

3 - My rights after trial

Can I appeal against the ruling?

If you would like to appeal against the judgment in the event the accused is declared innocent, bear in mind that if you haven't been party to the proceedings, you can't appeal against the judgment.

If you have been party to the proceedings and you are private prosecutor, you can appeal as follows:

- against the judgment within ten days of it being notified; there are various grounds for appeal and it is possible to review the evidence. This is an ordinary appeal.
- Cassation appeal within five days of the judgment being notified; the grounds are violation of the law or the Spanish Constitution or formal grounds. This is an extraordinary appeal.

As civil party, you can only lodge an appeal in cassation regarding matters related to your compensation.

As regards possibilities for lodging other appeals, if you have first lodged an ordinary appeal, you could lodge a cassation appeal as a second appeal. The cassation appeal is decided by the Supreme Court.

The Crime Victim Support Offices will provide you with information about the appeals you can lodge against rulings you consider to be incompatible with your rights.

What are my rights after sentencing?

If you have made the relevant request, you have the right to be notified of the following decisions:

- the decision not to initiate criminal proceedings;
- the final judgment in the proceedings;
- decisions to imprison or release the offender, as well as the possible escape of the offender from custody;
- decisions adopting personal precautionary measures or amending those already agreed, where their aim is to ensure your safety;
- decisions from any judicial or prison authority affecting subjects convicted for crimes committed using violence or intimidation and that pose a risk to your safety;
- decisions that involve your participation in the enforcement of the sentence and that are handed down for prison-related matters, as well as those affecting the classification of the convict in a Grade 3 open prison regime, prison benefits, short-term leave, conditional release, etc.

Your main rights during enforcement of the judgment are the right to information on the sentencing of the accused. In general, the information regarding their release from prison would be considered part of their privacy and could not be communicated to you.

Exceptionally, if you have been victim of a crime of gender-based violence, you will be provided with information on the procedural status of the accused and how they are serving their sentence, for as long as the protection order or restraining order remains in force.

If you were private prosecutor in the proceedings, you can take part in the suspension of the sentence of the accused. A prison sentence of less than two years can be suspended if there is no repeat offending within a given period of time. After this period, the sentence lapses. The court decides on the suspension of the sentence and you will be heard by the judge before its decision.

The Crime Victim Support Offices will provide information about the possibility you have as victim to participate in

the prison sentence enforcement and will carry out whatever assistance activities are needed so you can exercise the rights recognised by law.

If you are a victim of terrorism, the National High Court's Terrorism Victim Information and Support Office will provide you with the information channels needed so you can find out everything related to the prison sentence enforcement up to the full serving of the sentences, especially in cases where benefits are granted or the convicts are released.

Am I entitled to support or protection after the trial? For how long?

If the judgment is enforced and it is necessary, you can continue to be protected, if the judge so decides. You can have police protection or, in exceptional cases, a new identity or financial aid to change place of residence or work.

For certain crimes, such as gender-based or domestic violence, you can ask for a protection order the temporary validity of which will be established by decision of the judicial authority.

The protection order may be requested directly from the judicial authority or public prosecutor, or from law enforcement officials, the Crime Victim Support Offices or social services or care institutions attached to the public administrations.

The protection order represents a comprehensive protection status that will include the civil and criminal precautionary measures set out by law and any other assistance and social protection measures established in the legal system.

The granting of a protection order will imply the duty to keep yourself informed on an ongoing basis regarding the procedural situation of the accused or suspect, as well as regarding the scope and validity of the precautionary measures taken. In particular, you will be informed at all times of the alleged aggressor's prison situation. To that end, the protection order will be forwarded to the prison administration.

You can also be protected by certain penalties or security measures being imposed on the offender: restraining orders, deprivation of parental rights or guardianship, deprivation of the right to carry and use weapons, etc. Furthermore, in cases where the sentence is suspended before entering prison, the judge can ban the offender from going to certain places or from approaching you, oblige the offender to take part in specific educational programmes, etc.

As victim, you are entitled to:

- a) ask for the behavioural measures or rules provided for by law and considered necessary to ensure your safety to be imposed on the parolee, where this person had been convicted for acts from which a situation danger may reasonably arise for you;
- b) provide the judge or court with any information that is relevant to rule on the enforcement of the penalty imposed, the civil liabilities arising from the crime or the confiscation that was agreed.

The Crime Victim Support Offices will cooperate and coordinate with the bodies, institutions and services that may be involved in assisting victims: the judiciary, public prosecution service, law enforcement officials, especially in the case of vulnerable victims with a high risk of victimisation. Moreover, if you are a victim who requires special protection measures, they will assess your case to determine which protection, assistance and support measures should be provided, which may include the following:

- the provision of psychological support or assistance to deal with the disorders caused by the crime, using the most appropriate psychological methods for your care;
- accompaniment to trial;
- information on the available psychosocial and care resources and referral to these services if you request this;
- any special support measures that may be necessary if you are a victim with special protection needs;
- referral to specialist support services.

For how long?

The protective measures of a judicial nature will be valid for the period of time established in the relevant decision from the judicial authority.

The Crime Victim Support Offices will monitor your situation as victim, especially if you are a vulnerable victim, throughout the entire criminal proceedings and for an appropriate period of time after they end, regardless of whether the offender's identity and the outcome of proceedings are known.

What information will I be given if the offender is sentenced?

Your main rights during enforcement of the judgment are the right to information on the sentencing of the accused. In general, the information regarding their release from prison would be considered part of their privacy and could not be communicated to you.

Exceptionally, if you have been victim of a crime of gender-based violence, you will be provided with information on the procedural status of the accused and how they are serving their sentence, while the protection order or restraining order is in force, except where you express your desire not to receive any notification on the matter.

The Crime Victim Support Offices will provide information about the possibility you have as victim to participate in the prison sentence enforcement and will carry out whatever assistance activities are needed so you can exercise the rights recognised by law.

If you are a victim of terrorism, the National High Court's Terrorism Victim Information and Support Office will provide you with the information channels necessary for you to find out everything related to the prison sentence enforcement up to the time the sentences have been fully served, especially in cases where benefits are granted or the convicts are released.

Will I be told if the offender is released (including early or conditional release) or escapes from prison?

If you have made the relevant request, you have the right to be notified of the following decisions, among others:

- decisions to imprison or release the offender, as well as the possible escape of the offender from custody;
- decisions from any judicial or prison authority affecting subjects convicted for crimes committed using violence or intimidation and that pose a risk to your safety;
- decisions that involve your participation in the enforcement of the sentence and that are handed down for prison-related matters, as well as those affecting the classification of the convict in a Grade 3 open prison regime, prison benefits, short-term leave, conditional release, etc.

The Crime Victim Support Offices will provide information about the possibility you have as victim to participate in the prison sentence enforcement and will carry out whatever assistance activities are needed so you can exercise the rights recognised by law.

If you are a victim of terrorism, the National High Court's Terrorism Victim Information and Support Office will provide you with the information channels necessary for you to find out everything related to the prison sentence enforcement up to the time the sentences have been fully served, especially in cases where benefits are granted or the convicts are released.

Will I be involved in release or parole decisions?

As victim of the crime, you will be entitled to:

- ask for the behavioural measures or rules provided for by law considered necessary to ensure your safety to be imposed on the parolee, where this person had been convicted for events from which a situation danger could reasonably arise for the victim;
- provide the judge or court with any information that is relevant to rule on the enforcement of the sentence imposed, the civil liabilities arising from the crime or the confiscation that was agreed.

The Crime Victim Support Offices will provide information about the possibility you have as victim to participate in the prison sentence enforcement and will carry out whatever assistance activities are needed so you can exercise the rights recognised by law.

If you are a victim of terrorism, the National High Court's Terrorism Victim Information and Support Office will provide you with the information channels necessary for you to find out everything related to the prison sentence enforcement up to the time the sentences have been fully served, especially in cases where benefits are granted or the convicts are released.

For example, can I make a statement or lodge an appeal?

If you have asked to be notified of certain decisions handed down for prison-related matters, as well as those affecting the classification of the convict in a Grade 3 open prison regime, prison benefits, short-term leave, conditional release, etc., you can appeal against them even if you have not been party to the proceedings. You must make your desire to appeal known to the competent court clerk, without needing to be assisted by a lawyer to do so, within a maximum period of five days counted from the time at which you were notified of the decision and lodging the appeal within fifteen days from this notification.

In order to appeal the possible classification of the convict in a Grade 3 open prison regime, you must be victim of one of the following crimes:

- homicide;
- abortion;
- injury;
- crimes against freedom;
- crimes of torture and against moral integrity;
- crimes against sexual freedom and indemnity;
- crimes of theft committed with violence or intimidation;
- crimes of terrorism;
- crimes of human trafficking.

Before the prison authority hands down any of the decisions stated above, the decision in question will be communicated to you so you may submit any arguments you deem appropriate, provided that you have made the relevant request to be notified of these decisions.

The Crime Victim Support Offices will provide you with any information you may need about the appeals you can lodge against rulings you consider to be incompatible with your rights.

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