

In Germany one cannot prosecute against childhood sexual abuse after the age of 28. In the case of child rape one can prosecute until 38. Rape is defined as vaginal or anal penetration where violence has been used. Violence is defined through the victim having physically defended him/herself, through physical resistance or screaming. If this is not the case then it is not classed as rape but as grave sexual abuse. This means that an infant who can or does not defend itself cannot be the victim of rape, merely of sexual abuse, even when sexual intercourse has taken place. The perpetrator is legally permitted to lie in his defence and cannot be prosecuted for perjury should he have been found to have lied in Court. The victim however can be prosecuted for perjury should they not be able to corroborate their claims. Sexual abuse and rape are both defined by specific occurrences. The victim is required to be able to prove when a specific episode took place. The mere memory that it was on Sundays when the mother was at church, is not enough. Even in cases of very early sexual abuse the victim must be able to corroborate the exact date of the occurrence. If later the case is brought to the police, the victim is not required to testify against the perpetrator if it is family member. In this case the police will usually take the case no further. The perpetrator or other family members are not questioned and the case is dropped, regardless of the danger to other children. If the case is not taken up by the police due to the victim's fear of repercussions through testifying, then the case is not officially recorded. If the case is recorded then the victim has an additional ten years from this point to bring a prosecution. If it is not recorded then the victim is unable to prosecute after the age of 28. Many young adults in higher education are still financially dependent upon their parents at this age giving any prosecution an existential twist. All prosecutions are judged using the law from the time of the offence rather than the law at present, with the reasoning that the culprit has the right to know for how long he is can be held accountable for his actions. This means he should know he only has to keep his victim silent for so many years. Germany's leading organisation for adult survivors of sexual abuse, advises victims against prosecution, as it claims this is too traumatic for the victims. This, regardless of the possible danger to other minors through not apprehending suspected child abusers.