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If my claim is to be considered in this country

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Spain



Spain

Which type of crime can I get compensation for?

In Spanish law, the normal procedure for claiming compensation for damage and injury suffered is criminal proceedings, in which civil liabilities are analysed together with criminal ones. For that reason, the local criminal court (Juzgado de Instrucción) offers civil action to a person who has been harmed, so that they can state whether they wish to make a claim during the criminal proceedings or reserve the right to claim for the injury suffered through civil proceedings.

If they state that they wish to claim in the criminal proceedings, the injured party can either opt for civil action taken in their name by the public prosecutor (this will also happen if they do not state a preference) or, if they wish, attend in person (through a lawyer and the public prosecutor).

If they choose to claim for damages outside the criminal proceedings, the injured party needs to begin civil proceedings under the rules of these proceedings.

In cross-border situations, for example where the offence was committed in a different Member State from that where the victim lives, damages may be claimed under national law against the perpetrator of the crime before the criminal court judging the case.

Spanish law lays down specific compensation schemes for violent crimes, sexual offences and terrorism offences.

Which type of injury can I get compensation for?

For violent crimes and sexual offences committed in Spain and resulting in death, serious physical injuries or harm to physical or mental health, Spain has a system of aid for this kind of wilful (intentional) and violent crime. Aid is also awarded to victims of sexual offences even when these crimes are committed without violence.

In general, the financial aid provided for in law can be accessed if at the time of the crime:

- the victim is Spanish or a national of another EU Member State;
- although not Spanish or a national of another EU Member State, the victim is habitually resident in Spain.
- the victim is a national of another State that grants similar aid to Spaniards within its own territory.

In the event of death, the abovementioned nationality or residence requirements apply to the beneficiaries, not to the deceased.

In the event of serious bodily injury or serious harm to physical or mental health, the direct victims, i.e. those who suffered the injuries or harm, will be the beneficiaries.

Injuries giving entitlement to financial aid are those which prejudice physical integrity or physical or mental

health and which cause the victim temporary incapacity lasting more than six months, or at least 33 % permanent disability.

For terrorism offences, there are several kinds of State aid intended for victims of terrorism to compensate them for the harm caused by these kinds of crime. A direct connection between the terrorist act and the harm suffered is required.

The following damage and injuries are eligible for compensation:

- Bodily injuries, both physical and mental, as well as expenses for medical treatment, prostheses and surgery.
- These expenses will be paid to the person affected only if they are not totally or partially covered by the public or private welfare system that applies to them.
- Material damage caused to the homes of natural persons or those occurring in commercial and industrial establishments, headquarters of political parties, trade unions and social organisations.
- The costs of temporary accommodation while repair work is carried out on the habitual residences of natural persons.
- Damage caused to private vehicles, as well as that suffered by vehicles used for the land transport of people or goods, except publicly-owned vehicles.

With the exception of bodily injury, compensation for the abovementioned harm will be secondary to that established for the same circumstances by any other public body, or to those arising from insurance contracts. In these cases, compensation will represent the difference between that paid by the abovementioned public administrations or insurance agencies and the officially conducted valuation.

The amount of compensation will be determined according to the harm that occurs (severity of the injuries and type of disability they cause, death, etc.).

Other aid:

- for study: where a terrorist act results in personal injuries of particular significance to a student, their parents or guardians, or these injuries render them unfit for the exercise of their regular profession;
- immediate psychological and psycho-pedagogical assistance, both for victims and their relatives;
- extraordinary and exceptional aid to mitigate situations of personal or family need of victims who are either not covered at all or covered in a markedly insufficient way by ordinary aid.

Can I get compensation if I'm a relative or dependant of a victim who has died as a result of a crime? Which relatives or dependants can get compensation?

In the case of violent crimes and sexual offences that directly result in the death of the victim, indirect victims can be beneficiaries if, at the time the crime was committed, the victim was Spanish or a national of any other EU Member State or, if this is not the case, was ordinarily resident in Spain or a national of another State that awards similar aid to Spaniards in its territory.

Beneficiaries as indirect victims would be the following:

- The spouse of the deceased, if they were not legally separated, or the person who lived with the deceased on a permanent basis in a relationship akin to marriage for at least two years before the death, unless they had children together, in which case mere cohabitation would suffice.
- Anyone convicted of intentional homicide in any of its forms, where the deceased was their spouse or person with whom they were or had been connected in a similar stable relationship, is excluded from being a beneficiary.
- The child of a deceased person, who was dependent on that person and lived with them, assuming that children who are minors or disabled adults are financially dependent.
- The parent of a deceased person, who was financially dependent on that person, so long as there is nobody in the abovementioned situations.
- The parents of minors who die as a direct consequence of a crime are also considered indirect victims for

the purposes of the financial aid provided for by Spanish law.

In the event of the death of a minor or disabled person as a direct consequence of a crime, the parents or guardians of the minor or disabled person will only be entitled to aid consisting of compensation for the funeral expenses they have actually paid, up to the legally established limit.

In cases of sexual offences that cause harm to the victim's mental health, the amount of aid will cover the costs of the therapeutic treatment freely chosen by the victim, with a maximum established by law.

In the case of terrorism offences, if these have led to the death of the direct victim, the following can be beneficiaries of the aid:

- the spouse of the deceased;
- an unmarried partner with whom the deceased had lived for at least two years;
- an unmarried partner with whom the deceased had children;
- the parents of the deceased person if they depended financially on that person; in the absence of parents and in this order, the grandchildren, siblings and grandparents of the deceased, who were financially dependent on that person;
- if there are none of the above persons, children and, if there are none, parents who were not financially dependent on the deceased.

Can I get compensation if I'm a relative or dependant of a victim who has survived? Which relatives or dependants can get compensation in this case?

In the case of violent or sexual offences that have caused the victim serious physical injuries or serious harm to their physical or mental health, only direct victims have the right to compensation, i.e. those who have suffered the injuries or harm. Indirect victims can be beneficiaries of aid only in the case of the death of a direct victim, in the cases laid down by law and provided the requirements laid down by law are met.

In the case of terrorism offences, the following are considered entitled to the legally regulated rights and benefits:

- the deceased, or those who have suffered physical and/or mental harm as a result of the terrorist act;
- persons who suffer material damage, if they are not considered to be victims of acts of terrorism or entitled to aid, benefits or compensation for another reason;
- persons who, in the case of the death of the victim and under the terms and in the order of preference laid down by the law, may be entitled to the aid or rights because of kinship (family members), cohabitation or a dependent relationship with the deceased;
- persons who show evidence of having suffered direct and repeated threats or coercion from a terrorist organisation;
- wounded persons who have suffered different degrees of disabling injuries, to the second degree of consanguinity;
- persons who have been the object of terrorist attacks but have been unharmed are entitled to medals and honours, but not to any financial compensation.

Can I get compensation if I'm not a national of an EU country?

In the case of violent crimes or sexual offences:

Yes, if the State of which the victim is a national grants similar aid to Spaniards in its territory. This practice of recognition, in which the applicable legislation in the State of which the victim is a national is invoked, must be evidenced and constitutes one of the documents that must accompany the application for definitive aid for temporary incapacity or disabling injuries, for example. The Spanish administration will verify the content and validity of the foreign law invoked and determine if it can be applied to each specific case.

In the case of terrorism offences, in order for the aid scheme, benefits and compensation provided for by Spanish legislation to apply, the terrorist acts must have been committed in Spanish territory or under Spanish

jurisdiction and occurred after 1 January 1960.

If a victim suffers the consequences of a terrorist act committed in Spanish territory or under Spanish jurisdiction after 1 January 1960, they have the right to access the aid provided for by law, regardless of their nationality.

The aid scheme provided for by Spanish legislation also applies to the following cases:

Spanish nationals who are victims abroad of groups that habitually operate in Spain, or of terrorist acts against the Spanish State or Spanish interests;

Spanish victims of terrorist acts committed outside national territory that are not included in the paragraph above;

Participants in peace and security operations forming part of Spanish contingents abroad that are the object of a terrorist attack.

Can I claim compensation from this country if I live here or am from here (this is the country of my residence or nationality) even if the crime was committed in another EU country? Could I do this instead of claiming compensation in the country where the crime took place? If so under what conditions?

In the case of violent crimes and sexual offences, the provisions of Spanish legislation apply to the provisional and final procedures for processing and providing the aid to direct and indirect victims of crimes provided for by law, if the crime is committed in Spain and the applicant for aid is habitually resident in another EU Member State.

In such cases, if the application for public aid provided for in Spanish legislation is made via the assisting authorities of the State in which the applicant habitually resides, the deciding authority in Spain (i.e. the Directorate-General for Personnel and State Pension Costs (Dirección General de Costes de Personal y Pensiones Publicas) of the Ministry of Finance and Public Administration (Ministerio de Hacienda y Función Pública)) must notify the applicant and the assisting authority of:

- the receipt of the State aid claim, the body investigating the case, the deadline for settling the case and, if possible, the anticipated date by which the decision will be taken;
- the decision closing the case.

In addition, as the decision-making body, the Directorate-General for Personnel and State Pension Costs, may obtain the cooperation of the assisting authority of the State in which the aid applicant habitually resides, in order to hold a hearing with the applicant or with any other person it considers necessary.

To that end, it may ask the assisting authority to provide whatever is needed for the investigating body to directly carry out the hearing, in particular by telephone or videoconferencing, with the person to be heard, if they agree to this or

Do I have to have reported the crime to the police first, to be able to claim compensation?

Yes, in the case of violent crimes and sexual offences, although there is the possibility that the criminal proceedings may have been started by the competent authorities of their own motion, with no need for reporting to the police.

As a general rule, granting of the aid is conditional upon a legal ruling ending the criminal proceedings, against which no further remedy is available. While criminal proceedings are ongoing, the legislation provides for the granting of interim aid to address the precarious financial situations of victims of crime or their beneficiaries. Interim aid may be applied for once the victim has reported the events to the competent authorities or when the

criminal proceedings have been initiated by the competent bodies without the need for a report.

Do I have to await the outcome of any police investigations or criminal proceedings before I can claim?

In the case of violent crimes and sexual offences, to submit the claim for financial aid, you must attach to the claim a copy of the legal ruling ending the criminal proceedings and against which no further remedy is available, whether it is a judgment, a judgment in absentia, a decision to close the case due to the death of the accused, or a decision to dismiss the case.

In the case of terrorism offences, it is a requirement for the granting of the aid and benefits provided for in Spanish legislation that either the victim has been granted the right to be compensated by way of civil liability for the acts and their consequences that can be compensated for by virtue of a judgment against which no further remedy is available, or although such a judgment has not been issued, the appropriate legal investigation has been carried out or the criminal proceedings for the prosecution of the crimes have been initiated.

Do I have to first seek compensation from the offender – if they have been identified?

In the case of violent crimes and sexual offences, to submit the claim for financial aid, you must attach to the claim a copy of the legal ruling ending the criminal proceedings and against which no further remedy is available, whether it is a judgment, a judgment in absentia, a decision to close the case due to the death of the offender, or a decision to dismiss the case.

This requirement means that, if you are going to claim financial aid, you need to begin legal proceedings against the person allegedly responsible for the crime.

In the case of terrorism offences, it is a requirement for the granting of the aid and benefits provided for in Spanish legislation that either the victim has been granted the right to be compensated by way of civil liability for the events and their consequences that can be compensated for by virtue of a judgment against which no further remedy is available, or although such a judgment has not been issued, the appropriate legal investigation has been carried out or the criminal proceedings for the prosecution of the crimes have been initiated.

Consequently, it is necessary for criminal proceedings to have started or at least for the appropriate judicial investigation to have been carried out, in order to apply for the aid and benefits provided for in law.

If the offender has not been identified or convicted, can I still qualify for compensation? If so, what evidence do I need to support my claim?

In the case of violent crimes and sexual offences, if the offender has not been identified it would not be possible to apply for compensation, since one of the requirements is a copy of the legal ruling against the alleged offender ending the criminal proceedings and against which no further remedy is available. If the criminal proceedings have yet to be ended - i.e. a legal ruling ending the criminal proceedings and against which no further remedy is available has not yet been issued - interim aid may be applied for, provided that evidence is provided of the precarious financial situation of the victim or his or her beneficiaries.

If the alleged offender does not appear in court, the relevant judgment in absentia must be included in the aid application.

One of the documents that must be submitted with applications for interim aid is a report from the public prosecutor's office indicating that there is prima facie evidence for assuming that the death, injuries or harm were caused by a violent and wilful (intentional) act.

In the case of terrorism offences, the aid and benefits provided for in Spanish legislation may be applied for if the appropriate legal investigations have been carried out or the criminal proceedings for the judgment of the crimes have been initiated.

Is there a time limit within which I have to claim compensation?

In the case of violent crimes and sexual offences, the time limit for claiming the aid is generally one year from when the crime was committed.

In the case of terrorism offences, the time limit for submitting applications for compensation for personal injury or material damages is generally one year from the date on which the harm occurred.

Which losses and expenses are covered by the compensation?

(a) for the crime victim

- Material damage

In the case of violent crimes and sexual offences, aid is granted in the event of death, serious physical injury or serious harm to physical or mental health.

Serious injury is considered to be that which affects bodily integrity or physical or mental health, and which temporarily or permanently incapacitates the person who has suffered it.

Physical injury or harm to physical or mental health would need to be sufficiently serious to declare permanent disablement or a situation of temporary incapacity lasting more than six months, in accordance with Spanish social security legislation. Permanent incapacity must involve at least 33 % incapacity.

In the case of terrorism offences, ordinary aid covers the following contingencies:

- Death: the removal, funeral, burial and/or cremation costs of persons killed as a result of a terrorist attack who are not covered by an insurance policy are paid to beneficiaries by the State, up to a legally established limit.

In addition, in applicable cases, beneficiaries have the right to:

- extraordinary payment of any amount ordered in a judgment against which no further remedy is available for civil liability for physical or psychological damage arising from the events;
- payment for material damage;
- aid for medical treatment, and additional health and psychosocial care;
- educational aid;
- aid in connection with housing;
- extraordinary aid for situations of need;
- decorations awarded by the Royal Order of Civil Recognition of Victims of Terrorism (Real Orden de Reconocimiento Civil a las Víctimas del Terrorismo).
- Personal injury:

Persons who have suffered physical injury are entitled to compensation for spending on medical treatment, prostheses and surgical interventions connected to the terrorist action, if the need for them is demonstrated and it is not covered by any public or private welfare system covering these persons.

The following situations are distinguished:

- severe disability;
- permanent incapacity for any occupation;
- permanent incapacity for one's normal occupation;
- partial permanent incapacity: for these situations, fixed financial compensation is laid down.

In addition, in applicable cases, beneficiaries have the right to:

- Extraordinary payment of any amount ordered in a judgment against which no further remedy is available for civil liability for physical or psychological damage arising from the events.
- payment for material damage;

- aid for medical treatment, and additional health and psychosocial care; educational aid;
- aid in connection with housing;
- extraordinary aid for situations of need;
- decorations awarded by the Royal Order of Civil Recognition of Victims of Terrorism (Real Orden de Reconocimiento Civil a las Víctimas del Terrorismo).
- Non-disabling permanent injuries: in this case, cover varies according to the assessment of the harm performed in accordance with the system set up for victims of traffic accidents using the scale resulting from the application of the social security legislation on the amounts of compensation for permanent injury, mutilation and deformation and non-disabling injuries caused by an accident at work or an occupational disease.

As regards assessing compensation for after-effects, including physical, intellectual, sensory and organic impairments and cosmetic damage arising from an injury and remaining once the healing process is over, the system set up for victims of traffic accidents includes expenditure on future healthcare, prosthesis, rehabilitation at home and in clinics, and costs incurred due to the loss of personal independence, among other things.

It also includes temporary incapacity, which a victim might experience while receiving healthcare and unable to perform their occupational or normal activities.

Similarly, victims of terrorism affected by permanent non-disabling injuries are entitled, where applicable, to:

- Extraordinary payment of any amount ordered in a judgment against which no further remedy is available for civil liability for physical or psychological damage arising from the events.
- payment for material damage;
- aid for medical treatment, and additional health and psychosocial care;
- exemption from academic fees;
- aid in connection with housing;
- extraordinary aid for situations of need;
- decorations awarded by the Royal Order of Civil Recognition of Victims of Terrorism (Real Orden de Reconocimiento Civil a las Víctimas del Terrorismo).
- Temporary incapacity: For these purposes, a victim is understood to be in a situation of temporary incapacity while they are receiving healthcare and unable to perform their occupational or normal activities.

In addition, in appropriate cases, victims are also entitled to additional aid granted for those affected by permanent disablement or permanent non-disabling injuries, except for educational aid.

- Kidnapping: compensation for this includes fixed financial compensation and compensation for personal injury that the act of kidnapping may have caused you.

Similarly, beneficiaries may be compensated for personal injury that the act of kidnapping may have caused them, together with other types of aid, such as:

- extraordinary payment of any amount ordered in a judgment against which no further remedy is available for civil liability for physical or psychological damage arising from the events;
- payment for material damage;
- aid for medical treatment, and additional health and psychosocial care;
- aid in connection with housing;
- extraordinary aid for situations of need;
- decorations awarded by the Royal Order of Civil Recognition of Victims of Terrorism (Real Orden de Reconocimiento Civil a las Víctimas del Terrorismo).
- Material damage: this aid is secondary to any other aid granted by public authorities or arising from insurance contracts, and is reduced by the amounts received from these.

Damage caused to publicly-owned assets cannot be compensated for.

Beneficiaries are entitled to:

Compensation for damage to housing:

- For habitual residences of natural persons, where habitual residence is generally understood to mean the building that constitutes the residence of a person or family unit for at least six months of the year, compensation can be paid for damage to the structure, equipment and furniture which it is necessary to replace in order to restore it to the former conditions of habitability, with the exception of certain elements.
- For non-habitual residences, compensation comprises 50 % of the damage up to the limit for housing specified by the applicable legislation.

Temporary accommodation:

- If affected persons have to temporarily leave their home as a result of a terrorist attack while repair work is carried out, the Ministry of the Interior may contribute to defraying the expenses arising from temporary accommodation.

Compensation for damage to commercial or industrial establishments:

- Compensation includes the value of repairs needed to resume operations in such establishments, including damaged furniture and equipment, up to the limit of compensation fixed by the applicable legislation.

Compensation for damage to vehicles:

- Damage caused to private vehicles, as well as that suffered by vehicles used for the land transport of people or goods, can be compensated for.
- It is essential that, at the time of the incident, the compulsory insurance policy for the vehicle is up to date, if such insurance is required by specific legislation.
- Compensation will include the expenses necessary for repair, and aid is also available if the vehicle is destroyed.
- Educational aid: Study aid is granted if a terrorist act results in injuries for the student, their widow or widower, unmarried partner or the children of the deceased person or for their parents, siblings or guardians, which incapacitate them from performing their usual occupation, with the requirements laid down in the applicable legislation.

Responsibility for compensation to victims of terrorist attacks is taken by the State, which in exceptional cases will pay the relevant compensation on the basis of civil liability for death or for physical or psychological harm, covering the following contingencies: death, severe disability, permanent incapacity for any occupation, permanent incapacity for one's normal occupation, partial permanent incapacity, permanent non-disabling injuries and kidnapping.

- Psychological damage

In the case of violent crimes and sexual offences, if the crime has caused harm to the victim's mental health (psychological damage), the amount of aid will defray the costs of any therapeutic treatment freely chosen by the victim, by the maximum amount specified by Spanish legislation.

In the case of terrorism offences, with regard to the psychological harm, victims of terrorist attacks will immediately receive, free of charge, the psychological and psychiatric assistance necessary to meet their needs for care for as long as this is clinically judged to be necessary for their fastest and most effective recovery.

This aid extends to direct victims themselves and also to those threatened and their families or those with whom they cohabit.

(b) Rights of persons or relatives of victims

- Material damage

In the case of violent crimes and sexual offences, parents of a minor who dies as a result of a crime are considered to be beneficiaries as indirect victims.

In such cases, aid is limited to compensation for funeral expenses that the parents or guardians of the deceased child may actually have paid, within the limits laid down by Spanish legislation.

Expenses related to the wake, removal, burial or cremation are considered to be funeral expenses eligible for compensation.

In the case of terrorism offences, the State will pay the removal, funeral, burial and/or cremation costs of persons killed as a result of a terrorist attack who are not covered by an insurance policy, up to a limit set by the applicable legislation.

- *Psychological damage:*

- *pain and suffering of relatives or entitled people/compensation to survivors if the victim died*

In the case of terrorism offences, the aid provided for with regard to psychological and psychiatric assistance for the direct victims of terrorist acts also extends to family members and persons with whom they cohabit, who may suffer psychological effects arising from the terrorist acts which manifest themselves later: they are entitled to funding of the cost of psychological attention, following prescription by a medical practitioner, up to a limit determined for individualised treatment.

Is the compensation paid out in a single payment or monthly instalments?

In the case of violent crimes and sexual offences, in general the amount of aid cannot ever exceed the compensation set in the judgement.

The amount of aid will be determined by applying a set of rules, providing it does not exceed the amount specified in the judgment:

- in the case of temporary incapacity, once the first six months have passed, an amount equivalent to twice the current daily Public Multiple Purpose Income Index (Indicador Público de Renta de Efectos Múltiples (IPREM)) will be received while the person affected remains incapacitated, with the relevant monthly payments being made during that period.

The IPREM is an index that is fixed annually and used to determine the amount of certain benefits or the threshold for accessing certain benefits, entitlements or public services.

- In the case of disabling injuries, the maximum amount to be received is linked to the current monthly IPREM on the date that the injuries or harm affect the person's health and will depend on the level of disablement:
 - For partial permanent incapacity: 40 monthly instalments.
 - For permanent incapacity for one's normal occupation: 60 monthly instalments.
 - For permanent incapacity for any occupation: 90 monthly instalments.
 - For severe disablement: 130 monthly instalments.
- In the case of death, the maximum aid to be received is 120 monthly instalments of the IPREM in force on the date of death.

The amount of aid for funeral expenses granted to the parents or guardians of a minor or a disabled adult who dies as a direct consequence of a crime will defray the costs actually paid up to a maximum of five monthly instalments of the IPREM in force on the date of death.

Payment of the amount of aid granted for therapeutic treatment expenses for sexual offences that have caused harm to the mental health of victims will be made in accordance with the following criteria:

- If the application for aid is made before treatment is started, payment of an amount based on a monthly instalment of the IPREM may be agreed. If that amount is not enough to pay for the treatment, at the request of the person concerned, the excess expenses can be met by a single payment or by successive payments until the end of treatment or, if applicable, until the set maximum amount is reached.
- If the aid is applied for once treatment has begun, the expenditure accounted for by the person concerned will be paid together with future expenditure for the same purpose, until the end of treatment or, if applicable, until the set maximum amount is reached.

- If at the time of the application it is demonstrated that the treatment has ended, the aid will be paid in a single payment, for the amount of the expenditure accounted for, up to the maximum amount permitted. If treatment demonstrably needs to be resumed and the maximum amount has not been reached, it will be possible to make payment for the resulting new expenditure.

Interim aid may also be granted before the legal ruling ending criminal proceedings against which no further remedy is available is handed down, provided the precarious financial situation in which you as victim or your beneficiaries were left has been demonstrated. This aid may be provided via a single payment or regular payments.

In the case of terrorism offences:

- In the case of death, aid will be provided in a single payment in accordance with the legally-established amounts.

For the removal, funeral, burial and/or cremation costs of persons killed as a result of a terrorist attack who are not covered by an insurance policy, a single payment is made up to a legally established limit.

- In the case of personal injury: For severe disability, permanent incapacity for any occupation, permanent incapacity for one's normal occupation and partial permanent incapacity, aid is paid as a single payment in accordance with the legally established amounts.

For compensation of permanent non-disabling injuries, compensation is either made in a single payment or monthly instalments, depending on the scale set out.

- For temporary incapacity, there is a limit of 18 monthly instalments for compensation.
- For kidnapping, in addition to a single payment, as compensation for the personal injury caused to the victim by the kidnapping, aid based on the number of days of kidnapping will be paid up to the limit for partial permanent incapacity.
- In the case of material damage: this aid is secondary to any other aid granted by public authorities or arising from insurance contracts, and is reduced by the amounts received from these.

Damage caused to publicly-owned assets cannot be compensated for.

Generally speaking, payment is made as a single payment of the amounts specified by the applicable legislation, with the exception of aid for temporary accommodation: this is provided in monthly payments, with aid being calculated on a daily basis if the accommodation is in a hotel, and on a monthly basis if housing is being rented.

Beneficiaries are entitled to:

Compensation for damage to housing:

- For habitual residences of natural persons, where habitual residence is generally understood to mean the building that constitutes the residence of a person or family unit for at least six months of the year, compensation can be paid for damage to the structure, equipment and furniture which it is necessary to replace in order to restore it to the former conditions of habitability, with the exception of certain elements.
- For non-habitual residences, compensation includes 50 % of the damage up to the limit for housing specified by the applicable legislation.

Temporary accommodation:

- If affected persons have to temporarily leave their home as a result of a terrorist attack while repair work is carried out, the Ministry of the Interior may contribute to defraying the expenses arising from temporary accommodation.

Compensation for damage to commercial or industrial establishments:

- Compensation includes the value of repairs needed to resume operations in such establishments, including damaged furniture and equipment, up to the limit of compensation set by the applicable legislation.

Compensation for damage to vehicles:

- Damage caused to private vehicles, as well as that suffered by vehicles used for the land transport of people or goods, can be compensated for.
- It is essential that, at the time of the incident, the compulsory insurance policy for the vehicle is up to date, if such insurance is required by specific legislation.
- Compensation will include the expenses necessary for repair, and aid is also available if the vehicle is destroyed.
- Educational aid: Study aid is granted if a terrorist act results in injuries for the student, their widow or widower, unmarried partner or the children of the deceased person or for their parents, siblings or guardians, which incapacitate them from performing their usual occupation, with the requirements laid down in the applicable legislation.

The system of payments by instalments will be applied to cases of temporary incapacity and disabling injuries caused by terrorist attacks within the scope laid down by Spanish legislation.

For cases in which, due to the severity of the injuries suffered, it is reasonable to assume that total permanent incapacity for one's normal occupation, permanent incapacity for any occupation, or severe disability of the victim will later be declared, payment by instalments may be made up to the legally established limit.

In exceptional cases, the State will take responsibility for paying the relevant compensation on the basis of civil liability for death or for physical or psychological harm, covering the following contingencies: death, severe disability, permanent incapacity for any occupation, permanent incapacity for one's normal occupation, partial permanent incapacity, permanent non-disabling injuries and kidnapping. This extraordinary aid normally takes the form of a single payment, except for non-disabling permanent injuries and kidnapping.

In what way could my own behaviour in relation to the crime, my criminal record or failure to cooperate during the compensation proceedings affect my chance of receiving compensation, and/or the amount I receive?

In the case of violent crimes and sexual offences, public aid may be refused or its amount reduced if total or partial granting would be inequitable or contrary to public order in the following circumstances declared by judgment:

- if the beneficiary's behaviour had contributed directly or indirectly to the commission of the crime or to a worsening of their injuries;
- if the beneficiary has links to the perpetrator or belongs to an organisation devoted to violent crime.

If a person who died as a result of the crime falls under one of the abovementioned reasons for refusal or limitation of aid, beneficiaries may access the aid on the basis of being indirect victims, if they are in financial distress.

In what way could my financial situation affect my chance of receiving compensation and/or the amount?

In the case of violent crimes and sexual offences, your financial situation is taken into account in determining the amount of aid to be granted, since the following weightings are applied:

- incomes of any kind received on an annualised basis by the beneficiary or jointly by all the beneficiaries (in the case of aid following death), in accordance with the relevant scale;
- incomes of any kind received on an annualised basis by the victim on the date that the injuries or harm affected their health (aid for disabling injuries), in accordance with the relevant scale.

Your financial situation is also taken into account to determine whether you as beneficiary are in a situation of financial dependence that might result in granting of the relevant aid. If your situation is financially precarious, in accordance with the relevant legislation, interim aid may be granted before a legal ruling ends the criminal proceedings and against which no further remedy is available.

In the case of terrorism offences, in order to establish entitlement to compensation for death, the financial dependence of the beneficiary on the deceased at the point of death due to the terrorist act is taken into account, using annual income of any kind received by them.

Are there any other criteria that could affect my chance of receiving compensation and/or the amount?

No.

How will the compensation be calculated?

In the case of violent crimes and sexual offences, the amount of aid cannot ever exceed the compensation set in the judgment. The exact amount is determined by applying a series of rules:

- In the case of temporary incapacity, once the first six months have passed, an amount equivalent to twice the current daily Public Multiple Purpose Income Index (Indicador Público de Renta de Efectos Múltiples (IPREM)) will be received while the person affected remains incapacitated, with the relevant monthly payments being made during that period.
- In the case of disabling injuries, the maximum amount to be received is linked to the current monthly IPREM on the date that the injuries or harm affect the person's health and will depend on the level of disablement:
 - For partial permanent incapacity: 40 monthly instalments.
 - For permanent incapacity for one's own job: 60 monthly instalments.
 - For permanent incapacity for any occupation: 90 monthly instalments.
 - For severe disablement: 130 monthly instalments.

To determine the amount of aid to be received in these cases, the following correction factors are successively applied to the maximum amounts of each relevant aid:

- incomes of any kind received on an annualised basis by the victim on the date that the injuries or harm affected their health, according to the following scale:
 - incomes below the IPREM in force on that date: correction factor = 1;
 - between 101 % and 200 % of said IPREM: correction factor = 0.90;
 - between 201 % and 350 % of said IPREM: correction factor = 0.80;
 - over 350 % of said IPREM: correction factor = 0.70.
- the number of persons depending financially on the victim on the date of the injury, in accordance with the criteria laid down by the applicable legislation, if they live with the victim and at the victim's expense, and provided they do not receive incomes of any kind exceeding, on an annualised basis, 150 % of the annualised IPREM in force on the date of the injury, in accordance with the following scale:
 - for 4 or more dependants, a correction factor of 1 is applied;
 - for 3 dependants, a correction factor of 0.95 is applied;
 - for 2 dependants, a correction factor of 0.90 is applied;
 - for 1 dependant, a correction factor of 0.85 is applied;
 - if there are no dependants, a correction factor of 0.80 is applied.
 - In the case of death, the maximum aid to be received is 120 monthly instalments of the IPREM in force on the date the death occurred.

To determine the amount of aid to be received in this case, the following correction factors are successively applied to the maximum amounts of each relevant aid:

- annualised incomes of any kind being received on the date of the victim's death by the beneficiary or jointly by all the beneficiaries (if there are more than one), according to the following scale:
 - incomes below the IPREM in force on that date: correction factor = 1;
 - between 101 % and 200 % of said IPREM: correction factor = 0.90;
 - between 201 % and 350 % of said IPREM: correction factor = 0.80;
 - over 350 % of said IPREM: correction factor = 0.70.
- the number of persons who at the time of the victim's death depended financially on them or on any

beneficiaries. Those specified by the applicable legislation will be counted as beneficiaries, provided the following conditions are met by each of them:

- that at the time of the victim's death they lived with them or with any beneficiaries, at the expense of the victim or the beneficiaries; and
- that they do not receive incomes of any kind which when annualised exceed 150 % of the annualised IPREM in force at the time of the victim's death, in accordance with the following scale:
 - for 4 or more dependants, a correction factor of 1 is applied;
 - for 3 dependants, a correction factor of 0.95 is applied;
 - for 2 dependants, a correction factor of 0.90 is applied;
 - for 1 dependant, a correction factor of 0.85 is applied;

The amount of aid for funeral expenses granted to the parents or guardians of a minor or a disabled adult who dies as a direct consequence of a crime will defray the costs actually paid up to a maximum of five monthly instalments of the IPREM in force on the date of the death.

In the case of sexual offences causing harm to the mental health of the victim, the amount of aid will defray the expenditure on therapeutic treatment freely chosen by the victim, up to a limit of five monthly instalments of the IPREM in force on the date of the issuing of the forensic medical report substantiating the harm to the mental health of the victim which can be treated therapeutically.

Interim aid may be granted before the legal ruling ending criminal proceedings against which no further remedy is available is handed down, provided the precarious financial situation in which you as victim or your beneficiaries were left has been demonstrated.

In the case of terrorism offences:

- In the case of death, aid will be provided in a single payment in accordance with the legally established amounts.

Beneficiaries of this compensation will be entitled to an increase in aid by a fixed amount of twenty monthly payments of the IPREM in force on the date of the terrorist act, for each of the children or minors covered that depended financially on the victim at the time of the death.

It is considered that a person depends financially on the deceased person if, at the time of death, they lived totally or partially at the expense of that person and they did not receive on an annualised basis income of any kind exceeding 150 % of the annualised IPREM in force at that time.

Aid is also granted for the costs of removal, funeral and burial and/or cremation of persons who have died as a result of a terrorist attack and who are not covered by an insurance policy, up to the legally-established limit. The costs will be met following submission of the relevant invoices. It will be necessary to accompany them with the insurance policy covering these costs, or with an affidavit declaring the absence of such insurance.

- In the case of personal injury: For severe disability, permanent incapacity for any occupation, permanent incapacity for one's normal occupation and partial permanent incapacity, aid is paid as a single payment in accordance with the legally established amounts.

For compensation of permanent non-disabling injuries, compensation is either made in a single payment or monthly instalments, depending on the scale set out.

Beneficiaries will be entitled to the aid to the aid provided and to an increase of said aid by a fixed amount of 20 monthly payments of the relevant IPREM for each of the children or minors covered that depended financially on the victim at the time of the terrorist act that caused the injury.

- For temporary incapacity, compensation corresponding to twice the relevant IPREM for the period of temporary incapacity, up to a limit of 18 monthly instalments, will be paid.
- For kidnapping, victims will be compensated with the legally established amount for the kidnapping. In addition, as compensation for any personal injury caused to the victim by the kidnapping, aid equivalent to three times the daily IPREM for each day the kidnapping lasted will be paid, up to the compensation limit set for partial permanent incapacity.
- Material damage: this aid is secondary to any other aid granted by public authorities or arising from

insurance contracts, and is reduced by the amounts received from these.

Combined together, the compensations cannot ever exceed the value of the damage caused.

Damage caused to publicly-owned assets cannot be compensated for.

Beneficiaries are entitled to:

compensation for damage to housing:

- For habitual residences of natural persons, compensation can be paid for damage to the structure, equipment and furniture which it is necessary to replace in order to restore it to the former conditions of habitability, with the exception of certain luxury elements.
- For non-habitual residences, compensation comprises 50 % of the damage up to the limit for housing specified by the applicable legislation.

temporary accommodation:

- If, as a result of a terrorist attack, affected persons have to temporarily leave their home while repair work is carried out, the Ministry of the Interior may contribute to defraying the expenses arising from temporary accommodation, by paying aid calculated on a daily basis if the accommodation is in a hotel, and on a monthly basis if housing is being rented.

compensation for damage to commercial or industrial establishments:

- Compensation includes the value of repairs needed to resume operations in such establishments, including damaged furniture and equipment, up to the limit of compensation set by the applicable legislation.

compensation for damage to vehicles:

- Damage caused to private vehicles, as well as that suffered by vehicles used for the land transport of people or goods, can be compensated for.
- It is essential that, at the time of the incident, the compulsory insurance policy for the vehicle is up to date, if such insurance is required by specific legislation.
- Compensation will include the amount or spending necessary for repair.
- Educational aid: Study aid is granted if a terrorist act results in personal injuries for the student, their widow or widower, unmarried partner or the children of the deceased or for their parents, siblings or guardians, which incapacitate them from performing their usual occupation, with the requirements laid down in the applicable legislation.

In order to benefit from the aid, you cannot already have, or meet the legal requirements to obtain, a qualification of the same level or higher than the studies for which the aid is requested.

For language teaching and baccalaureate or equivalent or higher-level studies, the academic requirements for enrolment and achieved study content laid down in Spanish legislation on bursaries and study aid will apply.

However, for the calculation of the minimum academic achievement required of the beneficiaries of study aid, the Ministry of the Interior will apply a correction factor of 0.60 to students with specific educational support needs who require adaptation of the curriculum or increased time to undertake their studies because of physical or mental incapacity.

In exceptional cases, the State will take responsibility for paying the relevant compensation on the basis of civil liability for death or for physical or psychological harm, covering the following contingencies: death, severe disability, permanent incapacity for any occupation, permanent incapacity for one's normal occupation, partial permanent incapacity, permanent non-disabling injuries and kidnapping.

The amount of compensation will be determined as follows:

- If there is a judgment against which no further remedy is available granting compensation due to civil liability, either for death or for physical or mental injury causing any of the abovementioned

contingencies, a single payment of aid will be made at the legally specified amount.

- If the judgment against which no further remedy is available does not grant or permit the granting of any amount due to civil liability for physical or mental injury, aid will be paid in a single payment for all the contingencies except for the following:
 - Non-disabling permanent injuries: in this case, cover varies according to the assessment of the harm performed in accordance with the system set up for victims of traffic accidents using the scale resulting from the application of the social security legislation on the amounts of compensation for permanent injury, mutilation and deformation and non-disabling injuries caused by an accident at work or an occupational disease.
 - Kidnapping: aid equivalent to three times the daily Public Multiple Purpose Income Index (IPREM) will be paid for each day the kidnapping lasts, up to the limit of compensation set for partial permanent incapacity.

Is there a minimum/maximum amount that can be awarded?

In the case of violent crimes and sexual offences, in general the amount of aid cannot ever exceed the compensation set in the judgment.

The amount of aid will be determined by applying a set of rules, providing it does not exceed the amount specified in the judgment:

- In the case of temporary incapacity, once the first six months have passed, an amount equivalent to twice the current daily Public Multiple Purpose Income Index (IPREM) will be received while the person affected remains incapacitated, with the relevant monthly payments being made during that period.
- In the case of disabling injuries, the maximum amount to be received is linked to the current monthly IPREM on the date that the injuries or harm affect the person's health and will depend on the level of disablement:
 - For partial permanent incapacity: 40 monthly instalments.
 - For permanent incapacity for one's normal occupation: 60 monthly instalments.
 - For permanent incapacity for any occupation: 90 monthly instalments.
 - For severe disablement: 130 monthly instalments.
- In the case of death, the maximum aid to be received is 120 monthly instalments of the IPREM in force on the date the death occurred.

The amount of aid for funeral expenses granted to the parents or guardians of a minor or a disabled adult who dies as a direct consequence of a crime will defray the costs actually paid up to a maximum of five monthly instalments of the IPREM in force on the date of the death.

Payment of the amount of aid granted for therapeutic treatment expenses for sexual offences that have caused harm to the mental health of victims will be made in accordance with the following criteria:

- If the application for aid is made before treatment is started, payment of an amount based on a monthly instalment of the IPREM may be agreed. If that amount is not enough to pay for the treatment, at the request of the person concerned the excess expenses can be met by a single payment or by successive payments until the end of treatment or, if applicable, until the set maximum amount is reached.
- If the aid is applied for once treatment has begun, the expenditure accounted for by the person concerned will be paid together with future expenditure for the same purpose, until the end of treatment or, if applicable, until the set maximum amount is reached.
- If at the time of the application it is demonstrated that the treatment has ended, the aid will be paid in a single payment, for the amount of the expenditure accounted for, up to the maximum amount permitted. If treatment needs to be resumed and the maximum amount has not been reached, it will be possible to make payment for the resulting new expenditure.

Interim aid may also be granted before the legal ruling ending criminal proceedings against which no further remedy is available is handed down, provided the precarious financial situation in which you as victim or your beneficiaries were left has been demonstrated. This aid may be provided through a single payment or through regular payments.

In the case of terrorism offences:

- In the case of death, the amount of compensation will be EUR 250 000, which will be increased by a fixed amount of 20 monthly payments of the IPREM in force on the date of the terrorist act, for each of the children or minors covered that depended financially on the victim at the time of death.

For the removal, funeral, burial and/or cremation costs of persons deceased as a result of a terrorist attack who are not covered by an insurance policy, a single payment is made up to a limit of EUR 6 000.

- In the case of personal injury: For severe disability, permanent incapacity for any occupation, permanent incapacity for one's normal occupation and partial permanent incapacity, aid is paid as a single payment in accordance with the legally established amounts.
 - Severe disability: EUR 500 000.
 - Permanent incapacity for any occupation: EUR 180 000.
 - Permanent incapacity for one's normal occupation: EUR 100 000.
 - Partial permanent incapacity: EUR 75 000.
- For compensation of permanent non-disabling injuries, compensation is either made in a single payment or monthly instalments, depending on the scale set out and with the same limit as for partial permanent incapacity (EUR 75 000).
- For temporary incapacity, compensation is paid corresponding to twice the relevant IPREM for the period that the victim is temporarily incapacitated, up to a limit of 18 monthly instalments.
- For kidnapping, a single payment of EUR 12 000 will be paid for the kidnapping plus three times the daily IPREM for each day the kidnapping lasted, up to the limit for partial permanent incapacity (EUR 75 000).
- In the case of material damage: this aid is secondary to any other aid granted by public authorities or arising from insurance contracts, and is reduced by the amounts received from these.

Damage caused to publicly-owned assets cannot be compensated for.

Generally speaking, payment is made as a single payment of the amounts specified by the applicable legislation, with the exception of aid for temporary accommodation: this is provided in monthly payments, with aid being calculated on a daily basis if the accommodation is in a hotel, and on a monthly basis if housing is being rented.

Beneficiaries are entitled to:

Compensation for damage to housing:

- For habitual residences of natural persons, where habitual residence is generally understood to mean the building that constitutes the residence of a person or family unit for at least six months of the year, compensation can be paid for damage to the structure, equipment and furniture which it is necessary to replace in order to restore it to the former conditions of habitability, with the exception of certain elements.
- For non-habitual residences, compensation comprises 50 % of the damage up to the limit for housing specified by the applicable legislation.

Temporary accommodation:

- If affected persons have to temporarily leave their home as a result of a terrorist attack while repair work is carried out, the Ministry of the Interior may contribute to defraying the expenses arising from temporary accommodation.

Compensation for damage to commercial or industrial establishments:

- Compensation includes the value of repairs needed to resume operations in such establishments, including damaged furniture and equipment, up to the limit of compensation set by the applicable legislation.

Compensation for damage to vehicles:

- Damage caused to private vehicles, as well as that suffered by vehicles used for the land transport of people or goods, can be compensated for.
- It is essential that at the time of the incident, the compulsory insurance policy for the vehicle is up to date, if such insurance is required by specific legislation.

- Compensation will include the expenses necessary for repair, and aid is also available if the vehicle is destroyed.
- Educational aid: Study aid is granted if a terrorist act results in personal injuries for the student, their widow or widower, unmarried partner or the children of the deceased or for their parents, siblings or guardians, which incapacitate them from performing their usual occupation, with the requirements laid down in the applicable legislation.

The system of payments by instalments will be applied to cases of temporary incapacity and disabling injuries caused by terrorist attacks within the scope laid down by Spanish legislation.

For cases in which, due to the severity of the injuries suffered, it is reasonable to assume that permanent incapacity for one's normal occupation, permanent incapacity for any occupation or severe disablement of the victim will later be declared, payment by instalments may be made up to EUR 18 030.36.

In exceptional cases, the State will take responsibility for paying the relevant compensation on the basis of civil liability for death or for physical or psychological harm, covering the following contingencies: death, severe disability, permanent incapacity for any occupation, permanent incapacity for one's normal occupation, partial permanent incapacity, permanent non-disabling injuries and kidnapping.

The amount of compensation will be determined as follows:

- If there is a judgment against which no further remedy is available, which grants compensation due to civil liability, either for death or for physical or mental injury causing any of the abovementioned contingencies, the amount set in the judgment will be paid up to the following limits:
 - Death: EUR 500 000.
 - Severe disability: EUR 750 000.
 - Permanent incapacity for any occupation: EUR 300 000.
 - Permanent incapacity for one's normal occupation: EUR 200 000.
 - Partial permanent incapacity: EUR 125 000.
 - Non-disabling permanent injuries: EUR 100 000.
 - Kidnapping: EUR 125 000.
- If the judgment against which no further remedy is available does not grant or permit the granting of any amount due to civil liability for physical or mental injury, the following amounts will be paid:
 - Death: EUR 250 000.
 - Severe disability: EUR 500 000.
 - Permanent incapacity for any occupation: EUR 180 000.
 - Permanent incapacity for one's normal occupation: EUR 100 000.
 - Partial permanent incapacity: EUR 75 000.
- Non-disabling permanent injuries: in this case, cover varies according to the assessment of the harm performed in accordance with the system set up for victims of traffic accidents using the scale resulting from the application of the social security legislation on the amounts of compensation for permanent injury, mutilation and deformation and non-disabling injuries caused by an accident at work or an occupational disease.
- Kidnapping: Aid equivalent to three times the daily Public Multiple Purpose Income Index (IPREM) will be paid for each day the kidnapping lasts, up to the limit of compensation set for partial permanent incapacity.

Am I expected to quote the amount in the claim form? If so, do I get any instructions on how to calculate it or on other aspects?

No.

Will any compensation I receive for my loss from other sources (such as my employer's or a private insurance scheme) be deducted from

compensation paid by the authority/body?

In the case of violent crimes and sexual offences, generally speaking, receiving legally regulated aid is not compatible with receiving compensation for injuries and damage caused by the crime which is laid down by a judgment.

However, it is possible for all or part of the legally regulated aid to be paid if the offender has been declared partially insolvent; but the amount received from both sources cannot ever be more than that set in the judicial decision.

Hence, the aid provided for in Spanish legislation is incompatible with:

- Financial compensation that the beneficiary is entitled to from an insurance system, unless the amount of compensation from a privately contracted insurance is less than that set by the judgment.
- In the case of the temporary incapacity of the victim, aid is incompatible with any allowance that might be paid for such incapacity in a public social security scheme. This incompatibility will be considered to exist where the Spanish regulated aid and the compensation or financial aid to which the beneficiary is entitled via a private insurance system cover the same risks and situations of need.

In spite of the above, possible payment of the legally regulated aid may be appropriate for a beneficiary of a private insurance if the amount of compensation received from the insurance is less than that set in the judgment, provided the difference to be paid does not exceed the set scale.

In the case of injury or harm causing the permanent incapacity or death of the victim, receipt of the aid will be compatible with receipt of any public pension that the beneficiary has a right to receive.

Aid for permanent incapacity is incompatible with that for temporary incapacity.

In the case of terrorism offences, with regard to the material damage caused to victims as a result of this kind of crime, compensation for this kind of harm will be secondary to that granted by the public authorities or arising from insurance contracts, and will be reduced by the amount received from these sources.

With regard to damage to vehicles, the damage caused to private vehicles can be compensated for as well as that suffered by the users of land transport for persons or goods, except those in public ownership, provided that at the time of the incident the compulsory insurance policy for the vehicle is up to date, if such insurance is required by specific legislation. This compensation is secondary to any other compensation granted by public authorities or arising from insurance contracts, and is reduced by the amounts of such compensation.

With regard to the costs of removal, funeral, burial and/or cremation of persons who have died as a result of a terrorist attack, payment will be made by the Spanish Central Government provided the recipients are not covered by an insurance policy, up to the legally established limit. It will be necessary to accompany the relevant invoices with the insurance policy covering these costs, or with an affidavit declaring the absence of such insurance.

Can I get an advance on the compensation? If so, under what conditions?

Yes.

In the case of violent crimes and sexual offences, interim aid may be granted before the legal ruling ending the criminal proceedings against which no further remedy is available is handed down, so long as the precarious financial situation in which the victim or their beneficiaries were left has been demonstrated. The financial situation of a victim or the beneficiaries will be considered to be precarious if, on the date on which aid is applied for, neither the victims nor the beneficiaries are receiving annualised incomes of any kind greater than the annualised Public Multiple Purpose Index (IPREM) in force at the time of the application.

In any event, for the granting of such interim aid, it must be demonstrated that the applicant meets the requirements laid down by the applicable legislation for being a beneficiary of the relevant definitive aid.

In the case of terrorism offences, the Ministry of the Interior may pay an amount in advance, up to the legally

established limit, pending receipt of the definitive aid, in cases in which due to the severity of the injuries suffered as a result of the terrorist action it is reasonable to assume that permanent incapacity for one's normal occupation, permanent incapacity for any occupation, or severe disability of the victim will later be declared.

Similarly, where there are disabling injuries or temporary incapacity, periods of time off work can be paid for on a quarterly basis. These amounts paid in instalments will be equivalent to twice the IPREM in force on the date of the injury for the days of incapacity.

Can I get complementary or additional compensation (following e.g. a change in circumstances or worsening health, etc.) after the main decision?

Yes.

In the case of violent crimes or sexual offences, if, having been granted aid for a certain level of incapacity or impairment, either a more serious situation meriting a greater amount or the death of the victim as a direct consequence of the injuries or harm occurs, it will be appropriate to make a one-off grant of aid for worsening of the prejudicial consequence.

The period for applying for the new aid is one year counting from the date of the judgment granting the initial aid to seek review of the degree of incapacity or disablement.

In the case of terrorism offences, although normally applications must be submitted within a maximum of one year from the date the damage occurred, if as a direct result of the injuries suffered because of the terrorist act a worsening of the consequences or the death of the person affected occurs, a new period of the same duration will be started for applying for the relevant difference in the amount.

What supporting documents do I need to include with my claim?

In the case of violent crimes and sexual offences, for the granting of definitive aid for temporary incapacity and disabling injuries, the application by the victim or their representative must be on the official form and include the following details and documents:

- A description of the circumstances in which the act with features of a wilful (intentional) violent crime was committed, with an indication of the date and place of the incident.
- Evidence that the events were reported to the public authority.
- A declaration on compensation and aid received by the person concerned or on the means available to obtain any kind of compensation or aid for those events.
- A copy of the legal ruling ending the criminal proceedings and against which no further remedy is available (judgment, judgment in absentia, decision to close the case due to death of the offender or decision to dismiss the case).

In addition, the following documents must always be attached:

- if the victim is Spanish, a copy of the national identity document;
- for nationals of an EU Member State, a document providing evidence of their nationality;
- a certificate issued by the competent managing body or agency providing evidence that the person concerned was covered by a public social security scheme at the time the crime was committed. If none is available, a declaration by the person concerned will suffice: it will be verified later by the investigating body.

If the application for aid is made for temporary incapacity and the person concerned was covered by a public social security scheme, the certificate provided must also show that no right to benefit for that incapacity was granted.

- If the application for aid for disabling injuries is made by direct victims covered by any of the schemes that make up the social security system, with the exception of the special scheme for civil and military public servants (Régimen especial de los funcionarios públicos civiles y militares), the decision on the

classification of those injuries issued by the Provincial Director of the National Social Security Institute (Instituto Nacional de la Seguridad Social) should be provided; if a decision has not yet been issued, the applicant should provide a declaration that the appropriate incapacity procedure has been started.

For the granting of definitive aid in cases where death resulted, the application following the official template of the indirect victim or their representative must include the following details and documents:

- documentary evidence of the death and of the status of beneficiary or indirect victim;
- a description of the circumstances in which the act with features of a wilful (intentional) violent crime was committed, with an indication of the date and place of the incident;
- evidence that the events were reported to the public authority;
- a declaration on compensation and aid received by the person concerned or on the means available to obtain any kind of compensation or aid for those events;
- A copy of the legal ruling ending the criminal proceedings and against which no further remedy is available (judgment, judgment in absentia, decision to close the case due to death of the offender or decision to dismiss the case).

In addition, the following documents must always be attached:

- if the victim (the beneficiary as indirect victim) is Spanish, a copy of the national identity document;
- for nationals of an EU Member State, a document providing evidence of their nationality;
- a death certificate for the direct victim of the crime, as well as the following documentation according to the connection of the beneficiary with the deceased:
 - if the spouse of the deceased was not separated or legally separated: a full certificate of the registration of marriage issued by the municipal registry of births, marriages and deaths after the date of death of the victim;
 - if the applicant is the person who was cohabiting with the deceased under the terms laid down in the applicable law, they must submit a certificate of cohabitation at the same address (certificado de convivencia en domicilio común).

To demonstrate permanent cohabitation as the equivalent of spouses, it is advisable to provide a certificate issued by the relevant registry of partners in a registered relationship (Registro de parejas de hecho).

- If the applicant is the person who was cohabiting with the deceased under the terms laid down in the applicable law, they must submit a certificate of cohabitation at the same address (certificado de convivencia en domicilio común).
- Children of the deceased: the relevant certificates of registration of birth issued by the municipal registry of births, marriages and deaths must be provided.

In order to demonstrate their parentage, children of a spouse who was not legally separated or of a person who was cohabiting with the deceased under the terms laid down in the applicable legislation must provide the relevant certificates of the registration of birth issued by the municipal registry of births, marriages and deaths.

Similarly, they must demonstrate that their parent was married to or cohabiting with the deceased, unless those facts have already been demonstrated by their parent's application for aid.

In addition, both the children of the deceased and those of the spouse who was not legally separated or those of the person who was cohabiting with the deceased must prove that they were depending financially on the deceased, using the following documentation:

- a cohabitation certificate issued by the local council;
- a declaration of the income of any kind received during the twelve months immediately prior to the date of death of the victim;
- a copy of the income tax return for the financial year in which the death of the victim occurred, or failing this, that for the immediately preceding financial year. If those returns were not made, an exemption certification issued by the National Agency for Tax Administration (Agencia Estatal de la Administración Tributaria (AEAT)) must be provided.
- Parents of the deceased: must demonstrate their paternity through a certificate of the registration of the birth of the son or daughter who died. In addition, in order to be certain that there are no other possible

beneficiaries who might have priority in accessing the aid, they must provide a declaration on the civil status of the son or daughter on the date of the death as well as whether they are aware of any other person who might qualify as a beneficiary under the applicable law.

For the granting of definitive aid for funeral expenses, the application, using the official form, of the parents or guardians of a minor or incapacitated adult, or of their representatives, must include the following details and documents:

- documentary evidence of the death and of the status of beneficiary or indirect victim;
- a description of the circumstances in which the act with features of a wilful (intentional) violent crime was committed, with an indication of the date and place of the incident;
- evidence that the events were reported to the public authority;
- a declaration on compensation and aid received by the person concerned or on the means available to obtain any kind of compensation or aid for those events;
- A copy of the legal ruling ending the criminal proceedings and against which no further remedy is available (judgment, judgment in absentia, decision to close the case due to death of the offender or decision to dismiss the case).

In addition, the following documents must always be attached:

- The death certificate of the minor or adult lacking capacity.
- In order to demonstrate their status as beneficiaries, the certificate of registration of the birth of the minor or incapacitated legal adult if the application is made by the parents, or an official record substantiating the guardianship, if the request is made by the guardian.
- If the deceased was an incapacitated legal adult, the legal document declaring the lack of capacity or, where applicable, the certificate substantiating the degree of the lack of capacity.
- A copy of the national identity document for the parents or guardians or, in the case of nationals of an EU Member State, a document demonstrating their nationality.
- Documentary evidence of the expenses related to the wake, removal, burial or cremation.

For the granting of definitive aid for spending on therapeutic treatment following sexual offences, the application of the victim or their representative must be on the official form and include the following details and documents:

- a description of the circumstances in which the act with features of a wilful (intentional) violent crime was committed, with an indication of the date and place of the incident;
- evidence that the events were reported to the public authority;
- a declaration on compensation and aid received by the person concerned or on the means available to obtain any kind of compensation or aid for those events;
- A copy of the legal ruling ending the criminal proceedings and against which no further remedy is available (judgment, judgment in absentia, decision to close the case due to death of the offender or decision to dismiss the case).

In addition, the following documents must always be attached:

- if the victim is Spanish, a copy of the national identity document;
- for nationals of an EU Member State, a document providing evidence of their nationality;
- a declaration by the victim on whether the therapeutic treatment has been started and, if applicable, submission of the supporting documents for the expenses paid. If the treatment has not been completed, that must be declared.

For the granting of interim aid for temporary incapacity and disabling injuries, the application of the victim or their representative must be on the official form and include the following details and documents:

- the classification of the injuries or harm to health, performed by the competent body and according to the procedure provided for in the relevant legislation;
- a description of the circumstances in which the act with features of a wilful (intentional) violent crime or sexual offence was committed, with an indication of the date and place of the incident;
- evidence that the events were reported to the competent authority or that the criminal proceedings for them are being pursued of the competent authority's own motion;

- a declaration on compensation and aid received by the applicant, on applications that are being processed or on the means available to obtain any kind of compensation or aid for the events;
- an application for the report from the public prosecutor indicating that there is prima facie evidence for assuming that the injuries were caused by a violent and wilful (intentional) act;
- if the victim is Spanish, a copy of the national identity document;
- for nationals of an EU Member State, a document providing evidence of their nationality;
- a declaration of the incomes of any kind received by the applicant during the year immediately before the date of the application, as well as a copy of the income tax return for the last financial year or, if that return was not made, an exemption certification issued by the National Agency for Tax Administration (AEAT).

For the granting of interim aid in cases where death resulted, the application following the official template of the victim or their representative must include the following details and documents:

- Documentary evidence of the death and of the status of beneficiary as an indirect victim. A death certificate for the direct victim of the crime must be provided, as well as the following documentation, depending on the connection of the beneficiary with the deceased:
 - if the spouse of the deceased was not separated or legally separated: a full certificate of the registration of marriage issued by the municipal registry of births, marriages and deaths after the date of death of the victim.

Specifically for this kind of aid, a declaration of the incomes of any kind received by the applicant during the year immediately before the date of the application, as well as a copy of the income tax return for the last financial year or, if that return was not made, an exemption certification issued by the National Agency for Tax Administration (AEAT).

- If the applicant is the person who was cohabiting with the deceased under the terms laid down in the applicable law, they must submit a certificate of cohabitation at the same address.

To demonstrate permanent cohabitation as the equivalent of spouses, it is advisable to provide a certificate issued by the relevant registry of partners in a registered relationship (Registro de parejas de hecho).

Specifically for this kind of aid, a declaration of the incomes of any kind received by the applicant during the year immediately before the date of the application, as well as a copy of the income tax return for the last financial year or, if that return was not made, an exemption certification issued by the National Agency for Tax Administration (AEAT).

- If the applicant is the person who was cohabiting with the deceased under the terms laid down in the applicable law, they must submit a certificate of cohabitation at the same address.
- Children of the deceased: the relevant certificates of registration of birth issued by the municipal registry of births, marriages and deaths must be provided.

In order to demonstrate their parentage, children of a spouse who was not legally separated or of a person who was cohabiting with the deceased under the terms laid down in the applicable legislation must provide the relevant certificates of the registration of birth issued by the municipal registry of births, marriages and deaths. Similarly, they must demonstrate that their parent was married to or cohabiting with the deceased, unless those facts have already been demonstrated by their parent's application for aid.

In addition, both the children of the deceased and those of the spouse who was not legally separated or those of the person who was cohabiting with the deceased must prove that they were depending financially on the deceased, using the following documentation:

- a cohabitation certificate issued by the local council;
- a declaration of the income of any kind received during the twelve months immediately prior to the date of death of the victim;
- a copy of the income tax return for the financial year in which the death of the victim occurred, or failing this, that for the immediately preceding financial year. If those returns were not made, an exemption certification issued by the National Agency for Tax Administration (Agencia Estatal de la Administración Tributaria (AEAT)) must be provided;
- a description of the circumstances in which the act with features of a wilful (intentional) violent crime or

- sexual offence was committed, with an indication of the date and place of the incident;
- evidence that the events were reported to the competent authority or that the criminal proceedings for them are being pursued of the competent authority's own motion;
- a declaration on compensation and aid received by the applicant, on applications that are being processed or on the means available to obtain any kind of compensation or aid for the events;
- an application for the report from the public prosecutor indicating that there is prima facie evidence for assuming that the injuries were caused by a violent and wilful (intentional) act;
- if the victim is Spanish, a copy of the national identity document;
- for nationals of an EU Member State, a document providing evidence of their nationality;

For the granting of interim aid in cases where death resulted, the application using the official form of the victim or their representative must include the following details and documents:

- a description of the circumstances in which the act with features of a wilful (intentional) violent crime or sexual offence was committed, with an indication of the date and place of the incident;
- evidence that the events were reported to the competent authority or that the criminal proceedings for them are being pursued of the competent authority's own motion;
- a declaration on compensation and aid received by the applicant, on applications that are being processed or on the means available to obtain any kind of compensation or aid for the events;
- an application for the report from the public prosecutor indicating that there is prima facie evidence for assuming that the injuries were caused by a violent and wilful (intentional) act;
- if the victim is Spanish, a copy of the national identity document;
- for nationals of an EU Member State, a document providing evidence of their nationality;
- the death certificate of the minor or adult lacking capacity;
- In order to demonstrate their status as beneficiaries, the certificate of registration of the birth of the minor or incapacitated legal adult if the application is made by the parents, or an official record substantiating the guardianship, if the request is made by the guardian.
- If the deceased was an incapacitated legal adult, the legal document declaring the lack of capacity or, where applicable, the certificate substantiating the degree of the lack of capacity.
- a declaration of the incomes of any kind received by the parents or guardians during the year immediately before the date of the application, as well as a copy of the income tax return for the last financial year or, if that return was not made, an exemption certification issued by the National Agency for Tax Administration (AEAT);
- documentary evidence of the expenses related to the wake, removal, burial or cremation.

For the granting of interim aid for spending on therapeutic treatment for sexual offences, the application of the victim or their representative must be on the official form and include the following details and documents:

- a description of the circumstances in which the act with features of a wilful (intentional) violent crime or sexual offence was committed, with an indication of the date and place of the incident;
- evidence that the events were reported to the competent authority or that the criminal proceedings for them are being pursued of the competent authority's own motion;
- a declaration on compensation and aid received by the applicant, on applications that are being processed or on the means available to obtain any kind of compensation or aid for the events;
- an application for the report from the public prosecutor indicating that there is prima facie evidence for assuming that the injuries were caused by a violent and wilful (intentional) act;
- if the victim is Spanish, a copy of the national identity document;
- for nationals of an EU Member State, a document providing evidence of their nationality;
- a declaration by the victim on whether the therapeutic treatment has been started and, if applicable, submission of the supporting documents for the expenses paid. If the treatment has not been completed, that must be declared;
- a declaration of the incomes of any kind received by the person concerned during the year immediately before the date of the application, as well as a copy of the income tax return for the last financial year or, if that return was not made, an exemption certificate issued by the National Agency for Tax Administration (AEAT).

In the case of terrorism offences, the procedure for granting the different kinds of legally established aid is begun through an application on the official form by the person concerned or their representative, which must be accompanied by the following documents:

- documents providing evidence of the status of the person affected or, where applicable, the degree of relationship with the victim;
 - the judgment against which no further remedy is available recognising the right to be compensated for the events and the harm concerned within the scope of application of Spanish legislation;
 - if a judgment has not yet been issued, but if the appropriate legal proceedings have been carried out or the criminal proceedings for prosecuting the crimes have been started, any legally admitted evidential document demonstrating the status of the victim or the beneficiary, the harm suffered and the nature of the events that caused that harm;
 - any prior administrative ruling;
 - the death certificate, if the victim died;
 - a photocopy of the family register (Libro de familia);
 - police reports or statements;
 - clinical or psychological reports;
- if temporary accommodation is requested:
 - a police report or certificate from the police or the Guardia Civil stating that the damage alleged occurred during or as a consequence of a terrorist attack (if evidence of the cause of the damage is not on record in the Administration);
 - if the applicant is an owner: a deed, sales contract or certificate from the land register, or the latest receipt for Real Property Tax (Impuesto de Bienes Inmuebles), or a statement from the Chairperson of the Residents' Association that the applicant is a member;
 - if the applicant is a tenant: the tenancy agreement or a receipt of payment for the last rental or a receipt for water, electricity or the telephone in the name of the tenant;
 - if the applicant is neither an owner nor a tenant: a document providing evidence of their legal standing to make or provide the repair;
 - if it concerns their usual home and the address affected does not appear in the national identity document (DNI) of the applicant: a certificate of registration or an income tax return in which the residence for tax purposes appears, or a declaration by the Chairperson of the Residents' Association that the applicant is the usual inhabitant of the home;
- if compensation for damage to a vehicle is requested:
 - a police report or certificate from the police or the Guardia Civil stating that the damage alleged occurred during or as a consequence of a terrorist attack (if evidence of the cause of the damage is not on record in the Administration);
 - the vehicle registration certificate, in the name of the applicant;
 - evidence that, at the time of the attack, a contracted insurance policy was in force, with an indication of the type and the risks covered;
 - if the repair has been carried out, an invoice providing evidence of the cost of repairing the damage caused by the terrorist action;
- if study aid is requested, supporting documents detailing the credits for which the student has enrolled and their academic performance need to be attached.

Are there administrative or other charges to be paid when the claim is received and processed?

No.

Which authority decides on compensation claims (in national cases)?

In the case of violent crimes and sexual offences, the handling and decision-making on the public aid provided for in the law is the responsibility of the Directorate-General for Personnel and State Pension Costs of the Ministry of Finance and Public Administration.

In the case of terrorism offences, decision-making on the granting or refusal of legally granted aid is the responsibility of the Ministry of the Interior.

Where do I send the claim (in national cases)?

In the case of violent crimes and sexual offences, applications for aid are sent on the official form to the Directorate-General for Personnel and State Pension Costs of the Ministry of Finance and Public Administration, at the following address:

Avenida del General Perón, 38 (Edificio Master's II) - 28020 Madrid.

For help with presenting and sending applications for aid, applicants can go to the relevant Crime Victim Support Offices, where they will receive information on any financial aid that may apply to them and the different procedures.

These offices are found in all the autonomous communities, in nearly all provincial capitals, and also in other cities.

You can find the locations of the Crime Victim Support Offices at the following [link](#).

In the case of terrorism offences, applications for aid are sent on the official form to the Ministry of the Interior's Directorate-General for the Support of Victims of Terrorism, at the following address:

Subdirección General de Apoyo a Víctimas del Terrorismo, C/ Amador de los Ríos 8. 28010 MADRID

The National High Court's Terrorism Victim Information and Support Office provides general information on the financial aid that may apply to victims of terrorism. This Office is located at:

C/ Goya, 14, 5ª planta, 28071 MADRID.

Contact telephone number: + 34 91 400 74 02

Do I need to be present during the procedure and/or when my claim is being decided?

In the case of violent crimes and sexual offences, once all the investigations are complete and before the draft decision on granting or refusing the aid requested is drawn up, a hearing will be granted to the applicant, in accordance with the applicable legislation, to allow them to present the relevant arguments.

If the crime was committed in Spain and the applicant for aid is habitually resident in another EU Member State, when the application for aid is made via the assisting authority of the Member State in which the applicant habitually resides, the Directorate-General for Personnel and State Pension Costs of the Ministry of Finance and Public Administration, as the deciding authority, may obtain the cooperation of the relevant assisting authority to carry out the procedure for the hearing of the applicant or of any other person if it considers this necessary.

In order to carry out the hearing, the Directorate-General for ePersonnel and State Pension Costs of the Ministry of Finance and Public Administration may ask the assisting authority of the Member State in which the applicant for the aid is habitually resident to provide whatever is needed so that the body investigating the granting or refusal of the aid can conduct the hearing directly, by telephone or video-conference, if the applicant agrees to this. In addition, the assisting authority conducting the hearing must send the Directorate-General for Personnel and State Pension Costs of the Ministry of Finance and Public Administration a report of the hearing carried out.

In the case of terrorism offences, the same rules as for violent crimes and sexual offences where the crime was committed in Spain and the applicant for aid is habitually resident in another EU Member State apply. If the application for aid is made via the assisting authority of the Member State in which the applicant is habitually resident, it is the Ministry of the Interior, via the Directorate-General for the Support of Victims of Terrorism, as deciding authority, that carries out the action described above with regard to the hearing.

How long does it take (approximately) to receive a decision on a claim for

compensation from the authority?

In the case of violent crimes and sexual offences, the time limit for claiming the aid is generally one year counting from the date when the crime occurred.

The time limits for issuing a decision to grant or refuse the aid, either finally or provisionally, are as follows:

- for disabling injuries, worsening of injuries, or death: 6 months;
- for temporary incapacity: 4 months;
- for the costs of therapeutic treatment following sexual offences and for funeral costs: 2 months.

Applications may be understood to have been refused if no decision has been expressly issued when the time limit for issuing an explicit decision has passed.

In the case of terrorism offences, in general applications must be submitted within one year from when the damage occurred or from the point at which there was a diagnosis demonstrating a causal relationship between the consequence and the terrorist act. In the case of study aid, the time limit is three months from enrolment on the course.

The time limit for making and communicating the relevant decision is 12 months, except for study aid where it is 6 months, with the request being understood as approved if the time limits have passed with no explicit decision being issued.

If I'm not satisfied with the authority's decision, how can I challenge it?

For violent crimes and sexual offences, applicants can challenge the decisions of the Ministry of Finance and Public Administration on legally established aid within a period of one month following notification. If the decision is not challenged within that period, the only option is to lodge an appeal for exceptional review with the appropriate Ministry.

The challenge can be made to the Ministry of Finance and Public Administration or to the National Commission for the Aid and Assistance of Victims of Violent Crimes (Comisión Nacional de Ayuda y Asistencia a las Víctimas de Delitos Violentos).

The National Commission is the competent body for deciding on challenges to the decisions of the Ministry of Finance and Public Administration on the aid granted by the applicable legislation.

If three months pass following the challenge with no agreement reached by the National Commission, the challenge may be considered refused, and an administrative appeal against it may be lodged.

In the case of terrorism offences, decisions issued by the Ministry of the Interior on the administrative procedures for applying for the different kinds of aid may be appealed against internally or challenged directly in the administrative justice legal system.

Where can I get the necessary forms and other information on how to claim?

For violent crimes and sexual offences, for help with presenting and sending applications for aid, applicants can go to the relevant Crime Victim Support Offices, where they will receive information on the financial aid that may apply to them and the different procedures for applying for it.

These offices are found in all the autonomous communities, in nearly all provincial capitals, and also in other cities.

You can find the locations of the Crime Victim Support Offices in the following [link](#).

The specific forms for the aid are available at the following [link](#).

In the case of terrorism offences, applications for aid are sent on the official form to the Ministry of the Interior's

Directorate-General for the Support of Victims of Terrorism, at the following address:

Subdirección General de Apoyo a Víctimas del Terrorismo, C/ Amador de los Ríos 8. 28010 MADRID

The specific forms for the aid are available at the following [link](#).

The National High Court's Terrorism Victim Information and Support Office provides general information on the financial aid that may apply to victims of terrorism. This Office is located at:

C/ Goya, 14, 5ª planta, 28071 MADRID.

Contact telephone number: + 34 91 400 74 02

Is there a special helpline or website I can use?

In the case of violent crimes and sexual offences, the forms or templates for the different kinds of aid are available at the following [link](#).

You can check the location of the Crime Victim Support Offices, which will provide information about the financial aid that may apply to you and the different procedures that must be gone through to apply for it, at the following [link](#).

In the case of terrorism offences, you can check the [website of the Ministry of the Interior](#) for information on the aid available.

[The National High Court's Terrorism Victim Information and Support Office](#) provides general information on the financial aid that may apply to victims of terrorism.

Can I get legal aid (help from a lawyer) when preparing the claim?

In the case of violent crimes and sexual offences, victims can request free legal aid in accordance with the requirements and procedure laid down in the applicable legislation.

In particular, under Spanish legislation, victims of gender-based violence are entitled to receive free legal advice immediately before filing the complaint, and to free defence and representation by a lawyer and representative in all proceedings and administrative procedures resulting directly or indirectly from the violence suffered.

In these situations, a single legal team should undertake the defence of the victim, provided that this duly guarantees the victim's right of defence. This right will also apply to successors in the event of the victim's death, provided that they were not involved in the acts.

In the case of terrorism offences, victims of terrorism recognised by Spanish legislation are entitled to legal aid in all judicial proceedings and administrative procedures arising from the terrorist act that has resulted in their status as a victim, regardless of their financial resources, under the terms of the free legal aid legislation in force in Spain.

In any event, immediate free legal aid is guaranteed for all victims of terrorism who apply for it. The right to legal aid will be lost if the status of victim is subsequently not granted or if an acquittal against which no further remedy is available is issued, or if no further action is taken on the case, with no obligation to repay the cost of any benefits enjoyed free of charge up to that point.

Are there any victim support organisations that can help me claim compensation?

For violent crimes and sexual offences, for help with presenting and sending applications for aid, applicants can go to the relevant Crime Victim Support Offices, where they will receive information on the financial aid that may apply to them and the different procedures for applying for it.

These offices are found in all the autonomous communities, in nearly all provincial capitals, and also in other

cities.

You can find the locations of the Crime Victim Support Offices at the following [link](#).

The National High Court's Terrorism Victim Information and Support Office provides general information on the financial aid that may apply to victims of terrorism. This Office is located at:

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■ Last update: 17/01/2024

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