6. Facts and numbers

### 6.4) Tendencies

Every now and then, the Stopleveline is confronted with questions regarding more frequent reports in some months or areas.

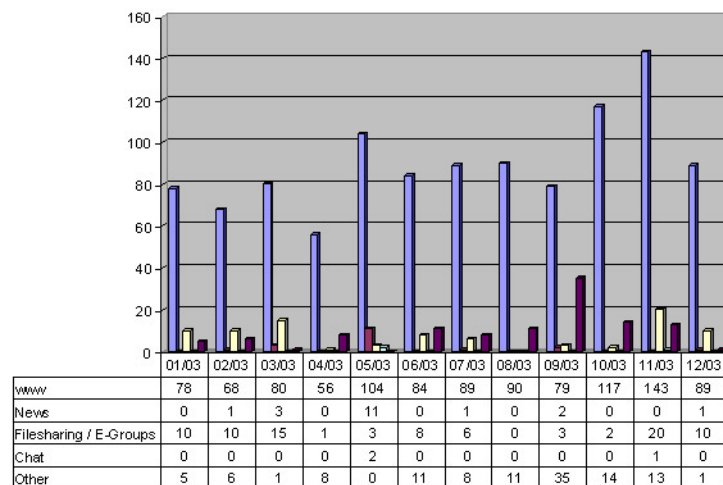
In this context, the Stopleveline can only be speculative. Discussions especially with staff members of foreign hotlines confirm the suspicion that the media - particularly reports on a current destruction of a paedophile ring, interviews with abuse victims or reports on activities in the neo-Nazi area - plays a very important role in the sensitisation of the public. This usually affects the number of incoming reports to the hotline.



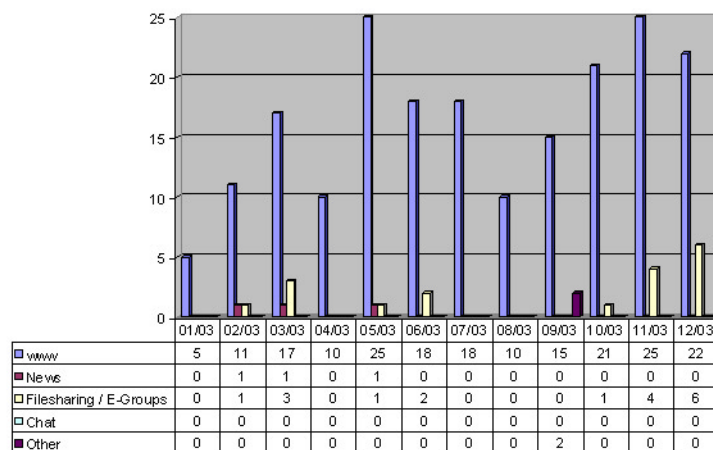
## 7. Statistics

### 7.1) Statistics on internet services

Reports January - December 2003:

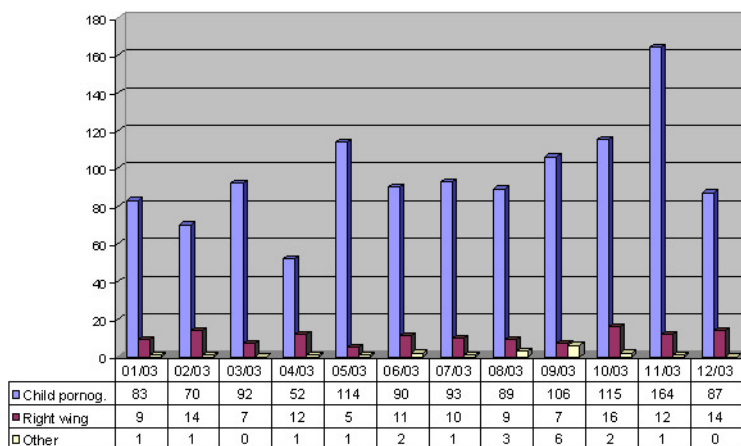


Appropriate reports January - December 2003:

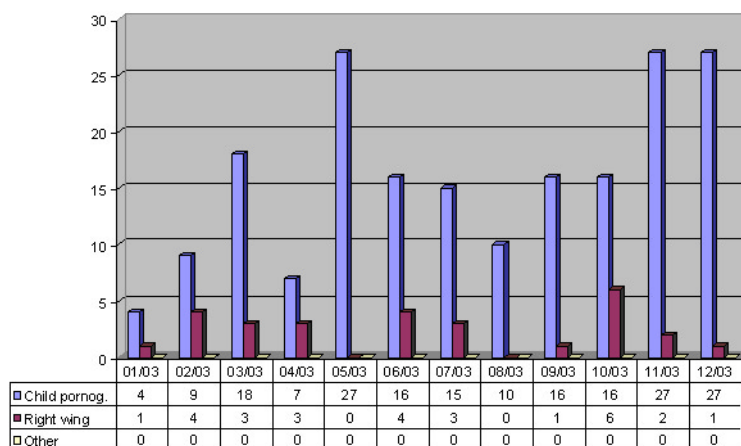


### 7.2) Statistics on reported contents

Reports January - December 2003:

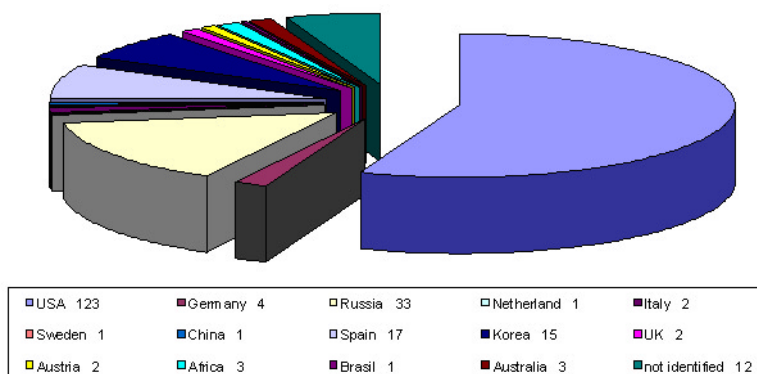


Appropriate reports January - December 2003:



### 7.3) Statistics about the countries of origin 2003

In this year the Stopline has made a new statistic indicating the countries of origin where the supposed illegal contents are being hosted.

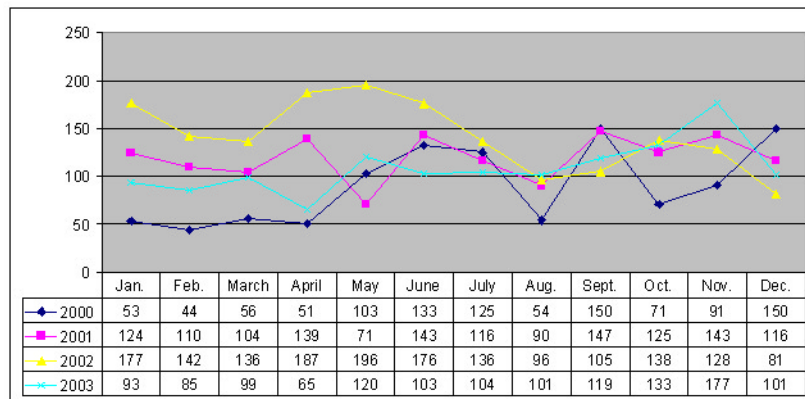




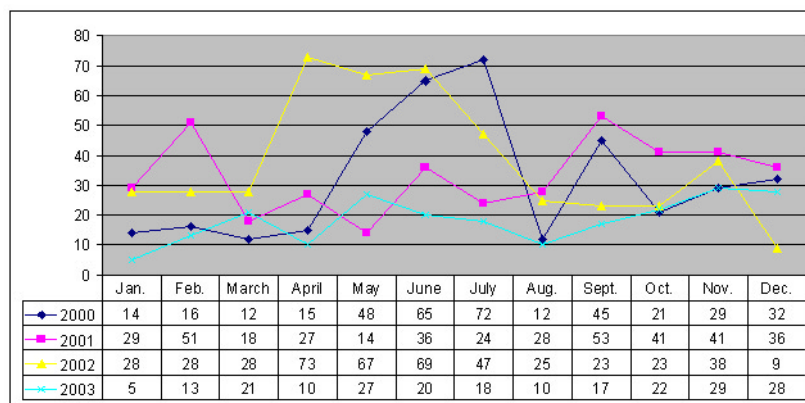
## 7. Statistics

### 7.4) Comparison 2000, 2001, 2002 and 2003

Comparison of reports January - December:



Comparison of correct reports January - December:





## Internet Service Providers Austria - ispa

The use of the internet in the daily life of the people and the economy has become vital and is going to increase further. Via different kinds of net infrastructure, the internet service providers enable access to the internet as well as an international connectivity for the citizens, civil services and companies in Austria. In addition, they offer various services, contents and applications to the citizens and the economy via and with the use of the internet.

Promptness and strength through competence and mutuality is an important basis for the ISPA regarding the representation of wishes and interests of the internet as well as the representation of commercial and private users. Our strength and competence are based upon the strength and competence of our members.

### Die ISPA:

- promotes the internet in Austria.
- acts as a representative of the ISPA members towards the government, public authorities and all other institutions, organizations and bodies.
- acts as a negotiation platform between Telekom Austria and alternative ISPs for the operation of ADSL and SDSL in Austria.
- stands for the support of fair competition especially regarding regulation and unbundling
- serves as a promoter of special projects like ASP Group Austria and WLAN Group Austria.
- organizes work groups and initiatives for ISP relevant topics.
- works out codes of conduct for the industry
- serves as a platform for common efforts to develop and implement standards and policies (self-liability)
- provides special services for its members, like sample general terms and conditions, legal information, press reviews etc.
- supports requests and interests of its members in the public.
- cares for international cooperation and exchange of experience with institutions and organizations that have the same or similar aims.
- offers an independent information platform to its members.
- regularly arranges information and discussion events based on topical and important topics of the internet industry.

### ISPA topics:

- competition - for general conditions regarding competition
- ISPA broadband offensive - promotion of internet broadband connections
- WLAN - mobile und stationary radio connections with the internet
- Spam - against unwanted advertisement via e-mail
- CIRCA - Computer Incident Response Coordination Austria
- Application Service Providing - services via internet
- E-Commerce - for dynamic electronic business connections
- E-Payment - for secure and easy payment systems for the internet
- Cybercrime - law and prosecution on the internet
- Stopline - report office for illegal contents on the internet
- Against obligatory data storage - for proportionality and privacy
- Unbundling and regulation - for a fair competition

And many more.

The ISPA is a community of the Austrian internet service providers, which represents the interests of the internet industry and supports the internet in Austria.



Interested persons can contact the ISPA office at any time for inquiries and information, either via telephone number +43 1 4095576 or via e-mail to [office@ispa.at](mailto:office@ispa.at)

Johannes Schwertner - President  
Kurt Einzinger - Secretary General

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Web: <http://www.ispa.at>

### **Extract from the ISPA code of conduct**

(agreed at the ISPA general meeting on 2 December 1999)

#### **§1. Aim of the ISPA code of conduct**

The ISPA is the union of Austrian internet service providers.

The code of conduct was agreed according to the statutes and articles of the ISPA and describes the practical procedures of the ISPA and its members in performing their duties as internet providers („ISPA members“). This code of conduct can be used by internet users and the public in order to be guided by the procedures of the ISPA members.

#### **§2. General responsibilities of the ISPA members**

In order to explain the responsibilities of the ISPA members regarding these guidelines, they are divided into different categories. Members can have different duties as well, and in doing so their behavior has to correspond to the respective business.

- content-providers: providers who offer their own contents on the internet; they are fully responsible for their contents
- access-providers: providers who offer users access to the internet; they are not responsible for transferred contents
- host-providers: providers who provide memory for internet contents; they are not responsible for these contents and are not bound to check these contents; if they are informed about illegal contents, they proceed according to §4 of this code of conduct
- backbone-providers: providers who offer international internet connections; they are not responsible for transferred contents

The ISPA members declare that all general conditions have to be applied by law according to their business. Criminal law, data protection law and telecommunications law are exemplary.

#### **§4. Responsibilities of the ISPA members concerning internet contents**

Internet users can express themselves free and unrestricted on the internet. They are responsible for their behaviours, their own contents and the use of other contents. The ISPA members point out that internet contents are subject to the relevant Austrian laws and that they stop access to publicly accessible, illegal contents by technically and economically acceptable means.

In the first place, the ISPA members take note of illegal contents by the „Internet-Hotline“, the ISPA office or relevant authorities. Information on presumed illegal contents by a third party is forwarded to the Internet-Hotline. The Internet-Hotline is managed by the ISPA and serves to take reports of illegal contents on the internet (especially child pornography and National Socialist resurgence), to verify reported contents and to forward these reports to those providers, who are able to stop access to this content, and to relevant national and international authorities.



The Internet-Hotline is included in a network of international internet report offices, in order to guarantee an efficient transmission of information also beyond the Austrian borders. The ISPA members enable simple access to the Internet-Hotline for their customers (e.g. per links from their homepages to the Internet-Hotline).

Informed ISPA members immediately stop access to these contents by means of possible and reasonable actions, or demonstrably take the necessary steps to immediately stop access to these contents, if the relevant server is within the sphere of influence of their customers. In both cases - provided that it is economically and technically reasonable - ISPA members secure evidence for the duration of one month, but do not delete such evidence deliberately.

### **§5. Responsibilities of the ISPA members concerning misuse of the internet**

In case of information about the misuse of the internet according to TKG §75 („use“) ISPA members proceed appropriate to their responsibilities concerning internet contents (according to the paragraphs above).

They secure operation of the net and internet services by all technically available and economically reasonable means - including the disconnection of sources of relevant material from the internet in clear cases.

### **§8. Declaration of the ISPA members concerning this code of law**

The ISPA members declare their approval of these rules and bind themselves to realize and support them. They will adjust these rules to changing actual and legal developments by appropriate decisions according to the statutes and articles of the ISPA in periodical intervals. The ISPA members look upon these rules as a substantial contribution of the Austrian providers to the protection of the internet against illegal and dangerous contents, which should also protect the providers against legal liabilities for these contents.

Objections to a supposed non-observance of the rules by ISPA members have to be addressed to the ISPA in written form (e-mail, fax or letter). The head of the ISPA has to acquaint himself with the state of affairs by requesting a written statement (per e-mail, fax or letter) from the accused ISPA member and has to judge the complaint concerning its correctness and its severity. If the complaint is confirmed by this judgement, the head has different means to admonish the ISPA member concerned or to end his membership (according §6 (4) of the statutes and articles of the ISPA (state of 3 December 1998)), depending on the severity and frequency of the non-observance of the rules.





## Federal Ministry of the Interior

Criminal Police Service N.C.B. Interpol - Austria

Bundeskriminalamt - AbteilungII/BK/10 - Interpol



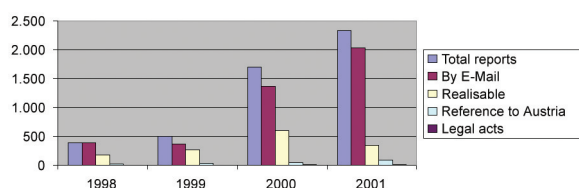
## Report office for child pornography on the internet

[meldestelle@interpol.at](mailto:meldestelle@interpol.at)

Due to a decision of the national parliament in March 1997 the operation of the report office for child pornography on the internet has commenced. The following tasks should be performed by the members of the report office:

- acceptance of both official and private hints
- exchange of information between local and foreign prosecution officials
- performance of actions for suspected child pornography on the internet

Subsequently it was tried to announce the existence of the report office and its contact possibilities in the public by means of the media. This should have turned out well in the meantime, as the increasing number of hints show. Stopline is the only private organization which the report office for child pornography on the internet cooperates with. From there pre-filtered hints are directly transmitted for further processing.





## Federal office for the protection of the constitution and the fight against terrorism

### Federal Ministry of the Interior

Bundesamt für Verfassungsschutz und Terrorismusbekämpfung

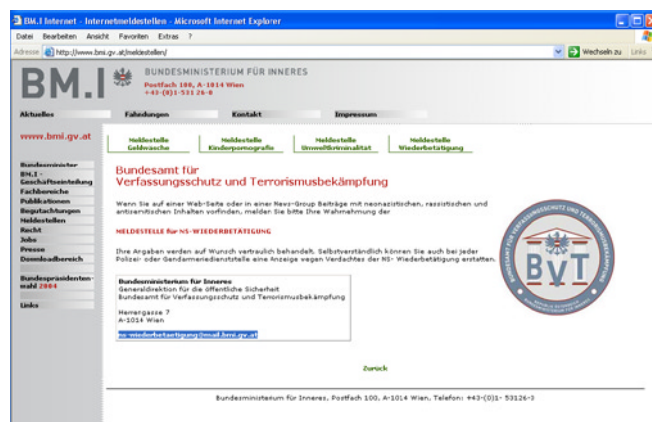
(Federal office for the protection of the constitution and the fight against terrorism)

If you find articles with neo-Nazi, racist and anti-Semitic contents on a website or in a newsgroup, please report your finding to the

### MELDESTELLE für NS-WIEDERBETÄTIGUNG (report office for national socialist revival)

Your information will be kept in confidence on demand. As a matter of course, you can also make a report to any police department in case of suspicion regarding national socialist revival.

***ns-wiederbetaetigung@mail.bmi.gv.at***



***www.bmi.gv.at/meldestellen/***



For further questions and suggestions we will gladly be at your disposal: [office@stopline.at](mailto:office@stopline.at).

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