



Annual report 2004



Helfen Sie mit
Kinder und **Neonazis**
im Internet
auszuradieren!



deutsch
english

ispa
Internet Service Providers Austria

Imprint

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Dear reader!

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

I am especially proud of presenting you the Annual Report 2004, which is already the 5th annual report of the Stopline. This report offers me, the Stopline advisory board, and the Stopline staff members the possibility to inform you about the intense and dedicated work of the Stopline as well as to provide you with current figures and facts.

The statistical numbers, which can be found in chapter 5, prove again that the Stopline's activity of fighting against illegal contents on the internet - especially child pornography and right wing radicalism - still remains indispensable. In the year 2004 the Stopline can look back on a constant flow of reports and general inquiries again. There was a considerable number of people who contacted the Stopline in order to create a link from their own homepage to the Stopline (www.stopline.at) or to place a Stopline logo on their website.

With the current annual report I would like to take the opportunity again to thank you in the name of all Stopline staff and advisory board members for your interest in the Stopline. I would also like to ask you to introduce us to your circle of friends, in order to support our activity in making the internet free of illegal contents.

We are looking forward to continue our close cooperation. Please feel free to contact us for further questions at office@stopline.at.

Barbara Haindl
Chairwoman of the Stopline advisory board

1. *Stopline*





1. *Stopline*

1.1) *What is the Stopline?*

Unfortunately, the internet has become a significant medium for spreading child pornographic and right-wing extremist material over the past years. This is especially due to the fact that the world-wide distribution is fast, does not require special efforts, and it is also cheap and widely anonymous. Thus, the investigation work of the responsible law enforcement agencies is made difficult and dependent on the cooperation with the internet users.

The Stopline is a hotline, i.e. an internet report office which can be addressed by internet users - also anonymously - who come across child pornographic or right wing extremist contents on the internet. Regarding the evaluation of child pornography the Stopline's activity is based on § 207 a StGB (penal code), and regarding right wing radicalism its activity is based on other relevant laws. Please refer to chapter 4 for further information.

1.2) *History of the Stopline*

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 complaint of an offence, 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. For this reason the providers, new ideas concerning a voluntary self-regulation in cooperation with the public authorities have been considered and in September 1997, the ISPA (association of the Austrian internet service providers) was founded. In further succession the work group „Criminal Law“ directed by Mr. Peter Rastl established. This work group proposed the establishment of a report office. The formal foundation of the so-called „ISPA-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 the field of activity from the Stopline.

At the end of 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.

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

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

In the meantime, the Stopline has several 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 Stopline can react in a fast, reliable and efficient way.

1. Stopline



1.3) Structure of the Stopline

The Stopline has been incorporated in the ISPA (Internet Service Providers Austria) as an institution of voluntary self-control and is subject to the guidelines of the ISPA members (see chapter 8 - Partners).

The Stopline's advisory and superordinate body is the Stopline advisory board (see point 1.4).



1.4) The Stopline advisory board

The Stopline 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.

This advisory board serves the general cooperation of the different organisations in their fight against illegal contents on the internet, provides the exchange of knowledge, and enables the possibility of mutual assistance.

On the other hand, the Stopline advisory board is responsible for the operation of the Stopline itself. It discusses the internal procedures and competences, and defines key aspects of its activity.

1.4.1) The current members of the Stopline advisory board 2004

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

1.4.2) Topics of the Stopline advisory board 2004

In the year 2004, Austria has enacted a new law regarding child pornography. This topic has been closely discussed during the advisory board meetings, as the new regulations have a great stake in the activity of the Stopline. New media types like the mobile communication have also been discussed, as well as the topicality and the possibility of dealing with such reports in Austria.

Additionally, the expansion of the Stopline's field of activity and the possible admission of new members to the Stopline advisory board have been consistent topics of discussion.

1.5) Cooperation ...

Keeping in touch with other parties „involved“ in a potentially illegal website - namely ISPs and executive bodies - is especially important for the processing of reports, as the internet contents may change permanently and rapidly.



1. *Stopline*

1.5.1) ... with ISPs

The Stopline staff members have introduced the Stopline and its activities in many discussions with ISPs. In this connection, the fear of the ISPs that the Stopline would ban or censor internet contents itself could be removed. In order to secure a fast forwarding of reports about illegal contents on the servers of the ISPs, it has been agreed to make use of a constantly updated ISPA database.

The cooperation between the Stopline, the ISPA organisation and the internet service providers is enhanced by the Stopline advisory board membership of representatives of the ISPA and the internet service providers.

1.5.2) ... with public authorities

Public authorities - especially the Interpol and the Federal Office for Protection of the Constitution and Fight against Terrorism - appreciate the Stopline as the industry's own initiative and consider it as an important partner. In this regard the intensive exchange of information between the agents makes it possible to respond to new technologies and tendencies, especially during the meetings of the Stopline advisory board, which also consists of representatives of the public authorities.

In the last years there were several efforts of international organisations to fight against illegal contents on the internet - above all child pornography. Worldwide networks have been established in order to work effectively and internationally against criminal activities on the internet. It must be pointed out that all these initiatives have a positive opinion about the internet itself and its possibilities - despite their work against illegal activities.

1.5.3) ... on an international level

In order to make a stand against the internet and the problems of fighting illegal internet sites the Stopline closely cooperates with international partners, especially with the EU and hotlines from other countries (see chapter 2).

1. Stopline



1.6) Stopline public relations

Another important part of the Stopline's activities is to make public relations in order to inform the internet users about the Stopline and its activities, thus increasing the users' awareness of the internet's problematic aspects.

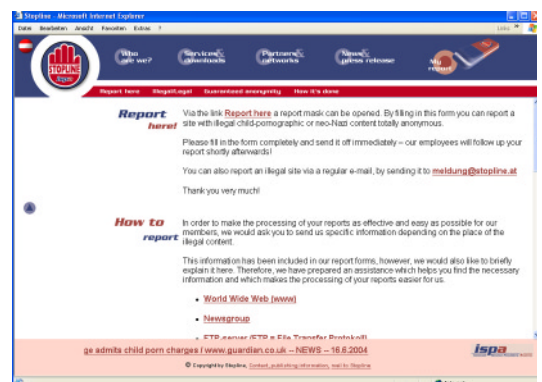
1.6.1 Website

One of the most important ways to contact the Stopline is the website www.stopline.at. Which contains detailed information about the activities of the Stopline as well as the possibility to directly report potential illegal contents on the internet.



www.stopline.at

The website area „Your report“ provides considerable - and also legal - information regarding the topics child pornography and right wing radicalism.



Much importance has been attached to the point „Security tips“, which should support the safe use of the internet for different user groups.

This area also offers links to several interesting sites that deal with the safe use of the internet and its services. We are trying to expand this collection of links and keep it up-to-date.

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.

Since autumn 2004 we have been working on a relaunch of the Stopline website in order to make it more concise and informative.

1.6.2 Information brochures

Apart from the website an information brochure has been composed, which can be acquired anytime for free.

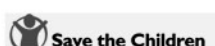
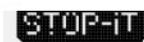


In addition, folders are issued in order to inform new interest groups, like organisations for the protection of children and minors, about the activities of the Stopline.

1.6.3 Lectures

Stopline representatives attend different events and trainings, thus informing child and youth organisations as well as other institutions about the activity of the Stopline, new technologies and relevant security measures.

2. International cooperation



2.1) 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 by the EU) - 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 amongst others 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.

Based on the Action Plan (2003/C 209/05), the EU Commission made an outstanding decision in autumn 2003 to give further financial support to the hotlines. This means that the continuity of the hotlines and the hotline network (INHOPE) is guaranteed for the time being.

The Commission has defined the following principles and objectives for the new programme:

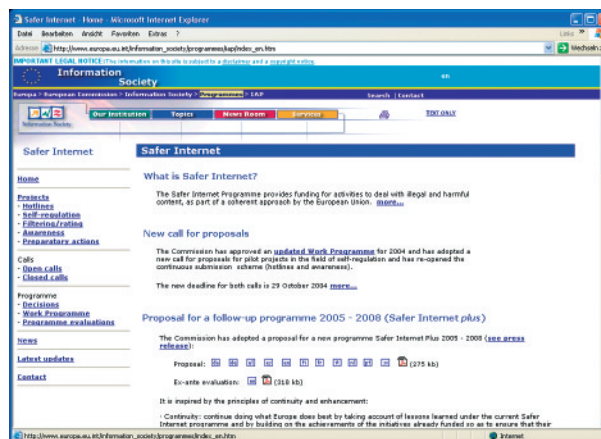
- Continuing the achievements of the hotlines and INHOPE;
- Responding to new relevant technologies and tendencies;
- Expanding the international efficiency.

The main objective is to continue to promote the safe use of the internet and new online technologies as well as to continue the fight against illegal and undesirable contents on the internet. Apart from the hotlines the programme especially focuses on parents, educators and children. The international cooperation is a substantial element of all fields of activity.

Generally there are four fields of activity:

- Fight against illegal contents;
- Fight against undesirable and dangerous contents;
- Promotion of a safe environment;
- Sensitisation of the internet user.

Further information can be found on the internet site of the EU Commission.



http://www.europa.eu.int/information_society/programmes/iap/index_en.htm

2. Internationales



2.2) INHOPE

INHOPE (Association of Internet Hotline Providers in Europe) is the union of the Internet Hotline Providers. These are numerous report offices, especially in Europe but also in America, Australia, South Korea and Taiwan. In the meantime, INHOPE consists of 20 report office members in 18 countries of the world.



The Stopline 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.

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.



The principles that are supported by the members of INHOPE are:

- the freedom of the internet;
- the support of positive ways of using the internet,
- the shared responsibility of governments, educationists and the internet industry to protect young people.

The work of INHOPE also seeks to create a permanent safety awareness regarding the internet and to promote relevant education in Europe.

Information about INHOPE is available on the homepage www.inhope.org, which also includes details about the members and different countries. This site is available in German, English, French and Spanish.



2. Internationales

2.2.1) INHOPE Members

Land	Organisation	Web-Adresse
Australia	ABA	www.aba.gov.au
Austria	Stopline	www.stopline.at
Belgium	Child Focus	www.childfocus.be
Denmark	Red Barnet	www.redbarnet.dk
Germany	Electronic Commerce Forum	www.eco.de
Germany	FSM	www.fsm.de
Germany	Jugenschutz.net	www.jugenschutz.net
Greek	Safeline	www.safeline.gr
England	Internet Watch Foundation (IWF)	www.iwf.org.uk
Finland	Pelastakaa Lapset - Rädda Barnen	www.pela.fi
France	AFA	www.pointdecontact.org
Iceland	Barnaheill	www.barnaheill.is
Ireland	ISPAI	www.hotline.ie
Italy	Save the Children Italia	www.stop-it.org
Netherlands	Meldpunt	www.meldpunt.org
South Korea	ICEC Internet 119	www.internet119.or.kr
Spain	ACPI	www.asociacion-acpi.org
Sweden	Rädda Barnen	www.rb.se/hotline
Taiwan	ECPAT Taiwan 547	www.web547.org.tw
USA	Cybertipline (NCMEC)	www.ncmec.org

2.2.2) Topics 2004

INHOPE meetings are usually attended by representatives of each hotline and deal with contemporary and relevant issues. Furthermore, topical results of the individual work groups are presented.

Moreover, all members are supported regarding recently introduced techniques. New members receive special attention in order to discuss current problems and to gain experience from other hotlines.

In the year 2004 the most interesting and vital topics in the Stopline's point of view were:

- What can hotlines learn from each other? / What do the hotlines expect from INHOPE?
- Lectures on „Forensic research with computers“ and „Age Verification Systems“
- Kidnapped IP-addresses
- Training meeting: This was a quite efficient meeting for all hotline agents, as a main part of the training was to determine the country of origin of the illegal contents. This is a central step in processing a report, as it is becoming more and more difficult to get correct results due to new techniques and possibilities.

2.3) Further international activities

The members of the Stopline 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 Stopline.

So the activities of the Stopline 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.

3. The handling of reports



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 content and involved links.

3.1) 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 is filled out, or the illegal content is reported by e-mail to 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 standard 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.

3.2) The handling of reports

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.

3.2.1) Illegal material on websites and in e-groups

Websites are internet sites that can be accessed via browsers (e.g. Internet Explorer, Firefox, Opera). The site opens when an URL (e.g. www.stopline.at) or an IP-address is entered in a browser. E-groups can be accessed the same way as websites, but they also offer to create photo albums (e.g. MSN groups). In addition, there is the possibility to give access only to members of this group.

If there are illegal contents on websites or in e-groups, 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.

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.

3. Reports



It is a precondition that a partner hotline from the international INHOPE network is operative in this country.

A screenshot of a web browser window titled 'Report here'. The form is for reporting 'World Wide Web' content. It includes radio buttons for 'Child pornography' (selected) and 'Neo-Nazism / National Socialist Offences'. There is a text field for 'Source: WEB - URL (e.g. http://www.a-example.at/specimen)', a text area for 'Short description or comment', and a text field for 'Should you request an answer, please state e-mail address here:'. At the bottom are 'Submit' and 'Reset' buttons.

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.

3.2.2) Illegal contents in newsgroups

Newsgroups are discussion forums or bill-boards within the user net. It is possible to take part in a forum by means of a newsreader (e.g. Outlook Express, Messenger) or a browser with a web-based newsgroup access. Users can post articles to specific topics (including pictures) and make discussions with other users.

Access to different newsgroups is provided via news servers, which are internet computers that store these newsgroup articles. The definitions regarding the newsgroup lists and the storage duration of the postings are individually made by the news server operators.

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.

A screenshot of a web browser window titled 'Report here'. The form is for reporting 'Newsgroup / Usenet' content. It includes radio buttons for 'Child pornography' (selected) and 'Neo-Nazism / National Socialist Offences'. There is a text field for 'Source: Newsserver / Usenet (e.g. news.a-example.at)', a text field for 'Newsgroup name (e.g. alt.a-example.texte)', and a text area for 'Short description or comment'. There are also fields for 'Sender', 'Date', 'Refer to', and 'Series of postings' (yes/no). At the bottom are 'Submit' and 'Reset' buttons.

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.

3.2.3) Illegal contents in file sharing-programs

File sharing is an internet service which allows the sharing of data (games, music, programs, pictures etc.) by means of programs like Kazaa or Emule.

There are two different techniques. One possibility is to offer data that can be downloaded from a central server. The second possibility is to store the data on the users' computers.

For the Stopline it is much harder to process reports that refer to file-sharing data stored on the users' computers, as these computers might be temporarily offline.

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 the Name of 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.

3.2.4) E-mails

E-mails are also sent via internet, either by means of programs like Microsoft Outlook or Lotus Notes, or via internet providers like UTA, A1.net, or via free e-mail addresses like GMX or Hotmail.

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.

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.

3.2.5) Chat and other services

IRC (Internet Relay Chat) and Chat means discussion between users via internet. Messages can be transmitted in real time via chat programs. Meanwhile chatters tend to make use of their own „language“, which consists of many abbreviations and symbol strings. Many portal and website operators offer chat-rooms as a part of their customer retention measures.

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.

3. Reports



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.

3.2.6) Mobile communication

Mobile communication covers different services of the mobile phone operators. In the meantime many different services are offered in all countries worldwide. In Austria SMS (text messages), MMS (picture messages) and WAP (internet connection including special websites for mobile phones) are currently available.

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 2004, 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 and also tries to create possibilities in advance for further processing in this area.

3.3) Overview of the working process





3. Reports

3.4) Reports to provider

Each report to a provider is exclusively informative. The Stopline does not delete or exercise any censorship 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.

3.5) Problems with report processing

Problems are likely to appear during the processing of reports, especially due to wrong or insufficient information regarding newsgroups or file sharing programs. As a result the processing of the report becomes complicated or even impossible.

In addition, the access to website or e-group contents might be blocked. Unfortunately, the Stopline's possibilities are quite limited in this regard, unless the report includes the access data for the restricted areas.

Determining the country of origin can also cause problems for the Stopline staff members, as the technical background becomes more and more sophisticated. In the meantime many connections are established via satellite, which makes tracing quite difficult. Another common approach is that unauthorised users „kidnap“ IP-addresses which are already assigned but not in use. Thus, an investigation of the origin of the illegal contents leads to the wrong servers, which significantly complicates the tracing of the actual offenders.

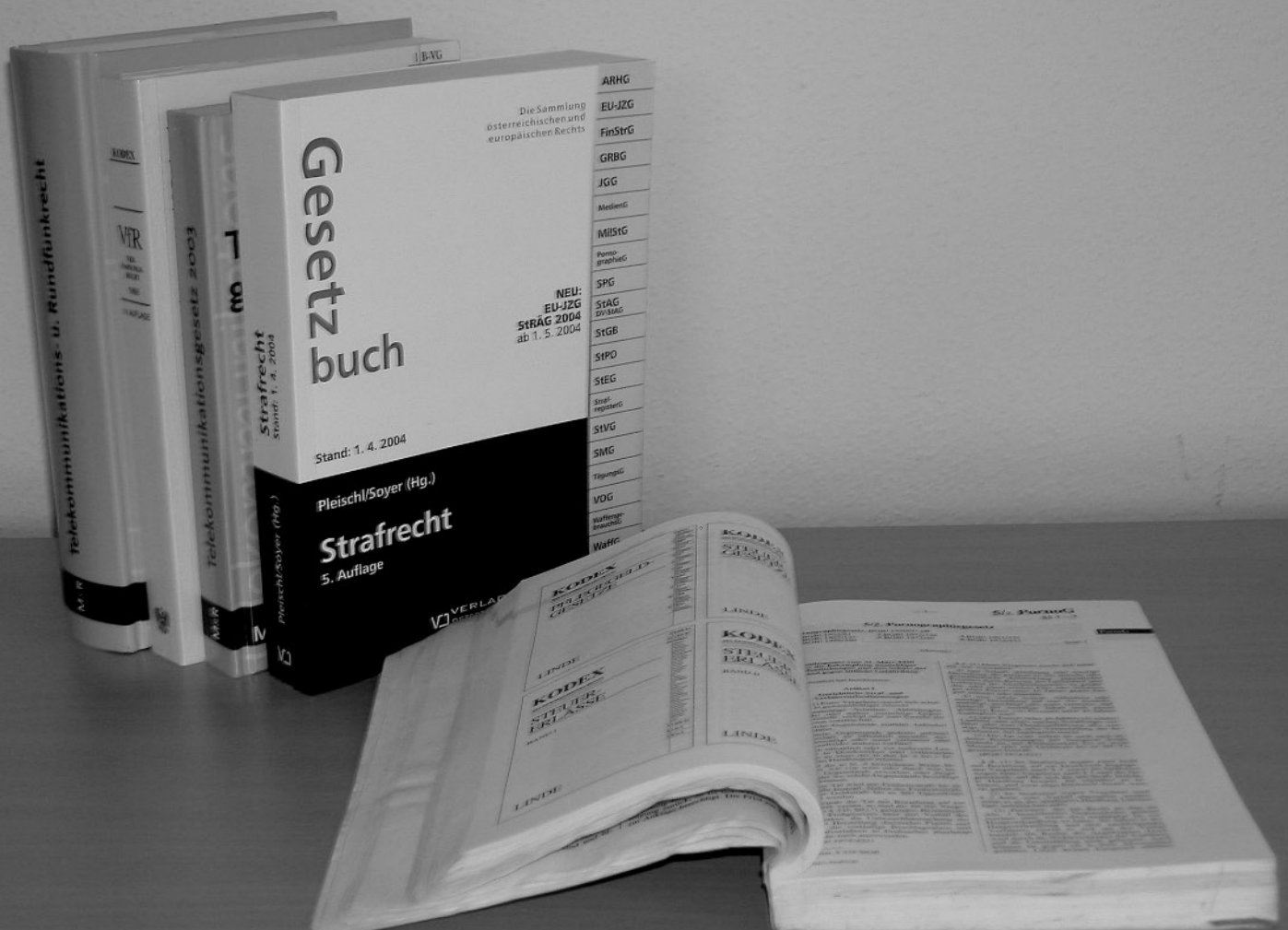
However, it is usually the case that the supposed offenders publish the illegal internet contents on servers that are located in countries where criminal prosecution is largely complicated.

3.6) 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.

4. *Relevant laws*



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.

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.

4.1) Child pornography

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

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

§ 207a Pornografische Darstellungen Minderjähriger

- (1) Wer eine pornographische Darstellung einer minderjährigen Person (Abs. 4)
 1. herstellt oder
 2. zum Zweck der Verbreitung einführt, befördert oder ausführt oder
 3. einem anderen anbietet, verschafft, überlässt, vorführt oder sonst zugänglich macht, ist mit Freiheitsstrafe bis zu drei Jahren zu bestrafen.
- (2) Mit Freiheitsstrafe von sechs Monaten bis zu fünf Jahren ist zu bestrafen, wer die Tat gewerbsmäßig begeht. Mit Freiheitsstrafe von einem bis zu zehn Jahren ist zu bestrafen, wer die Tat als Mitglied einer kriminellen Vereinigung oder so begeht, dass sie einen besonders schweren Nachteil der minderjährigen Person zur Folge hat; ebenso ist zu bestrafen, wer eine pornographische Darstellung einer minderjährigen Person (Abs. 4) unter Anwendung schwerer Gewalt herstellt oder bei der Herstellung das Leben der dargestellten minderjährigen Person vorsätzlich oder grob fahrlässig gefährdet.
- (3) Wer sich eine pornographische Darstellung einer mündigen minderjährigen Person (Abs. 4 Z 3 und 4) verschafft oder eine solche besitzt, ist mit Freiheitsstrafe bis zu einem Jahr zu bestrafen. Mit Freiheitsstrafe bis zu zwei Jahren ist zu bestrafen, wer sich eine pornographische Darstellung einer unmündigen Person (Abs. 4) verschafft oder eine solche besitzt.
- (4) Pornographische Darstellungen Minderjähriger sind
 1. wirklichkeitsnahe Abbildungen einer geschlechtlichen Handlung an einer unmündigen Person oder einer unmündigen Person an sich selbst, an einer anderen Person oder mit einem Tier,
 2. wirklichkeitsnahe Abbildungen eines Geschehens mit einer unmündigen Person, dessen Betrachtung nach den Umständen den Eindruck vermittelt, dass es sich dabei um eine geschlechtliche Handlung an der unmündigen Person oder der unmündigen Person an sich selbst, an einer anderen Person oder mit einem Tier handelt,
 3. wirklichkeitsnahe Abbildungen
 - a) einer geschlechtlichen Handlung im Sinne der Z 1 oder eines Geschehens im Sinne der Z 2, jedoch mit mündigen Minderjährigen, oder
 - b) der Genitalien oder der Schamgegend Minderjähriger, soweit es sich um reißerisch verzerrte, auf sich selbst reduzierte und von anderen Lebensäußerungen losgelöste Abbildungen handelt, die der sexuellen Erregung des Betrachters dienen;
 4. bildliche Darstellungen, deren Betrachtung - zufolge Veränderung einer Abbildung oder ohne Verwendung einer solchen - nach den Umständen den Eindruck vermittelt, es handle sich um eine Abbildung nach den Z 1 bis 3.
- (5) Nach Abs. 1 Z 1 und Abs. 3 ist nicht zu bestrafen, wer
 1. eine pornographische Darstellung einer mündigen minderjährigen Person mit deren Einwilligung und zu deren eigenem Gebrauch herstellt oder besitzt oder
 2. eine pornographische Darstellung einer mündigen minderjährigen Person nach Abs. 4 Z 4 zu seinem eigenen Gebrauch herstellt oder besitzt, sofern mit der Tat keine Gefahr der Verbreitung der Darstellung verbunden ist.

Child pornography consists of pictures showing minors involved in sexual intercourse. Persons under the age of 18 are minors, while persons under the age of 14 are also politically immature. Pornographic material is usually presented by photographs and films. Other illustrations like drawings, paintings, comics or montages are grey areas. In these cases it is not instantly possible to verify the authenticity of the picture. The decisive factor is that the beholder must have the impression that a sexual intercourse with minors actually takes place. Texts describing the sexual intercourse with children are not criminal in terms of child pornography but possibly with regard to other legal regulations.

According to § 207a StGB (penal code) child pornography is defined by sexual intercourse with or by focusing the genitals of minors. Photos of undressed children or nudist beaches are not subject to child pornography.

If a picture is subject to child pornography, any activity in connection with this is illegal: producing, offering, acquiring, possessing or dealing with child pornography, also import, transport and export - except the regulations according to § 207 a para. 5 StGB (penal code).

It must also be stated that this graphical material represents elements of crime that are liable to prosecution only by the police and by the public prosecutor's office. Thus, it must be implicitly advised against selective internet investigations by users. Even if the user's intentions are good (e.g. for making a report to the Stopline), he might incur a penalty.

4.5) 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.

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)

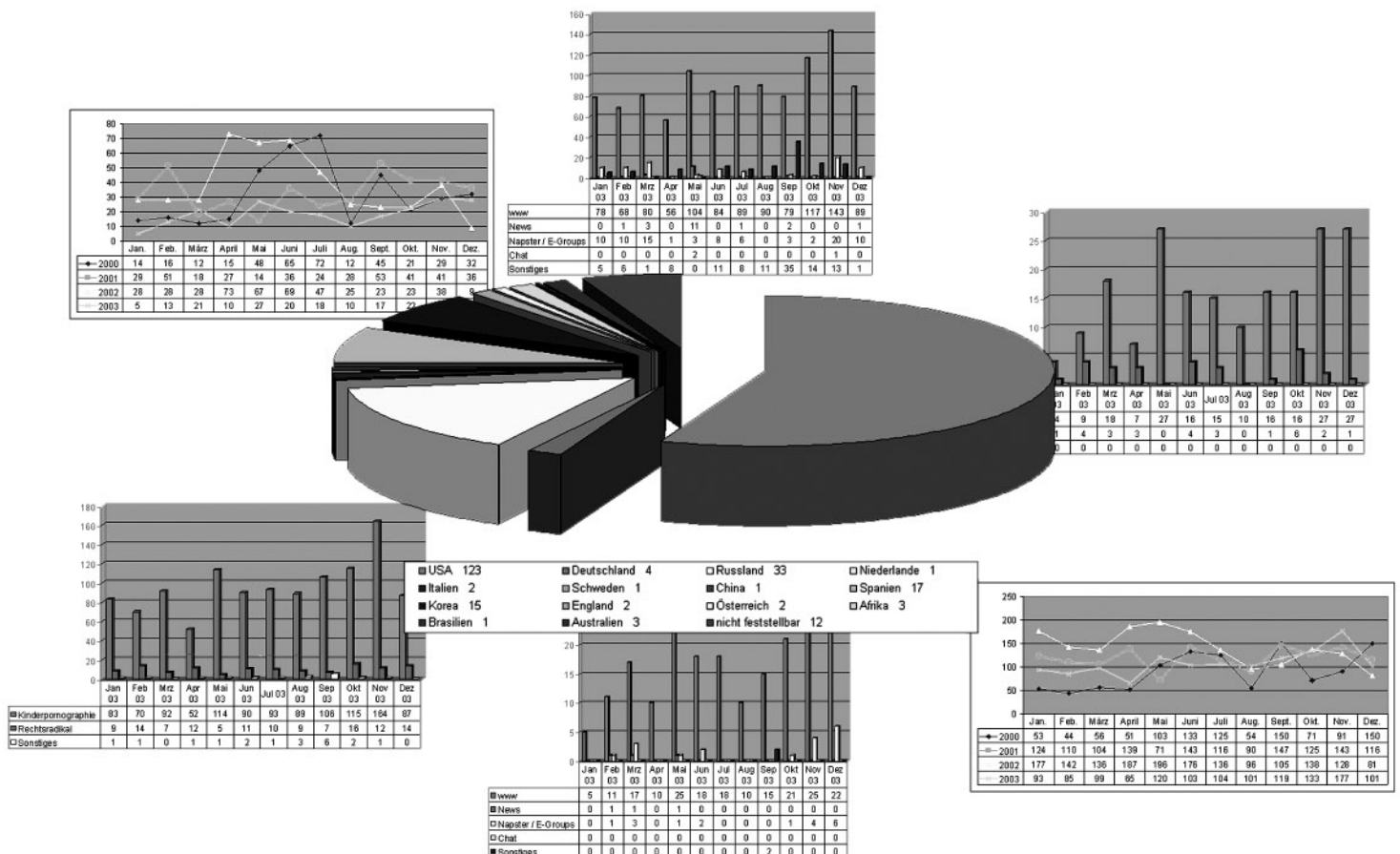
- §1 Die NSDAP, ihre Wehrverbände (SS, SA, NSKK, NSFK), ihre Gliederungen und angeschlossenen Verbände sowie alle nationalsozialistischen Organisationen und Einrichtungen überhaupt sind aufgelöst; ihre Neubildung ist verboten. ...
- §3 Es ist jedermann untersagt, sich, sei es auch außerhalb dieser Organisationen, 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.
- §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.

Abzeichengesetz (Bundesgesetz vom 5.4.1960, mit dem bestimmte Abzeichen verboten werden)

- §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 provisions point out that dealing with the ideas of an illegal organisation is legal, but not the approval of its ideas.

5. Statistics



5.1) Why are statistics created?

The Stopline daily receives a certain amount of reports on supposed illegal contents within different services (e.g. www or file sharing programs) of the internet. Each of these reports is processed and categorized. With the help of statistics the Stopline is able to make out trends. In the year 2004, for example, it was noticed that spam e-mails are a recurrent problem. It was additionally found out that e-groups are often affected by child pornography, whereas newsgroups are only rarely reported to the Stopline.

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

5.2) 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.

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.

The statistics are again divided into 2 sections - on the one hand all received reports, and on the other hand reports which from the employee of the Stopline are supposed to be illegal. The last-mentioned are labelled „correct“.

With regard to the content of a report, the statistic distinguishes between child pornography, right wing radicalism and others, which include reports that are not within the Stopline's field of activity. However, the Stopline forwards these reports to competent contacts within the Austrian executive.

General and legal inquiries as well as ISP services are not included in the following statistics. The statistic only includes reports that are actually processed.

5.3) What is reported?

For a clear overall view of „what is reported“ we also create statistics on the reported contents. Regarding the content reports on child pornography predominate neo-Nazism with about 90 %.



5. Statistics

5.4) 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.

The year 2004 as well as the years before proved that the number of incoming reports was rapidly increasing in some months, but no conclusions could be found regarding the reason for this steep rise. The quality of the incoming reports has significantly increased.

The content of the reports has not changed. They predominantly refer to child pornographic contents. The reports including right wing extremist contents usually increase when this subject area is covered by the media.

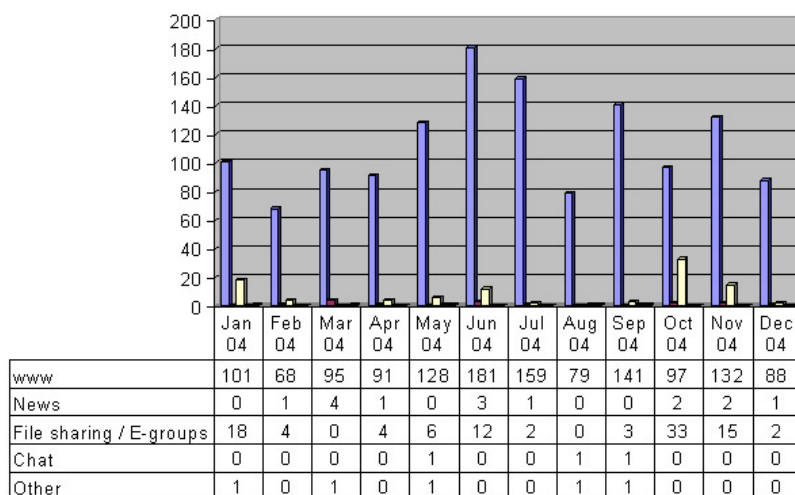
Again this year the predominant country of origin has been the USA, followed by Russia. Further supposedly illegal contents are hosted in countries like Korea, Spain and Thailand.

5. Statistics

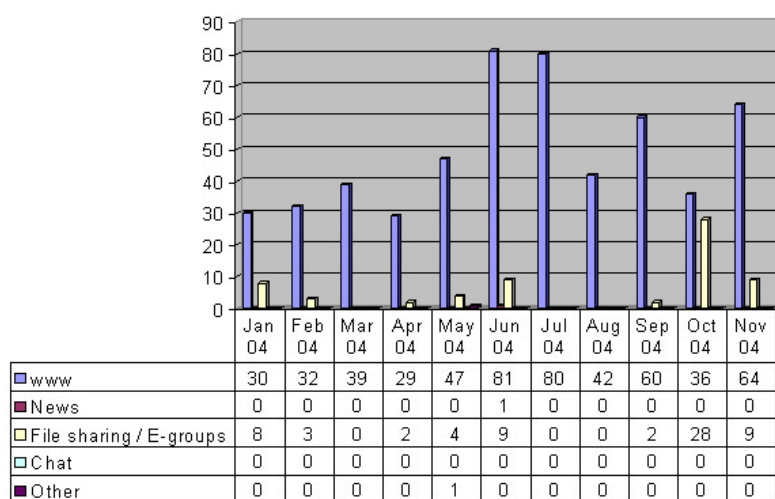


5.5) Statistics on internet services

Reports January - December 2004:

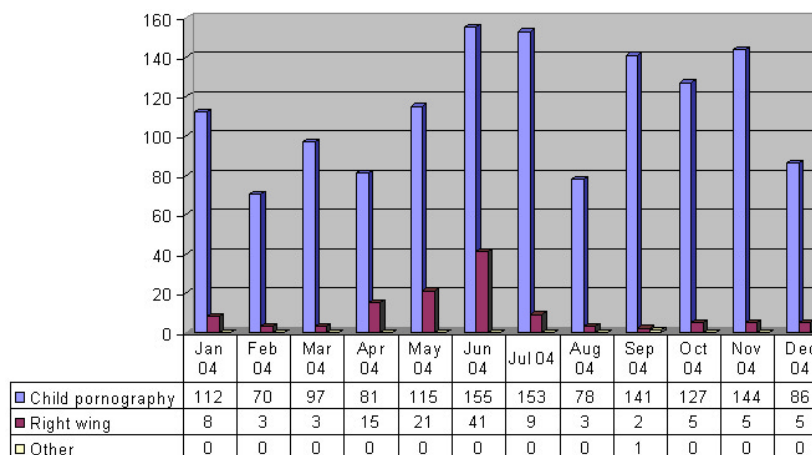


Correct reports January - December 2004:

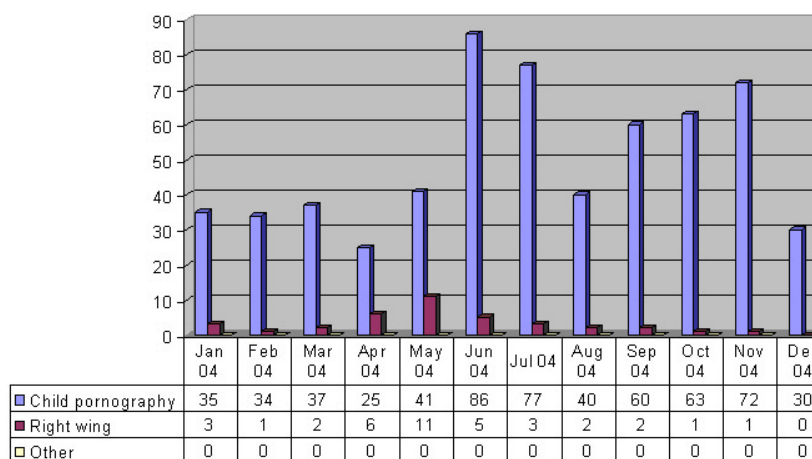


5.6) Statistics on reported contents

Reports January - December 2004:

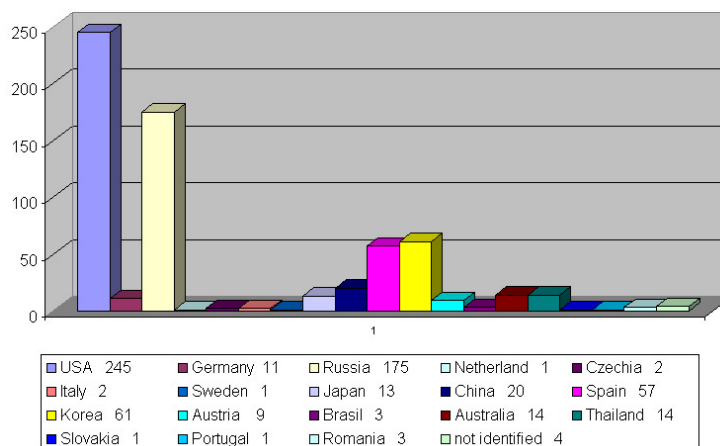


Correct reports January - December 2004:



5.7) Statistic about the countries of origin 2004

The following chart shows in which countries the supposedly illegal contents are hosted.

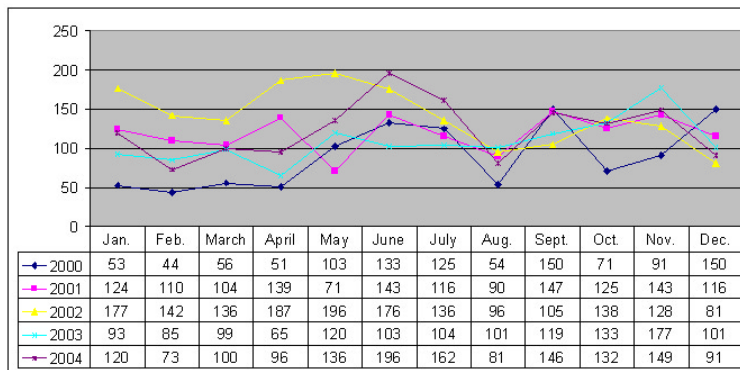


5. Statistics

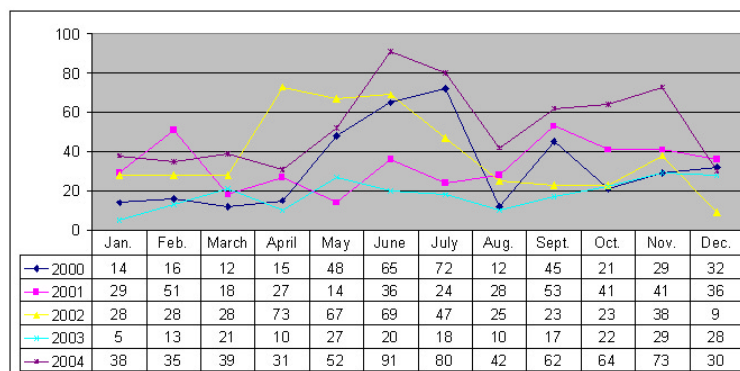


5.8) Comparison 2000, 2001, 2002, 2003 und 2004

Comparison of reports January - December:



Comparison of correct reports January - December:



6. Partners



STOPLINE
ispa

Helfen Sie mit,
Kinder
und **Neonazi**
im Internet
auszuradieren!

ispa
Internet Service Providers Austria

deutsch
english

6.1) 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. Via different kinds of net infrastructure, the austrian 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.

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

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.

The 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.
- secures the internet infrastructure with the Austrian early warning and security system CIRCA (Computer Incident Response Coordination 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
- Voice over IP
- 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.



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

Georg Chytil - President
Kurt Einzinger - Secretary General

Office:
ISPA - Internet Service Providers Austria
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Tel.: +43 1 409 55 76, Fax: +43 1 409 55 76 21
email: office@ispa.at, web: <http://www.ispa.at>

Extract from the ISPA code of conduct

The complete ISPA code of conduct as well as further information can be found under www.ispa.at

§ 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 informed of 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-contact possibility for illegal content, 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 socialistic offences), 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 § 78 („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 December 3rd, 2003), depending on the severity and frequency of the non-observance of the rules.



6.2) Federal Ministry of the Interior

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

Bundeskriminalamt - Büro 3.2



Report office for child pornography on the internet

meldestelle@interpol.at

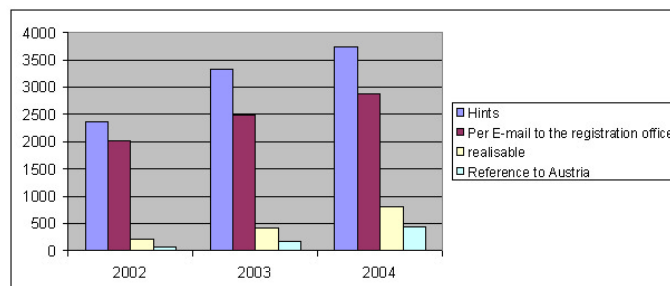
Due to a decision of the national parliament in March 1997 the operation of the report office for child pornography on the internet has commenced. The following tasks should be performed by the members of the report office:

- 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

In the following years a determined media and public relations work was initiated in order to publish the report office and its contact information. The constantly rising number of reports as well as the resulting investigations reflect these successful efforts and prove that the Austrian internet users appreciate the report office.

These numbers also reflect the considerable increase of internet users. In addition, the significant proportion of legal acts that are forwarded to the report office by police authorities within the framework of Europol emphasise the successful work in this area.

Another important field of activity is the assistance of other Austrian security organisations in these special investigations and the coordination of investigations against larger groups of offenders. The only private organisation in Austria that cooperates with the report office for child pornography on the internet is the STOPLINE, which directly submits filtered evidence for further processing.



6.3) Federal Ministry of the Interior

Bundesamt für Verfassungsschutz und Terrorismusbekämpfung (BVT)
(Federal office for the protection of the constitution and the fight against terrorism)

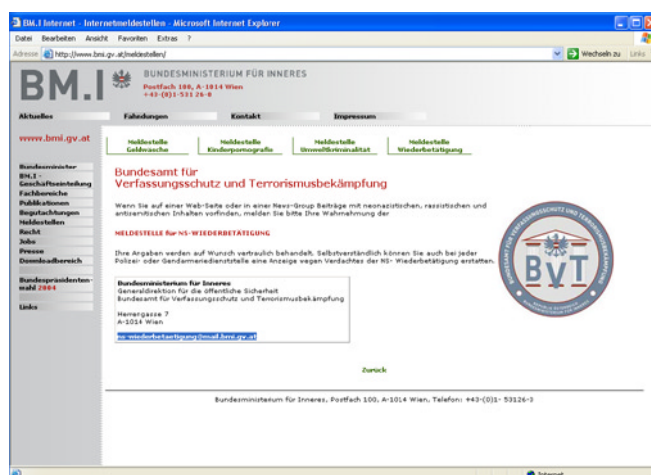
If you find articles with neo-Nazi, racist and anti-Semitic contents on a website or in a newsgroup, please report your finding to the



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.

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