

Serious Social Media Consequences - One country's crackdown on anti-hunting Internet abuse



In Germany, insults and abusive language on social media following a female hunter's Facebook post led to severe consequences under criminal and civil law and more than 50 convictions.

Anyone on social media knows that verbal derailments have become the norm rather than the exception. Factual presentation of dissenting opinions is more often than not replaced by insults, cursing and threats of harm. But, in Germany at least, the Internet is no longer a legal vacuum—there, Web posters don't have to put up with online abuse anymore.

A female hunter who calls herself *Waidfräulein*, "young lady of the forest," posted the story and a photo of a successful late-winter fox hunt on Facebook in March 2018. Within a few hours, it had attracted more than 2,000 hateful comments and insults.

Waidfräulein didn't take the mostly anonymous insults lying down. Assisted by the DJV, the *Deutscher Jagdverband*, German Hunting Association, and lawyer Dr. Heiko Granzin, she took legal action. Apart

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from the consequences under German law, she filed for damages and injunctive relief.

A particular hurdle had to be overcome in the process. German law aside, the European headquarters of Facebook are in Dublin, and only Ireland's public prosecutor's office can demand IP addresses and names in the course of a criminal investigation into Facebook. As it happened, the Irish prosecutor took the matter seriously and did seek the names and IP addresses of the offenders, some of whom posted under pseudonyms.

German media, including the *Frankfurter Allgemeine Zeitung*, *BILD-Zeitung*, *Der Spiegel* and others, reported extensively on the matter. And now, two and a half years later, *Waidfräulein's* case has come to a close and the people who used abusive language must pay. "In addition to declarations of cease and desist, there were over a dozen criminal and civil convictions," said the German Hunting Association. (Further proceedings are ongoing.)

The legal consequences in more than 50 cases included, among other things, penalty orders, judgments, compensation for pain and suffering, and cease and desist statements. Hate commentators will pay heavy fines and costs. One guilty party, who used a derogatory term for the female sexual organ, has to fork out €3,800 (\$4,675) in court costs, legal expenses and compensation. Derogatory terms like *Miststück* (loosely, bitch) and *Abschaum* (scum) earned abusers penalties of €3,300 each. Others have to make payments of between €1,000 and €2,000.

Last June, the German *Bundestag* (parliament) passed a law against right-wing extremism and hate crimes; insults on social media will be punished severely—including imprisonment of up to two years. "We advise all hunters affected by Internet hate speech: Secure evidence and report it," said DJV President Volker Böhning. "It takes a lot of patience, but Internet criminals have to learn that the Web is not a legal vacuum."

Dr. Heiko Granzin, a specialist in hunting and agricultural law, has represented victims of cybercrime for years. He says that calling a hunter "sick" or an "impulsive murderer" is not covered by normal freedom of expression and that threats to life and health are criminal offenses that will prompt the public prosecutor to intervene.

Meticulous evidence is important, Granzin added. This means taking screenshots of the offensive posts and securing the context of the discussion and the perpetrator's profile (try to verify whether it is real or fake). Proceed like a detective—save all the perpetrator's entries and search the Internet for email addresses, photos, place of employment and residence and the like. Many particularly active hunting opponents can be found on certain forums and the websites of anti-hunting organizations. In case of a criminal offense or threat, such as a post that a hunter "should be killed," file a complaint with the police. Even those who "like" such a post are acting illegally. Often, both civil and criminal laws are being broken.

To return to *Waidfräulein's* fox hunting: Foxes have multiplied in Germany—today there are twice as many as there were 20 years ago. High fox densities can lead to outbreaks of wildlife disease and to a lethal infectious disease in humans caused by the larval form of the tapeworm *E. multilocularis*. As well,

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ground-breeding birds like partridge, lapwing and others suffer high predation by foxes. Across much of Europe, legal, managed fox hunting reduces predation and contributes to wildlife conservation and disease prevention.

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Banner Image: Waidfräulein's Facebook entry for March 4, 2018.