



Annual report 2005



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



ispa
Internet Service Providers Austria

Imprint

Disclosure according to § 25 media law:

Media owner, editor and proprietor (100%):

Stopleveline

c/o ISPA - Internet Service Providers Austria
Verband der österreichischen Internet-Anbieter
1090 Wien, Währingerstrasse 3/18
E-mail: office@stopleveline.at

Stopleveline advisory board:

Peter Rastl, Kurt Einzinger, Richard Wein, Regine Buchmann, Günther Possegger, Gabriele Schmölzer, Michael Pilz, Wolfgang Schwabl, Christian Reiser, Thomas Grünwald, Andrea Cuny-Pierron, Barbara Schloßbauer

Chairwoman of the advisory board:

Barbara Schloßbauer

General policy: The Stopleveline annual report as well as the www pages contribute to the information about the Stopleveline, which is a report office against illegal contents (child pornography and right-wing extremism) on the internet.

Copyright: All rights reserved

Liability restriction: The Stopleveline is not responsible for disadvantages resulting from incorrect or late contents, as well as from actions, which have been taken relying on the correctness of the contents. All documents from or referring to this website and their comprising information are not legally advisory but merely informative.

Editor: Stopleveline

Place of production and publication: Vienna

Table of Content



Preface	2
1. Stopline	3
1.1 What is the Stopline?	4
1.2 History of the Stopline	4
1.3 Structure of the Stopline	4
1.4 Stopline advisory board	5
1.4.1 The members of the Stopline advisory board 2005	5
1.5 Cooperation with... ..	5
1.5.1 ISPs	5
1.5.2 public authorities	5
1.5.3 on an international basis	5
1.6 Stopline public relations	6
1.6.1 Website	6
1.6.2 Information brochures	6
1.6.3 Lectures	6
2. International cooperation	7
2.1 The European union - Safer Internet Program	8
2.2 Inhope	8
2.2.1 Inhope members	9
3. Processing reports	10
3.1 Reports to the Stopline	11
3.2 The handling of reports	11
3.2.1 Illegal material on websites and in e-groups	11
3.2.2 Illegal contents in file-sharing programs	11
3.2.3 Illegal contents in newsgroups	12
3.2.4 E-mails	12
3.2.5 Chat and other services	12
3.2.6 Mobile communication	12
3.3 Reports to ISPs	12
3.4 Overview of the working process	13
3.5 Problems with the report processing	13
3.6 Control of success...?	13
4. Legal basis	14
4.1 Child pornography	15
4.2 Right wing radicalism	16
5. Statistics	17
5.1 Why are statistics created?	18
5.2 How are the statistics created?	18
5.3 What is reported?	18
5.4 Tendencies	18
5.5 Statistics on internet services	19
5.6 Statistics on reported content	20
5.7 Statistics about the countries of origin 2005	21
5.8 Comparison of incoming and correct reports 2000 to 2005	21
5.9 Comparison 2000, 2001, 2002, 2003, 2004 and 2005	22
6. Partners	23
6.1 ISPA	24
6.2 Federal Ministry of the Interior - BKA	27
6.3 Federal Ministry of the Interior - BVT	28



Dear reader!

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

Once again I am proud to be able to present you the Annual Report 2005, the 6th annual report of the Stopline which exists since 1998. 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. For the year 2005 the Stopline can look back on a constant increase of incoming 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 Schloßbauer
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 a world-wide distribution is fast, does not require special (financial) efforts, and it is also widely anonymous. Thus, the investigation work of the responsible law enforcement agencies is made difficult, and the relevant authorities are dependent on the cooperation of the Internet users.

The Stopline is a hotline, i.e. an Internet report office which can be addressed by all 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 (Austrian penal code), and regarding right wing radicalism its activity is based on other relevant laws - especially on the national socialist prohibition law and on the law against the wearing of national socialist regalia and symbols. 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 that happened in connection with an Austrian Internet service provider in the year 1997. Due to a complaint 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 industry and the public authorities - but also between the Internet users themselves - had to be found. For this reason, the ISPs started thinking about new ideas concerning a voluntary self-regulation in cooperation with the public authorities, and in September 1997 the ISPA (association of the Austrian Internet service providers) was founded. In addition, the work group „Criminal Law“ was established within the ISPA under the direction of Mr. Peter Rastl, which suggested the formation of a report office. The formal foundation of the so-called „ISPA-Hotline“ took place in November 1998, in consultation with the Federal Ministry of the Interior. Child pornography and right wing radicalism have been defined as the Stopline's field of activity.

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

Today, the Stopline has become a report office which is authorised and accepted by the public authorities. The Stopline closely cooperates with the Federal Ministry of the Interior (Federal Office of Criminal Investigation and Federal Office for the Protection of the Constitution and Counter-Terrorism) and with the Internet service providers by means of the ISPA. An extensive cooperation with the public authorities also requires regular 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, which is gaining more and more importance.

1.3) Structure of the Stopline

The Stopline has been incorporated into the ISPA (Internet Service Providers Austria) as an institution of voluntary self-control, and it is imbedded in 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. Stopline



1.4) The Stopline advisory board

The Stopline advisory board is a communication platform between the economy, the Internet industry and the public authorities. Experts like lawyers and university professors contribute additional know-how. The Stopline advisory board has 3 - 4 meetings per year.

1.4.1) The members of the Stopline advisory board 2005

Peter Rastl	University of Vienna / Aconet
Kurt Einzinger	ISPA secretary general
Andrea Cuny-Pierron	ISPA
Wolfgang Schwabl	mobilkom austria
Regine Buchmann	Federal Office of Criminal Investigation - Report office child pornography
Günter Poßegger	Federal Office for the Protection of the Constitution and Counter-Terrorism
Gabriele Schmölzer	University of Graz
Michael Pilz	Lawyer
Christian Reiser	Security expert
Richard Wein	nic.at CEO
Thomas Grünewald	Federal Ministry of Justice
Barbara Schloßbauer	nic.at jurist, chairwoman of the Stopline advisory board

1.5) Cooperation with ...

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

1.5.1) ... 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 with the ISPA 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) ... public authorities

Public authorities - especially the Federal Office of Criminal Investigation and Federal Office for the Protection of the Constitution and Counter-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.

1.5.3) ... on an international basis

In order to make a successful stand against the boundlessness of 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. Die Stopleveline

1.6) Stopleveline public relations

It is necessary for the Stopleveline to perform public relations in order to thoroughly inform the Internet users about the Stopleveline and its activity, thus increasing the users' awareness of the Internet's problematic aspects.

1.6.1 Website

One of the most significant possibilities to contact the Stopleveline is the website www.stopleveline.at, which contains detailed information about the activities of the Stopleveline as well as the possibility to directly report potentially illegal contents on the Internet.

In 2005, the Stopleveline website was basically revised with regard to the optical look and its content. This should provide detailed information about the Stopleveline for the reader in a more structured way.

The website area „Report here“ contains substantial and also legal information regarding the topics child pornography and right wing radicalism.

Much importance has been attached to the section Service & Download „Safety tips“, which should support the safe use of the Internet for different user groups. This section also offers links to several interesting sites that deal with the safe use of the Internet and its services.

In addition, we are constantly providing up-to-date information and interesting news articles about different topics around the Stopleveline.



1.6.2 Information brochures

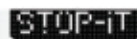
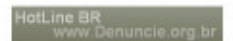
Apart from the website, an information brochure has been compiled, which can be ordered anytime for free.



1.6.3 Lectures

Stopleveline representatives attend different events and trainings, thus giving information to child and youth organisations and to other institutions about the Stopleveline's activities, new technologies and relevant security measures.

2. *International cooperation*



www.Point de Contact



2. International

2.1) The European Union - Safer Internet Program

The Safer Internet Programme provides the funding of activities for a cooperative approach within the EU against illegal and harmful Internet contents. The Stoplevelne is also financially supported by this EU programme.

Already back 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, INHOPE served as a discussion platform in order to check the possibility of establishing hotlines by the industry and to 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“ (decision no. 276/1999/EG; <http://europa.eu.int/ISPO/iap/decision/en.html>). The intention of this long-term action plan has been, amongst others, the creation of a European hotline network in order to intensify the cooperation of the different hotlines, as well as to accelerate the establishment of new report offices in other countries.

Due to the success of this project, the Internet Action Plan has already been renewed twice, thus securing the financial support of the Stoplevelne's activity. In 2005 and within the scope of the „Safer Internet Plus“, an application for the support of the hotline project could be filed for the fourth time.

The basic aim of the new project is still the promotion of a safe use of the Internet and new online technologies, as well as the fight against illegal and unwanted Internet contents. Apart from the hotlines, this programme also concentrates on the information and training of parents, educators and children. The international cooperation is a vital part of all fields of activity.

Basically, four fields of activity have been designed:

- Fight against illegal contents;
- Fight against unwanted and harmful contents;
- Promotion of a safe environment;
- Sensitisation of the Internet users.

Please find further detailed on the website site of the EU Commission.

http://europa.eu.int/information_society/activities/sip/index_en.htm

2.2) INHOPE

INHOPE (Association of Internet Hotline Providers) is a union of Internet hotlines. It consists of online report offices, especially in Europe but also in America, Australia, South Korea and Taiwan. In the meantime, INHOPE consists of 25 report office members in 23 countries of the world.

The Stoplevelne is one of the founder members of INHOPE and has taken an active role in its development ever since. INHOPE meetings take place about thrice a year in the countries of the respective partner hotlines, and they especially serve to the exchange of experience, e.g. regarding EDP, new technologies or the communication of the hotlines with the public. The exchange of information about staff welfare, i.e. caring for the mental condition of the agents, also stays an important topic for INHOPE.

However, one of the most significant aspects is the cross-national investigation of illegal contents. In doing so, the relevant hotlines try to localise the supposedly illegal content and forward this information to the proper hotline in that country. In turn, this hotline has shorter and less bureaucratic contacts to the local authorities, which can initiate their proceedings immediately. This is necessary in order to investigate reports about e.g. child pornographic contents in a fast, efficient and successful way.



2. 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.

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

- the freedom of the Internet,
- supporting the positive possibilities 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 www.inhope.org, which also includes details about the members and the different countries.

2.2.1) INHOPE members

Country	Organisation	Web-Address
Australia	ACMA	www.acma.gov.au
Austria	Stopline	www.stopline.at
Belgium	Child Focus	www.childfocus.be
Brazil	HotLine BR	www.hotline.org.br
Canada	Cybertip.ca	www.cybertip.ca
Cyprus	Safer Web	www.wafeweb.org.cy
Denmark	Red Barnet	www.redbarnet.dk
Finland	Pelastakaa Lapset / Rädde Barnen	www.nettivist.net
France	AFA-France / Pointe de Contact	www.pointdecontact.net
Germany	Electronic Commerce Forum	www.eco.de
Germany	FSM	www.fsm.de
Germany	Jugenschutz.net	www.jugenschutz.net
Greece	Safeline	www.safeline.gr
Hungary	Matisz	www.matisz.hu
Iceland	Barnaheill	www.barnaheill.is
Ireland	ISPAI	www.hotline.ie
Italy	Save the Children Italia	www.stop-it.org
Lithuania	Draugiskas Internates	www.draugiskasinternetas.li
Netherlands	Meldpunt	www.meldpunt.org
Poland	NIFC Hotline Polska	www.hotline.org.pl
South Korea	ICEC Internet 119	www.internet119.or.kr
Spain	Protegeles	www.protegeles.com
Taiwan	ECPAT Taiwan 547	www.web547.org.tw
United Kingdom	Internet Watch Foundation (IWF)	www.iwf.org.uk
United States	Cybertipline (NCMEC)	www.cybertipline.com

3. Processing reports



3. Reports



It must be pointed out that the Stopline members do not actively search for illegal contents on the Internet themselves. They solely process reports and links that have been forwarded to them by watchful Internet users.

3.1) Reports to the Stopline

A report to the Stopline can be made in two ways:

Either by filling out the online form at www.stopline.at or by reporting the illegal content via 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 specified, the will Stopline send 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. In order to investigate a report it is sufficient for the Stopline to receive a detailed reference of the suspicious material. This would be a clear URL for homepage contents (www), a detailed specification of the author, the date, the 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 is provided for a summary or comment of the content.

3.2) The handling of reports

Reports are treated anonymously. 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 actually is or could be illegal - according to the Austrian law. The procedures are variable, depending on which kind of online service has been reported.

In case of illegal material the Stopline locates the host - which is the ISP or server via which the illegal content has been published on the Internet. If an Austrian Internet service provider is affected, he will be contacted along with the public authorities and informed about the illegal content.

If the illegal material is spread via a foreign server, 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 - provided that this country actually has a partner hotline from the international network of INHOPE.

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).

E-groups can be accessed the same way as websites, but they also offer to create photo albums (e.g. MSN groups). In addition, the site administrator can define the access authority for members of this group.

3.2.2) Illegal contents in file-sharing programs

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



3. Reports

3.2.3) Illegal contents in newsgroups

Newsgroups are online 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 access to newsgroups.

3.2.4) E-mails

E-mails are also sent via Internet, either by means of programs like Microsoft Outlook or Lotus Notes, but also via various Internet providers or via free e-mail addresses like GMX or Hotmail.

If www-addresses or other services are listed 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.

3.2.6) Mobile communication

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

With regard to the development of the mobile communication, there is the possibility to send photos and video sequences - also illegal ones - using mobile phones and other devices. For this reason, the Stopline has made provisions for being able to cope with these technologies, too.

3.3) Reports to ISPs

Each report to an ISP is solely informative. The Stopline does not delete or exercise any censorship contents itself, but rather gives advice to the ISPs about how to proceed. The ISP has to decide for himself how to react to the content. The code of conduct of the ISPA (see chapter x) serves as a basis therefore.

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. Reports



3.4) Overview of the working process



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 contains access data for the restricted areas.

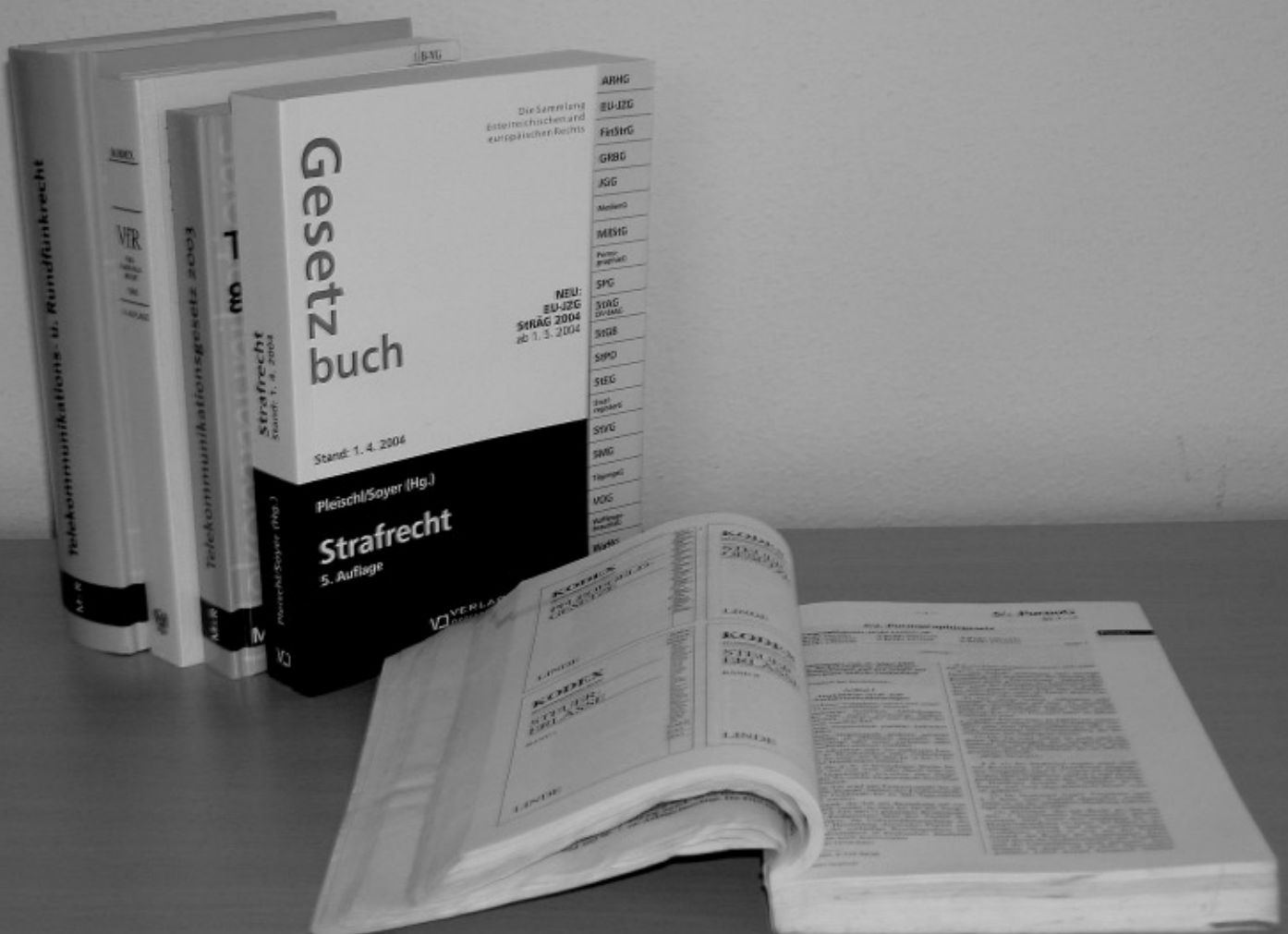
Determining the country of origin can also cause problems for the Stopline staff members, as the technology used for encoding the host servers becomes more and more sophisticated.

As there are internationally different approaches regarding the criminal prosecution, the staff members of the hotline also have to face legal problems sometimes - both in Austria and in other countries.

3.6) Control 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.

4. Legal basis



4. Legal basis



4.1) Child pornography

In the recent years, the topic child pornography has often been the focus of many discussions around the Internet. This prompted several critics to condemn the Internet as a criminal medium. This is not true, as the situation today shows that the Internet has found its way into universities, offices, schools and families. It has become a part of our daily life, and many people use its positive aspects in their leisure times and jobs.

Nevertheless, especially pictures of child molestation on the Internet have shocked many people. Thus, a new legislation that punishes child pornography was established within a short time. But not everything that looks like child pornography at first glance can be regarded as a criminal offence.

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

§ 207a StGB

§ 207a Pornografische Darstellungen Minderjähriger

- (1) Wer eine pornografische 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 pornografische 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 pornografische 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 pornografische Darstellung einer unmündigen Person (Abs. 4) verschafft oder eine solche besitzt.
- (4) Pornografische 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 pornografische Darstellung einer mündigen minderjährigen Person mit deren Einwilligung und zu deren eigenem Gebrauch herstellt oder besitzt oder
 2. eine pornografische 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 in the form of photographs and movies. 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.



4. Legal basis

According to § 207a StGB (Austrian penal code), child pornography is defined by sexual intercourse with or by focussing on 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 § 207a, para. 5 StGB (Austrian penal code).

It must also be pointed out that this graphical material represents elements of an offence, which 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. in order to make a report to the Stopleveline), he might incur a penalty.

4.2) Right wing radicalism

In Austria, the denial of Nazi crimes as well as the dissemination and glorification of national socialist ideologies are a punishable offence. By contrast, other countries like England or America protect such activities by law (freedom of opinion and speech). In these countries there is also no legal basis for counteractive measures.

Regarding the fight against national socialist offences, the following legal regulations are applied in Austria:

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

Verbotsgesetz (Verfassungsgesetz vom 8.5.1945 über das Verbot der NSDAP)

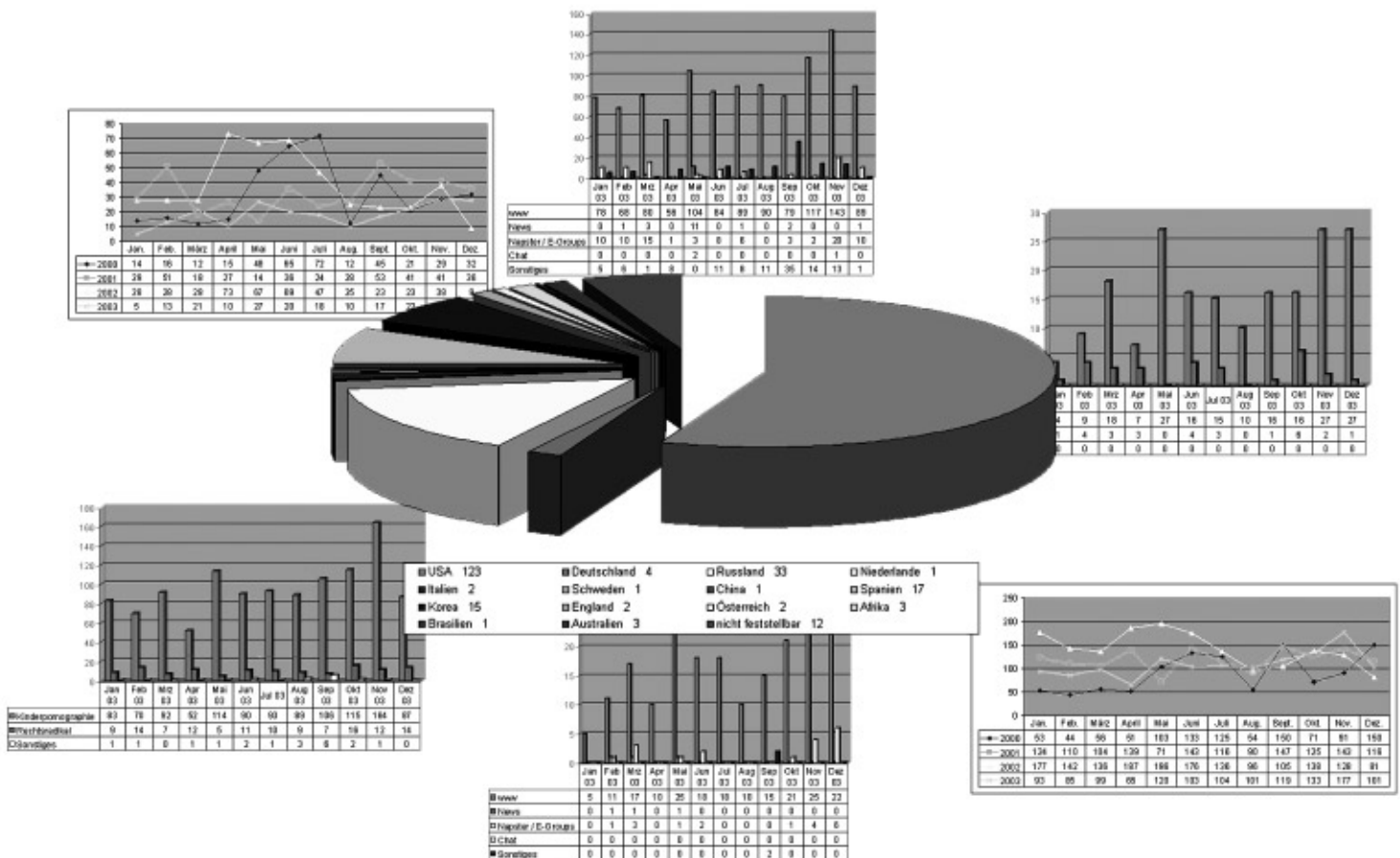
- §1 *Die NSDAP, ihre Wehrverbände (SS, SA, NSKK, NSFK), ihre Gliederungen und angeschlossenen Verbände sowie alle nationalsozialistischen Organisationen und Einrichtungen überhaupt sind aufgelöst; ihre Neubildung ist verboten. ...*
- §3 *Es ist jedermann untersagt, sich, sei es auch außerhalb dieser 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 regulations clearly point out that dealing with the ideologies of an illegal organisation is legal, but not the approval of its ideas.

5. Statistics





5. Statistics

5.1) Why are statistics created?

The Stopline receives reports on supposedly illegal contents within different Internet services (e.g. www or file-sharing). Each of these reports is processed and categorised. By making statistics, the Stopline is able to recognise trends and to verify its own work. In the year 2005, for example, it could be found out that especially websites and e-groups are quite often affected by child pornography, whereas newsgroups are only rarely reported to the Stopline.

5.2) How are the statistics created?

The statistics are divided into 2 sections - all received reports and reports that have been classified as supposedly illegal by the Stopline staff members. The last-mentioned are labelled „correct“. Regarding the content of a report, the statistics distinguish 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 statistics below. The statistics only include reports that are actually being processed.

5.3) What is reported?

For a clear overall view of „what is reported“ we also create statistics on the kind of the reported contents. Regarding content, reports on child pornography significantly outweigh reports on right wing radicalism by approx. 95 %.

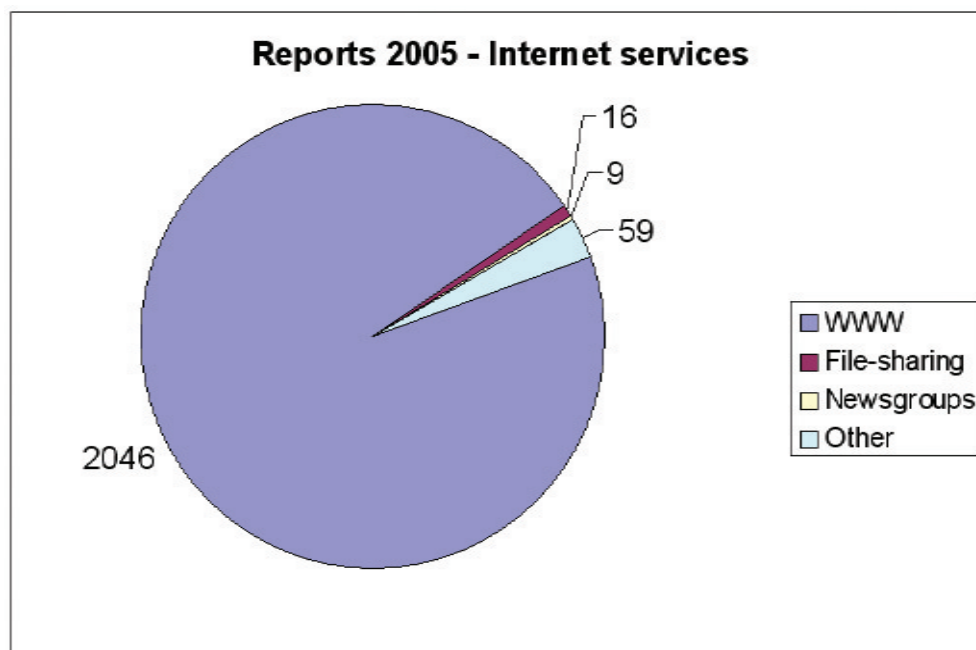
5.4) Tendencies

Sometimes the Stopline is confronted with questions about the reason of more frequent reports in some months or special areas. In this context, the Stopline can only make speculations. However, discussions especially with staff members of foreign hotlines continuously 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 right wing radical area - plays an important role in the sensitising the public. This often affects the number of incoming reports to the hotline.

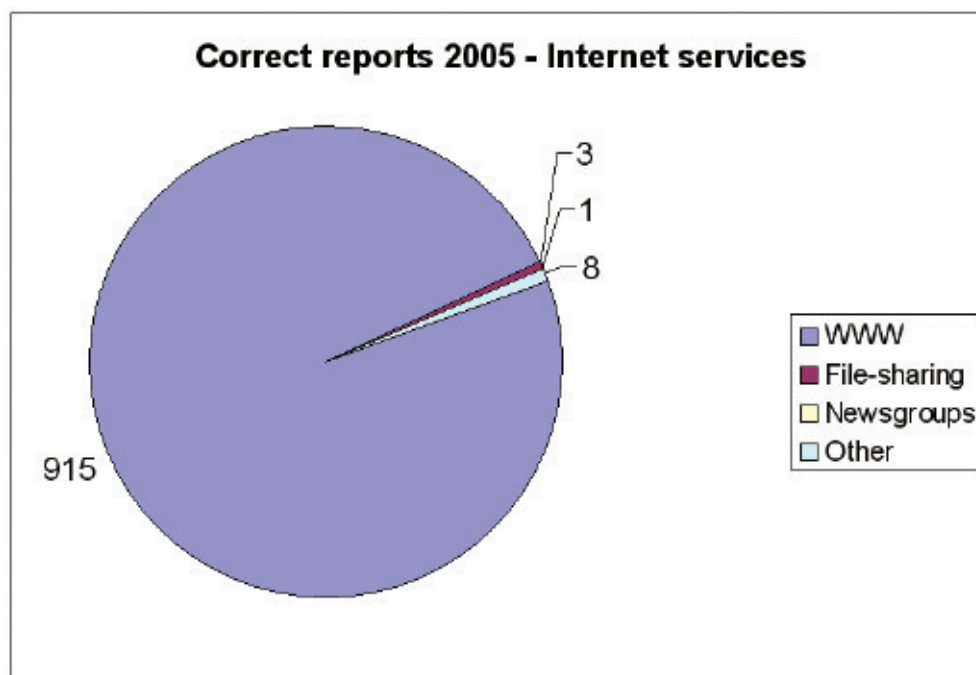
In the year 2005, the USA was again the predominant country of origin, followed by Russia. But supposedly illegal contents are also hosted in countries like Korea, Spain, Japan and Thailand.

5.5) Statistics on internet services

Reports January - December 2005:

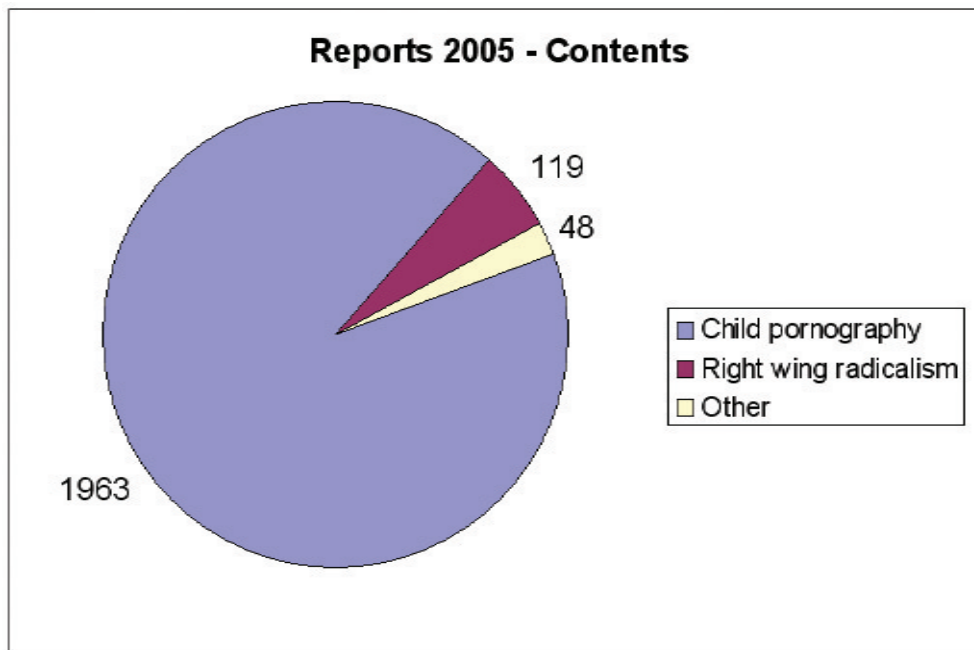


Correct reports January - December 2005:

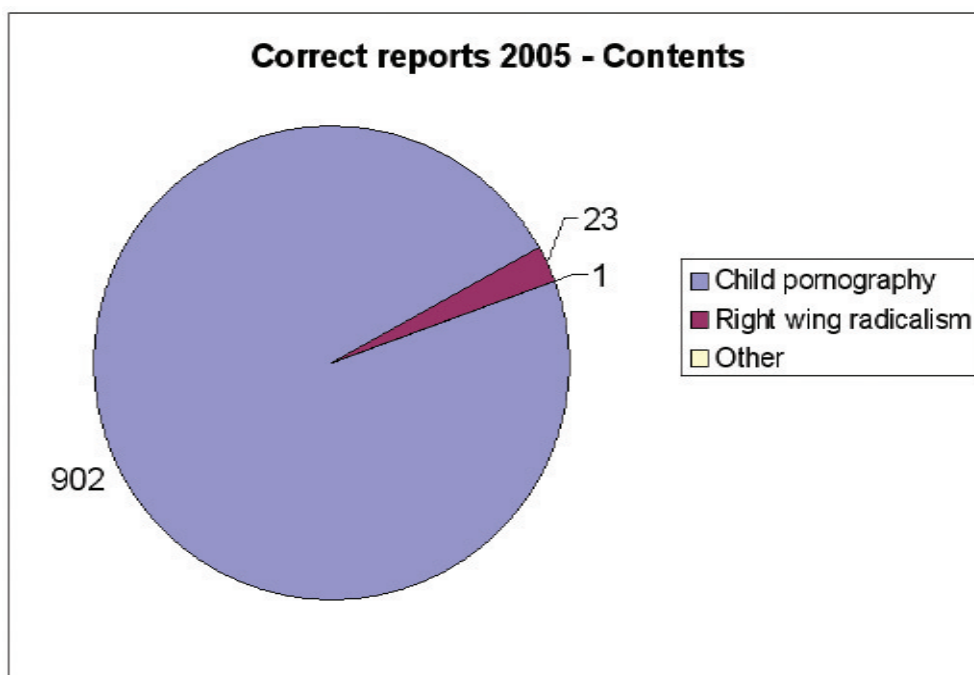


5.6) Statistics on reported contents

Reports January - December 2005:

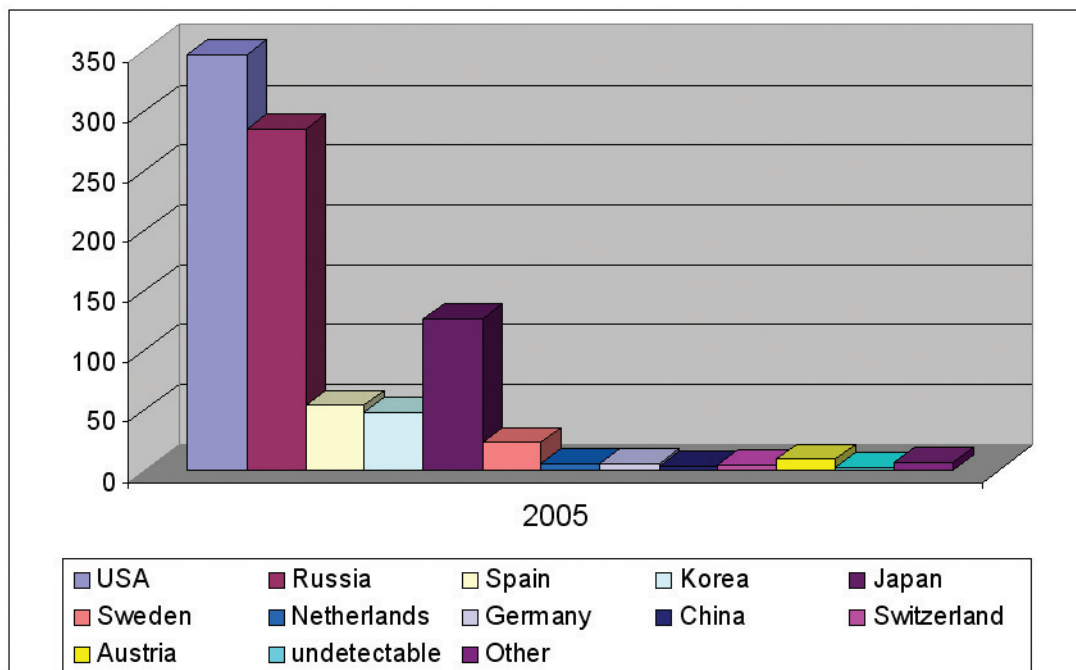


Correct reports January - December 2005:



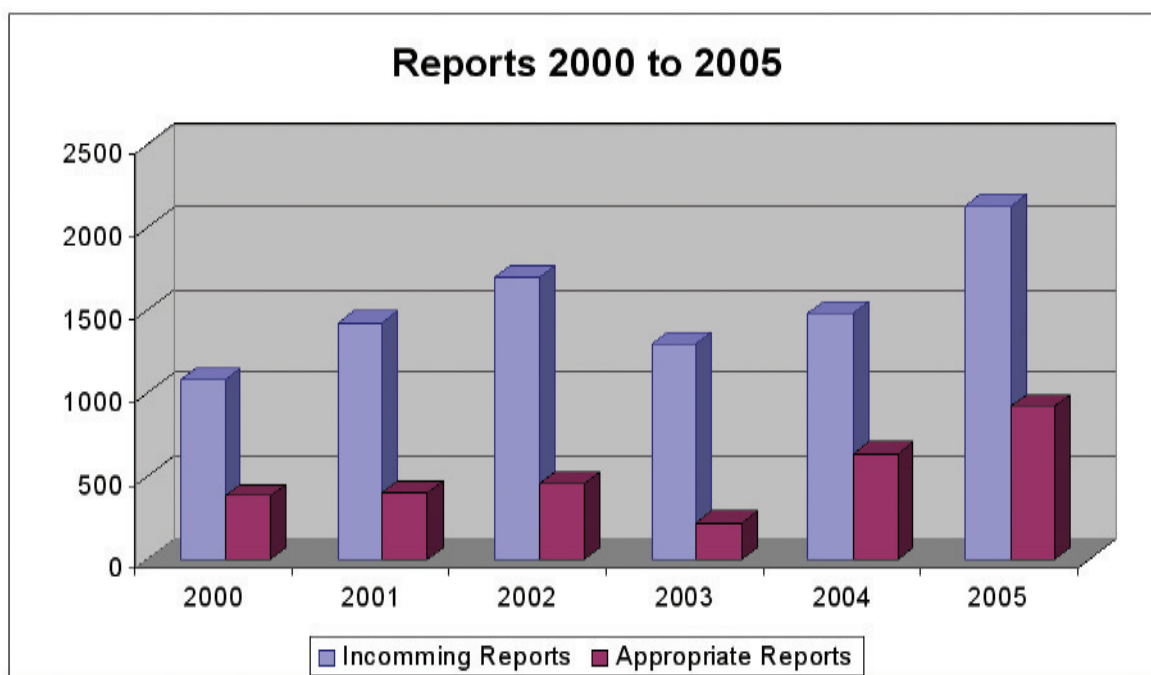
5.7) Statistic about the countries of origin 2005

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



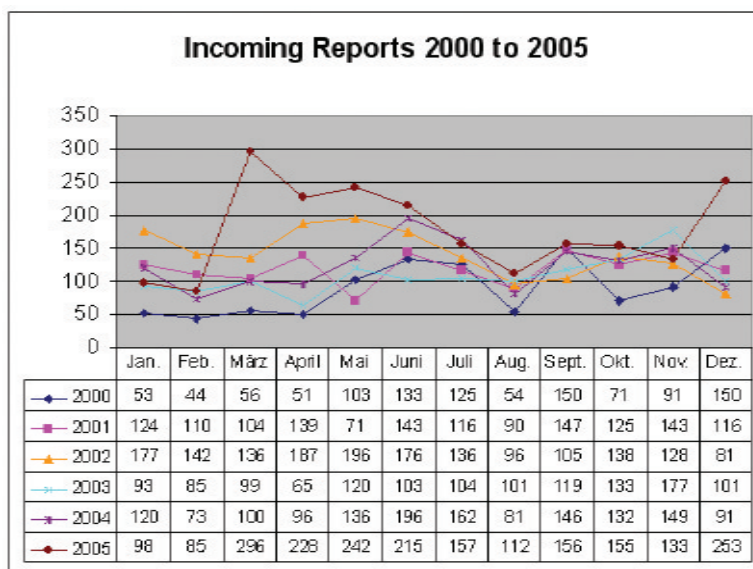
5.8) Comparison incoming and correct reports 2000 to 2005

Comparison of all incoming and as correct classified reports from 2000 to 2005.

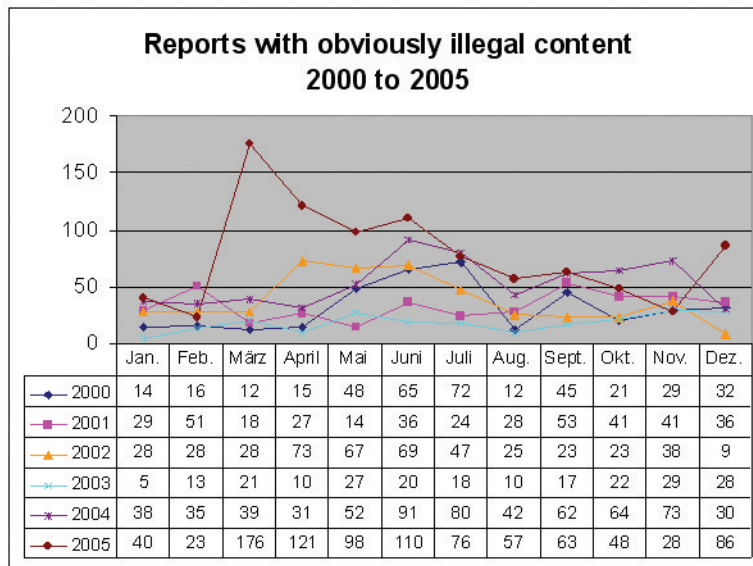


5.9) Comparison 2000, 2001, 2002, 2003, 2004 and 2005

Comparison of reports January - December:



Comparison of correct reports January - December:



6. Partners



STOPLINE
11-1111

Helfen Sie mit,
Kinderparade
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.

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.
- 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
Währingerstrasse 3/18, 1090 Wien, AUSTRIA
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



Report office for child pornography on the internet

meldestelle@interpol.at

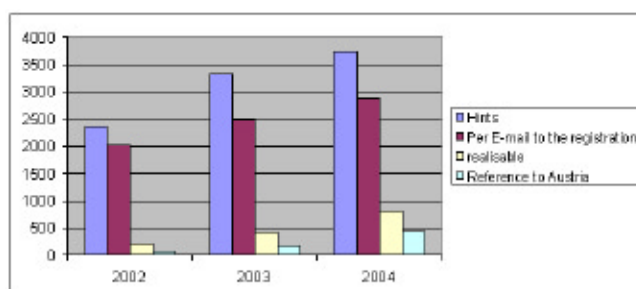
Due to a decision of the national parliament in March 1997 the operation of the report office for child pornography on the internet has commenced. The following tasks should be performed by the members of the report office:

- 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)

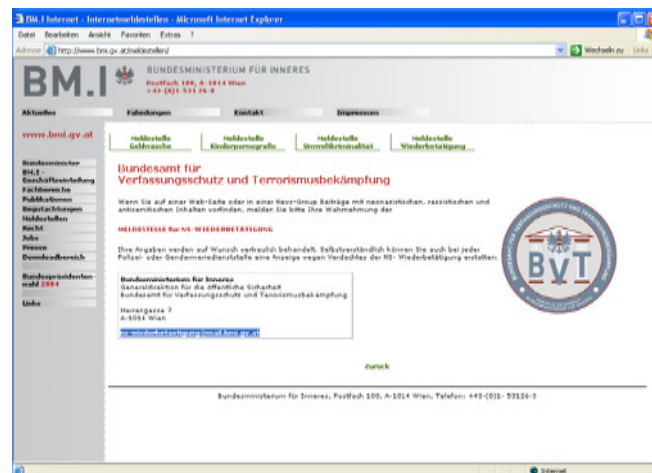
If you find articles with neo-Nazi, racist and anti-Semitic contents on a website or in a newsgroup, please report your finding to the



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.

Publisher Stopline
Währingerstrasse 3/18
A-1090 Wien, AUSTRIA

www.stopline.at
office@stopline.at