Rättigheter för brottsoffer per land

Spanien

Som brottsoffer betraktas enligt lag 4/2015 av den 27 april 2015 alla fysiska personer som utsatts för brott som begåtts i Spanien eller som åtal kan väckas för i Spanien. Detta gäller oavsett personernas nationalitet, huruvida de är myndiga eller minderåriga och huruvida de är lagligt bosatta i Spanien eller inte.
Bestämmelserna i denna lag tillämpas på följande personer:
a) Direkta brottsoffer, dvs. varje fysisk person som själv lidit skada eller vars egendom lidit skada, särskilt fysisk eller psykisk skada, känslomässigt lidande eller ekonomisk förlust som direkt orsakats av ett brott.
b) Indirekta brottsoffer, dvs. personer som indirekt utsätts när en person avlider eller försvinner som en direkt följd av ett brott, med undantag för när händelserna direkt kan tillskrivas någon av följande personer:
1. Offrets make/maka (när makarna inte är lagligen skilda eller lever som skilda) eller ett barn till offret eller offrets make/maka (när makarna inte är lagligt eller faktiskt separerade) som bor tillsammans med makarna vid tidpunkten för dödsfallet eller försvinnandet, varje person som vid tidpunkten för dödsfallet eller försvinnandet står i ett jämförbart känslomässigt förhållande till offret och eventuella barn till denna person som bor tillsammans med offret vid tidpunkten för dödsfallet eller försvinnandet, offrets föräldrar eller direkta släktingar eller släktingar i tredje led som offret har föräldraansvar för och personer som står under offrets förmyndarskap eller som offret är fosterförälder till.
2. I avsaknad av ovan beskrivna personer, andra direkta släktingar och offrets syskon, i första hand offrets juridiska ombud.
Grundläggande brottsofferrättigheter: Alla brottsoffer har rätt till skydd, information stöd, hjälp och vård och har rätt att aktivt delta i straffrättsliga förfaranden och bemötas på ett respektfullt, professionellt, personligt och icke-diskriminerande sätt vid sin första kontakt med myndigheter eller tjänstemän. Hjälp- och stödtjänster och tjänster för reparativ rättvisa tillhandahålls däremot offren under hela det straffrättsliga förfarandet och så länge som behövs därefter, oavsett om gärningsmannens identitet är känd eller inte och oavsett resultatet av rättegången.
Kontaktpunkt: Brottsofferjourer.
Som brottsoffer har du enligt lag vissa individuella rättigheter före, under och efter förfarandet i domstol (rättegången).
I Spanien börjar **det straffrättsliga förfarandet** med en utredning av brottet. Utredningen görs av polisen under ledning av en förundersökningsdomare. Efter avslutad utredning lämnar förundersökningsdomaren över ärendet till den allmänna åklagaren som beslutar vad som ska ske. Om bevisningen inte räcker för att åklagaren ska väcka åtal mot gärningsmannen avskriver (avslutar) förundersökningsdomaren ärendet. I annat fall lämnas ärendet över till relevant domstol för rättslig prövning.
Under den rättsliga prövningen bedömer domstolen bevisningen och avgör huruvida den tilltalade är skyldig eller oskyldig. Om den tilltalade förklaras skyldig utdömer domstolen en påföljd. Det straffrättsliga förfarandet kan fortsätta genom överklagande till högre instans.
Som brottsoffer kan du delta i ett straffrättsligt förfarande som **vittne** eller spela en mer aktiv roll som **privat åklagare** och på sätt få ytterligare rättigheter i egenskap av part i målet. Enligt artikel 124 i den spanska konstitutionen ska den allmänna åklagaren under alla omständigheter skydda brottsoffers intressen under hela processen.
Brottsoffer som utsatts för könsbaserat våld bistås från förundersökningen och framåt av en advokat med specialistkompetens på området. Efter ändringen av grundlagen om domstolsväsendet genom grundlag 7/2015 hanterar domstolar med behörighet i fråga om våld mot kvinnor även integritetsbrott, brott som rör kvinnors självbild och heder samt domstolstrots eller underlåtenhet att följa ett interimistiskt beslut.

Mer information

1 - Mina rättigheter som brottsoffer
2 - Brottsanmälan och Mina rättigheter under förundersökningen
3 - Mina rättigheter efter rättegången
4 - Ersättning
5 - Min rätt till stöd och bistånd

Senaste uppdatering: 17/01/2024

Sidans nationella språkversion sköts av respektive medlemsland. Översättningarna har gjorts av EU-kommissionen. Det är möjligt att översättningarna ännu inte tar hänsyn till eventuella ändringar som de nationella myndigheterna har gjort. Europeiska kommissionen fritar sig från allt ansvar för information och uppgifter i detta dokument. För de upphovsrättsliga regler som gäller för den medlemsstat som ansvarar för denna sida hänvisas till det rättsliga meddelandet.

1 - My rights as a victim of crime

What information will I get from the authority after the crime occurred (e.g. police, public prosecutor) but before I even report the crime?

In general, as a victim, from the first contact with the authorities or officials and during intervention by the assistance and support services provided by the public administrations, including prior to reporting the crime, you have the right to receive protection, information, support, assistance and care.
You can ask the authorities or officials you contact initially to refer you to the **Crime Victim Support Offices** (*Oficinas de Asistencia a las Víctimas del delito*), where you will be assisted free of charge and confidentially, even if you have not previously reported the crime.
You may also be accompanied by a person of your choice from the first contact with the authorities and officials.
Furthermore, as a victim, you have the right to understand and be understood in any action that has to be carried once the crime has been reported, including the information prior to lodging the report, with interpreting being provided in legally recognised sign languages, as well as means of support for oral communication in cases where this is needed.
All communication, both oral and written, will take place in clear, simple and accessible language and will take into account your personal characteristics and needs, especially if you have any sensory, intellectual or mental disability or if you are a minor.
The information to which you are entitled as a victim and which will be provided to you from the first contact with the authorities or officials and during the intervention of the assistance and support services mainly concerns:
the procedure for reporting the crime and obtaining advice and the assistance of a lawyer and, where appropriate, the conditions under which this may be obtained free of charge;

the assistance and support measures available to you, whether these are medical, psychological or material, and the procedure for obtaining them;
the possibility of requesting protection measures and, where appropriate, the procedure for doing so;
the compensation to which you may be entitled and, where appropriate, the procedure for claiming it;
the restorative justice services available, in cases where this is legally possible;
the cases in which you can be refunded for legal expenses and, where appropriate, the procedure for claiming them.
If you need it, you can also receive information about the interpreting and translation services, and the communication aids and services available.
If you are not resident in Spain, you are entitled to receive information about the procedure for exercising your rights.

I don't live in the EU country where the crime took place (EU and non-EU citizens). How are my rights protected?

If you are a victim of a crime and you reside in Spain, you will be able to report criminal acts that were committed in other European Union countries to the Spanish authorities.
In the event the Spanish authorities decide not to proceed with the investigation owing to lack of jurisdiction, they will immediately forward the report to the competent authorities of the State where the acts were committed, and they will inform you of this as the complainant.
If you are a citizen of an EU Member State and ordinarily resident in Spain and the crime you are a victim of was committed in an EU Member State other than Spain (victim of a crime in cross-border situations), you can go to the Crime Victim Support Offices, which can provide you with information on the legal proceedings to follow in the country where the crime was committed and on the compensation to which you may be entitled. If it is a terrorist crime, you should contact the Ministry of the Interior's Directorate-General for the Support of Victims of Terrorism (*Dirección General de Apoyo a las Víctimas del Terrorismo del Ministerio del Interior*).
If you are a citizen who is not resident in Spain, you have the right to an interpreter free of charge, if you do not speak Spanish or the respective regional language. The police can provide you with a form in your language for reporting the crime, and access to an interpreter by telephone or in person. The courts have an interpreter service, which will coordinate with the Crime Victim Support Offices. Furthermore, if you are not resident in Spain, you are entitled to receive information about the procedure for exercising your rights.
If you are the beneficiary of a protection order issued in a Member State, you can request a European protection order. Using a simplified and accelerated process, you will be granted protection through a new protection measure taken by the Member State to which you are travelling or moving.

If I report a crime, what information will I receive?

At the time of reporting a crime, you are entitled to receive a duly certified copy of the report. You will also be entitled to free language assistance and a written translation of the copy of the report you file, if you do not understand or speak any of the official languages of the place where the crime is reported
You will also be entitled to receive information about the following:
the care and support measures available to you, whether medical, psychological or material, and the procedure for obtaining them, including, if necessary and appropriate, information concerning the possibilities of obtaining alternative accommodation;
the right to give evidence to the authorities in charge of the investigation;
the possibility of requesting protection measures and, where appropriate, the procedure for doing so;
the compensation to which you may be entitled and, where appropriate, the procedure for claiming it;
the interpreting and translation services available;
any communication aids and services available;
the procedures through which you can exercise your rights if you live outside Spain;
the appeals you can lodge against any rulings you consider to be incompatible with your rights;
the contact details of the authority in charge of handling the procedure and the communication channels you can use with them;
the restorative justice services available, in cases where this is legally possible;
the cases in which you can be reimbursed for legal expenses and, where appropriate, the procedure for claiming them;
the right to make a general request to be notified of certain decisions in the proceedings such as, among others, the decision not to initiate criminal proceedings, the final judgment in the proceedings, decisions to imprison or subsequently release the offender, as well as the possible escape of the offender from custody, and decisions of any judicial or prison authority affecting persons convicted of crimes committed using violence or intimidation that pose a risk to your safety.
Furthermore, you will be informed of the date, time and place of the trial, as well as the substance of the charges against the offender.
If you are a victim of a crime of **gender-based violence**, you will be notified of the decisions to imprison or subsequently release the offender, as well as the possible escape of the offender from custody, in addition to those approving personal precautionary measures or amending measures already agreed, where they are intended to ensure your safety, without your needing to ask for them, except in any cases where you express the wish not to receive these notifications.
You will also be able to access the assistance and support services from the Crime Victim Support Offices free of charge and confidentially. You can be referred to these Offices where necessary depending on the seriousness of the crime or when you so request.
Where the crimes in question have caused particularly serious damage, the public administrations and Crime Victim Support Offices may extend to your family members the right of access to the assistance and support services. To that end, family members are defined as people linked to you by marriage or similar relationship, and relatives up to the second degree (grandparents, siblings and grandchildren).

Am I entitled to free interpreting or translation services (when I contact the police or other authorities, or during the investigation and trial)?

If you are a citizen who is not resident in Spain, you have the right to an interpreter free of charge, if you do not speak Spanish or the respective regional language. The police can provide you with a form in your language for reporting the crime, and access to an interpreter by telephone or in person. The courts have an interpreter service, which will coordinate with the Crime Victim Support Office.
The Crime Victim Support Offices will provide you with information about your right to free language assistance and to the written translation of the copy of the report if you do not understand or speak any of the official languages in the place where you report the crime.
In particular, you are entitled to:
be assisted free of charge by an interpreter who speaks a language you understand when you give evidence to the judge, public prosecutor or police officials during the investigation, or when you appear as witness in the trial or any public hearing.
This right will also apply if you have hearing or speech impairments;
the translation free of charge of certain decisions in the proceedings such as, among others, the decision not to initiate criminal proceedings, the final judgment in the proceedings, decisions to imprison or subsequently release the offender, as well as the possible escape of the offender from custody, and decisions of any judicial or prison authority affecting persons convicted of crimes committed using violence or intimidation that pose a risk to your safety, and the decision to close the investigation.
You can request that the translation include a short summary of the grounds of the decision taken;

the translation free of charge of any information that is essential for you to take part in the criminal proceedings. To that end, you can submit a reasoned request for a document to be considered essential;
be informed, in a language you understand, of the date, time and place of the trial.
Assistance from an interpreter may be provided by means of video conference or any telecommunication medium, unless the judge or court, ex officio or at the request of one of the parties, agrees to have the interpreter physically present to safeguard your rights.
The written translation of documents may be exceptionally substituted by an oral summary of their content in a language you understand to ensure the fairness of the proceedings.
If you would like police actions to be interpreted or translated and this is not provided, you can appeal to the examining judge. The appeal is considered to have been lodged from the time at which you expressed your disagreement with being denied the interpreting or translation requested.

How does the authority ensure that I understand and that I am understood (if I am a child; if I have a disability)?

In general, as a victim, from the first contact with the authorities or officials and during intervention by the assistance and support services provided by the public administrations, including prior to reporting the crime, you have the right to receive protection, information, support, assistance and care.
You can ask the authorities or officials you contact initially to refer you to the Crime Victim Support Offices, where they will assist you free of charge and confidentially, even if you have not previously reported the crime.
You may also be accompanied by a person of your choice from the first contact with the authorities and officials.
Furthermore, you have the right to understand and be understood in any action that has to be carried out once the crime has been reported, including the information prior to lodging the report, with interpreting being provided in legally recognised sign languages, as well as means of support for oral communication in cases where this is needed.
All communication, both oral and written, will take place in clear, simple and accessible language and will take into account your personal characteristics and needs, especially if you have any sensory, intellectual or mental disability or if you are a minor.

Victim support services

Who provides victim support?

If you are a victim of crime, you have the right to access, free of charge and confidentially, the assistance and support services provided by the public administrations, as well as those provided by the **Crime Victim Support Offices**.
Crime Victim Support Offices are a public multidisciplinary service provided free of charge to meet victims' needs, set up by the Ministry of Justice.
There are Offices in all the autonomous communities, in nearly all provincial capitals, as well as in other cities.
The Crime Victim Support Offices will provide you with comprehensive, coordinated and specialist support as a victim of crime, meeting your specific legal, psychological and social needs.
If you are a victim of **terrorism**, you can contact the National High Court's Terrorism Victim Information and Support Office (***Oficina de Información y Asistencia a Víctimas del Terrorismo de la Audiencia Nacional***), although you may contact the Crime Victim Support Office in your province if you wish. The Crime Victim Support Office will then coordinate with the National High Court's Terrorism Victim Information and Support Office.
The right of access continues during the intervention of the assistance and support services and, where appropriate, the restorative justice services, throughout the entire criminal proceedings and for an appropriate period of time after they end, regardless of whether the offender's identity is known and of the outcome of the proceedings, including the time prior to the crime being reported**.**
Where the crimes in question have caused particularly serious damage, the public administrations and Crime Victim Support Offices may extend to your family members the right of access to the assistance and support services. To that end, family members are defined as people linked to you by marriage or similar relationship, and relatives up to the second degree (grandparents, siblings and grandchildren).
If you have underage children or you are a minor who is subject to guardianship, custody by a female victim of gender-based violence or by persons who are victims of domestic violence, you will be entitled to the specific assistance and protection measures established by law.
In addition, if you are a victim of terrorist crimes or gender-based violence or you are a minor, you will also have the rights recognised by the specific legislation for each type of crime.

Will the police automatically refer me to victim support?

The State police officials and, where appropriate, the police of the autonomous community where the crime occurred, will carry out an initial individual assessment of your situation when you report the crime, to determine your protection needs and to identify you, if applicable, as a vulnerable victim. During this initial assessment, you will receive information on the possibility of going to a Crime Victim Support Office.
Any authority or official who comes into contact with you must refer you to the Crime Victim Support Offices where necessary, depending on the seriousness of the crime or in any cases where you so request.

How is my privacy protected?

Access to the assistance and support services provided by the public administrations, as well as those provided by the Crime Victim Support Offices, will in all cases be confidential.
The information you provide to police officials or any authority or official who assists you from the first moment may only be passed on to other assistance and support services, such as the Crime Victim Support Offices, with your prior and informed consent.
The victim support services may only supply the information they have received about you to third parties with your prior and informed consent.
With respect to the judicial sphere, the judges, courts, public prosecutors and other authorities and officials in charge of the criminal investigation, as well as any others that are in any way involved or take part in the proceedings, will take the necessary measures, in accordance with the law, to protect your privacy and that of your family members and, in particular, to prevent the dissemination of any information that may reveal your identity if you are an underage victim or a person with a disability in need of special protection.
Moreover, the judicial authority may prohibit the obtaining, disclosure or publication of images of you or your family members, especially if you are an underage victim or a person with a disability in need of special protection.

Do I have to report a crime before I can access victim support?

Every victim has a right of access to the assistance and support services from the Crime Victim Support Offices free of charge and on a confidential basis.
Access to the assistance and support services will not be conditional on reporting a crime beforehand.

Personal protection if I'm in danger

What types of protection are available?

The authorities and officials in charge of the investigation, prosecution and trial of the crimes will take the necessary measures established by law to safeguard the life of the victim and their family members, their mental and physical wellbeing, freedom, safety, sexual freedom and integrity, as well as to adequately protect their privacy and dignity, particularly when they are making statements or have to testify in court.

The public prosecutor will particularly ensure the fulfilment of this entitlement to protection in the case of underage victims, taking the appropriate measures in their best interest where necessary to prevent or reduce the damage that may arise for them from the conduct of the proceedings.
If you are an underage victim or victim with a disability (victims in need of special protection), there is the possibility of evidence being examined before the trial by experts and your interview with a specially trained team in a special room being recorded.

Who can offer me protection?

Your particular circumstances will be assessed to determine which protection measures must be taken.
The following are responsible for both assessing and deciding these kinds of measures:
during the investigation of the crime, the examining judge or the judge dealing with violence against women, without prejudice to the provisional assessment and decision that must be carried out and taken by:
the public prosecutor, during their investigations or in proceedings concerning underage victims, or
the police officials involved in the initial phase of the investigations;
during the trial, the judge or court responsible for trying the case.

Will someone assess my case to see if I am at risk of further harm by the offender?

Yes, because your particular circumstances will always be assessed first to determine which protection measures must be taken.
The State police officials and, where appropriate, the police of the autonomous community where the crime occurred, will carry out an initial individual assessment of your situation when you report the crime, to determine your protection needs and to identify you, if applicable, as a vulnerable victim. During this initial assessment, you will receive information on the possibility of going to a Crime Victim Support Office.
If you are assisted in a Crime Victim Support Office, this service will also carry out an individual assessment of your case. The information collected in the police assessment may be passed on to the Office if you consent to this.
The individual assessment will consider the needs you express as well as your wishes, and will fully respect your physical, mental and moral integrity.
It will especially take the following into consideration:
your personal characteristics, situation, immediate needs, gender, disability and level of maturity, and will assess, in particular, whether you are a person with a disability or you have a relationship of dependence with the alleged perpetrator of the crime, whether you are an underage victim or whether you need special protection or there are other factors of particular vulnerability present;
the nature of the crime you are a victim of and the seriousness of the damage caused, as well as the risk of the crime reoccurring. Your protection needs will be especially assessed if you are a victim of crimes of terrorism, crimes committed by a criminal organisation, gender-based and domestic violence, crimes against sexual freedom and integrity, human trafficking, enforced disappearance and crimes committed for racist, anti-Semitic or other reasons concerning ideology, religion or beliefs, family situation, membership of an ethnicity, race or nation, your national origin, your gender, sexual orientation or identity, or for reasons of gender, illness or disability;
the circumstances of the crime, in particular in the case of violent crimes.
If you are underage or you have any disability and need special protection, your opinions and interests will also be taken into account, as well as your personal circumstances, and the principles of the best interest of the underage or disabled person in need of special protection will be respected in particular, as well as their right to information, non-discrimination, right to confidentiality, privacy and the right to be protected.

Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during investigation and trial)?

Yes, **during the investigation of the crime,** it will be the examining judge or judge dealing with violence against women or, if it is a crime of gender-based violence, the public prosecutor or the police officials involved in the initial phase of the investigations who will assess and determine the protection measures that may be appropriate for you.
If you are in danger, you will receive police protection.
Your evidence will be given via video conference for reasons of safety, public order, utility or to preserve your dignity.
If you are victim of certain specific crimes that lead to special protection measures being granted to their victims, such as gender-based violence, domestic violence, human trafficking for the purposes of sexual and labour exploitation, injury**,** crimes against freedom, torture, crimes against the individual, against sexual freedom, privacy, the right to self-image, the inviolability of the home, honour and socio-economic order, you have the right to one of the following bans being imposed on the aggressor if it is strictly necessary for your protection: ban on residing in or going to a place, neighbourhood, city or region, ban on approaching you or communicating with certain people.
The following measures may be taken during the investigation for your protection:
you may give of evidence in specially designed or adapted facilities to specially trained professionals;
if you have to give evidence several times, the evidence will be taken by the same person, unless this could significantly jeopardise the conduct of the proceedings or your evidence must be taken directly by a judge or public prosecutor;
if you are a victim of gender-based violence, domestic violence, a crime against sexual freedom or integrity, your evidence may be given by someone of the same sex where you so request, unless this could significantly jeopardise the conduct of the proceedings or your evidence must be taken directly by a judge or public prosecutor.
If you are summoned to testify and the judge sees you are at serious risk or your freedom, property or family is at risk, he/she can take the following action:
protect your identity, address, profession and workplace, not using this information in the proceedings;
prevent you from being seen in court and establishing the court as address for notifications;
prevent your image from being recorded in any way;
order police protection during and after the proceedings;
provide you with transport to the court in official cars;
in the courts, place you in waiting rooms guarded by the police;
in exceptional circumstances, provide you with a new identity and financial aid to change your place of residence or of work.
If you are victim of a crime of gender-based or domestic violence, you can get a ‘protection order’ that includes general precautionary measures against the aggressor (ban on residing or going to certain places, neighbourhoods, cities or regions, ban on approaching or communicating with certain people).
During the judicial proceedings, the judge or president of the court may order a private hearing (restricting the presence of audiovisual media in the trial sessions and prohibiting the recording of all or some of the hearings) to protect morality, public order and you as a victim and/or your family. They may also prohibit disclosure of the identity of the experts or any other people who take part in the trial.
As private prosecutor, you could request a private hearing.
During the proceedings, the following measures may be taken for your protection:
measures that prevent you from having visual contact with the alleged perpetrator and that ensure you can be heard without being present in the courtroom; communication technologies may be used for this (setting up a screen in the courtroom and making statements via video conference);

measures to prevent questions from being asked that are related to your private life and have no relevance to the criminal act being prosecuted, unless the judge or court exceptionally considers that they must be answered;
holding the oral hearing in private, although the judge or president of the court may authorise the presence of persons who can prove special interest in the case.
The measures to prevent visual contact with the alleged perpetrator and the asking of questions regarding your private life may also be taken during the investigation.

What protection is available for very vulnerable victims?

In the case of vulnerable victims, such as underage victims and victims with disabilities in need of special protection, in addition to the measures set out in the section **'Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during the investigation and trial)?'**, the following measures will be applicable during the proceedings:
the statements obtained will be recorded by audiovisual media and may be reproduced in the trial in the cases and under the conditions determined by law;
the statement may be obtained by means of experts.
If you are an underage victim or victim with a disability (victims in need of special protection), there is the possibility of evidence being examined before the trial by experts and your interview with a specially trained team in a special room being recorded.
Furthermore, at the request of the public prosecutor, it may be possible to appoint a guardian ad litem if you are an especially vulnerable victim and in certain cases, such as where there is a conflict of interests with your legal representative, or with one of the parents, provided the other parent is unable to adequately perform their duties of representation and assistance of the victim.

I am a minor – do I have special rights?

If you are a minor, during the **crime investigation** phase you will be treated according to protocols that are specially created to protect you. Special precautions will be taken when you have to give evidence. The public prosecutor, who has the specific duty to protect minors, must always be present. Visual contact between you and the aggressor must be prevented using any technical means.
You will be interviewed by a specially trained team in a special room, which will not seem threatening to you, as there is the possibility of evidence being examined before the trial by experts and the interview being recorded.
You can give evidence just once, in the presence of the examining judge, the court clerk and all the parties to the proceedings, and not again during the trial.
During the **judicial proceedings**, if you are a minor giving evidence, visual contact between you and the accused will be prevented by any technical means possible.
Confrontation is also restricted.
In addition to the measures set out in the section **'Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during the investigation and trial)?'**, the following measures will be applicable during the proceedings:
the statements obtained will be recorded by audiovisual media and may be reproduced in the trial in the cases and under the conditions determined by law;
the statement may be obtained by means of experts.
Furthermore, at the request of the public prosecutor, it may be possible to appoint a guardian ad litem if you are an especially vulnerable victim and in certain cases, such as where there is a conflict of interests with your legal representative, or with one of the parents, provided the other parent is unable to adequately perform their duties of representation and assistance for the victim.

My family member died because of the crime – what are my rights?

If a family member has died because of a crime, you will be an indirect victim of the crime caused to your family member (direct victim) if you are in certain situations provided for by law (excluding in all cases the person responsible for the crime), as well as if you were the spouse of the direct victim and you were not legally separated or living apart; if you were the child of the direct victim or of the spouse not legally separated or living apart and you were living with them; if you were linked to the direct victim through a similar relationship and living with them, among other situations.
Remember that all victims are entitled to bring a criminal action and civil action according to the law and to appear before the authorities in charge of the investigation to provide them with the evidence and information considered relevant to clarify the facts.
As an indirect victim, you will have confidential access free of charge to the assistance and support services provided by the public administrations, as well as those provided by the Victim Support Offices, provided that it has been considered appropriate to extend this right to the family members of the direct victim given that the crimes have caused particularly serious damage. To that end, family members will be defined only as the people linked to the direct victim by marriage or similar relationship, and relatives up to the second degree (grandparents, siblings and grandchildren).
As an indirect victim, you may receive information about the assistance and support measures available, whether medical, psychological or material, and the procedure for obtaining them, as well as the compensation to which you may be entitled and, where appropriate, the procedure for claiming it.
The Crime Victim Support Offices will advise you about the economic entitlements related to the proceedings, in particular, regarding financial aid for damages caused by the crime and the procedure to claim it, and they will offer you the emotional support and therapeutic assistance you need, thus ensuring the appropriate psychological assistance to overcome the traumatic consequences of the crime.
In terms of **the financial aid to which you are entitled as an indirect victim of crime**, in Spain there is a system of public aid for the benefit of indirect victims of intentional and violent crimes committed in Spain resulting in death or serious damage to your mental health.
You must fulfil certain **requirements** to be considered an indirect victim for the purposes of financial aid (beneficiary):
be Spanish or a national of any other European Union Member State or, if neither of those cases applies to you, you must be ordinarily resident in Spain or a national of another State that grants similar aid to Spanish citizens in its territory. In the event of death, the nationality or ordinary residence of the deceased does not matter;
be the spouse of the deceased person, not legally separated or living apart, or the person who lived with the deceased permanently in a similar relationship for at least two years prior to their death, unless you had children together, in which case merely living together will suffice. This also includes the children of the persons mentioned, even if they were not the children of the deceased person, provided they were financially dependent on that person and lived with them;
beneficiaries will not in any case include anyone convicted for intentional homicide in any of its forms, where the deceased was their spouse or person with whom they were or had been stably linked through a similar relationship;
be the child of the deceased person, who was financially dependent on that person and lived with them, assuming that children who are underage or disabled adults are financially dependent;
if you are the parent of the deceased person and you were financially dependent on that person, provided there is no one in the above situations;
the parents of minors who die as a direct consequence of the crime are also considered indirect victims for the purposes of the financial aid established by Spanish law.

You must claim the aid within one year of the date on which the crime occurred. In the event that the death occurred as a direct consequence of bodily injuries or damage to health, a new time-limit of equal duration will be triggered to claim the aid.
As a general rule, the granting of aid is conditional on a final judicial decision ending the criminal proceedings having been taken.
The aid cannot be combined with the compensation established by means of the judgment, although all or part of the aid will be paid where the person guilty of the crime has been declared partially insolvent, or with the compensation or aid from private insurance if the amount is higher than the amount set in the judgment, or with the social security subsidy that could be payable owing to the temporary disability of the victim.
The amount of aid may not in any case exceed the compensation set in the judgment.

Can I access mediation services? What are the conditions? Will I be safe during mediation?

As a victim, you are entitled to receive information about alternative dispute resolution with the use, where appropriate, of mediation and other restorative justice measures, and about the available restorative justice services, in the cases in which this is legally possible. The Crime Victim Support Offices will provide you with this information.
In addition, the Crime Victim Support Offices will be able to propose to the judicial body that criminal mediation be used where this is considered beneficial for you, and they will provide support to the restorative justice services and other out-of-court settlement procedures established by law.
You can access restorative justice services to obtain appropriate compensation for the material and non-material losses arising from the crime, where the following requirements are met:
the offender has recognised the essential facts from which their liability arises;
you have given your consent, after having received exhaustive and impartial information about their content, their possible outcomes and the procedures in place to enforce compliance;
the offender has given their consent;
the mediation procedure does not entail a risk to your safety, nor is there any danger that conducting it may cause you new material or non-material losses; it is not prohibited by law for the crime committed.
The discussions held as part of the mediation procedure will be confidential and may not be disseminated without your consent and the offender's consent.
The mediators and other professionals who take part in the mediation procedure will be subject to professional secrecy in relation to the events and statements they have had knowledge of in the performance of their duty.
Both you and the offender will be able to revoke your consent to participate in the mediation process at any time.
Mediation usually takes place in the case of less serious crimes.
In juvenile justice (ages 14 to 18), mediation is expressly laid down as a means to re-educate the minor. In this area, the mediation is carried out by the teams who support the juvenile prosecution service, although it may also be carried out by agencies from the autonomous communities and other entities such as certain specialist associations.
In the area of adult justice, mediation is included as part of restorative justice services, with various pilot programmes in place for several years now.
With regard to the safety of mediation for you, at all times you will have any physical protection measures required and any other measures required by the circumstances that can be granted by the judicial authority.

Where can I find the law stating my rights?

Código Penal (Spanish Criminal Code) – in Spanish
Código Civil (Spanish Code of Civil Procedure) – in Spanish
Ley de Enjuiciamiento Criminal (Criminal Procedure Rules) – in Spanish
Ley 4/2015, de 27 de abril, del Estatuto de la víctima del delito (Law 4/2015 of 27 April 2015 on the standing of crime victims) – in Spanish
Real Decreto 1109/2015, de 11 de diciembre, por el que se desarrolla la Ley 4/2015, de 27 de abril, del Estatuto de la víctima del delito, y se regulan las Oficinas de Asistencia a las Víctimas del Delito (Royal Decree 1109/2015 of 11 December 2015 implementing Law 4/2015 of 27 April 2015 on the standing of crime victims and regulating the Crime Victim Support Offices) – in Spanish
Ley Orgánica 8/2015, de 22 de julio y Ley 26/2015, de 22 de julio, de modificación del sistema de protección de la infancia y de la adolescencia (Organic Law 8/2015 of 22 July 2015 and Law 26/2015 of 22 July 2015 amending the system for the protection of children and adolescents) – in Spanish
Ley 23/2014, de 20 de noviembre, de reconocimiento mutuo de resoluciones penales en la Unión Europea (Law 23/2014 of 20 November 2014 on mutual recognition of decisions in criminal matters in the European Union) – in Spanish
Real Decreto 671/2013, de 6 de septiembre, por el que se aprueba el Reglamento de la Ley 29/2011 (Royal Decree 671/2013 of 6 September 2013 establishing detailed arrangements for implementing Law 29/2011) – in Spanish
Ley 29/2011, de 22 de septiembre, de Reconocimiento y Protección Integral a las Víctimas de Terrorismo (Law 29/2011 of 22 September 2011 on Recognition and Comprehensive Protection of Victims of Terrorism) – in Spanish
Ley Orgánica 1/2004, de 28 de diciembre, de Medidas de Protección Integral contra la Violencia de Género (Organic Law 1/2004 of 28 December 2004 on Comprehensive Protection Measures against Gender-Based Violence) – in Spanish
Ley Orgánica 5/2000, de 12 de enero, reguladora de la responsabilidad penal de los menores (Organic Law 5/2000 of 12 January 2000 regulating the criminal responsibility of children) – in Spanish
Ley Orgánica 1/1996, de 15 de enero, de Protección Jurídica del Menor (Organic Law 1/1996 of 15 January 1996 on Legal Protection for Children) – in Spanish
Ley 1/1996, de 10 de enero, de asistencia jurídica gratuita (Law 1/1996 of 10 January 1996 on legal aid) – in Spanish
Ley 35/1995, de 11 de diciembre, de ayuda y asistencia a las víctimas de delitos violentos y contra la libertad sexual (Law 35/1995 of 11 December 1995 on aid and assistance for victims of violent crimes and crimes against sexual freedom) – in Spanish
Real Decreto 738/1997, de 23 de mayo, por el que se aprueba el Reglamento de ayudas a las víctimas de delitos violentos y contra la libertad sexual (Royal Decree 738/1997 of 23 May 1997 approving the Regulation on aid for victims of violent crimes and crimes against sexual freedom) – in Spanish
Ley Orgánica 19/1994, de 23 de diciembre, de protección a testigos y peritos en causas criminales (Organic Law 19/1994 of 23 December 1994 on protection for witnesses and experts in criminal cases) – in Spanish

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2 - Reporting a crime and my rights during the investigation or trial

How do I report a crime?

If you are a victim of crime you are entitled, from the first contact with the authorities or officials, to receive information about your right to report the crime and, where appropriate, the procedure for doing so.
You can report the crime to the police and become a witness in the procedure that will be followed. You can also ask the police to refer you to the appropriate Crime Victim Support Office (Oficina de Asistencia a las Víctimas del delito), where you will be provided with information about how to report the crime.
Access to care and support services such as the Crime Victim Support Offices is free and confidential; it is not necessary to report the crime first.
As the person reporting the crime, you have the following rights:
to obtain a copy of the report, duly certified;
to free language assistance and a written translation of the copy of the report you file, if you do not understand or speak any of the official languages in the place where the report is filed. If you do not speak or understand Spanish or the official language used in the proceedings in question, you will be entitled to be assisted, free of charge, by an interpreter who speaks a language you understand when you give evidence during the investigation phase before the judge, public prosecutor or police officials;
if you have asked to be notified of certain decisions such as the decision not to initiate criminal proceedings or the final judgement in the proceedings, you have the right to be informed of the date, time and place of the trial, as well as the content of the accusation against the offender.
You can also bring an action against the offender and become a party to the proceedings as private prosecutor, with rights very similar to the public prosecutor.
Apart from ordinary cases, where the public prosecutor files the charges against the offender, there are two types of crimes where your role is very important to start the proceedings:
the proceedings for **semi-public crimes** require you to report the crime or bring an action in order to start; the public prosecutor then assumes responsibility for the charges against the offender. However, for proceedings against **private crimes** (e.g. slander) it is completely up to you: the public prosecutor does not have any responsibility regarding charges against the offender and you can withdraw the report at any time, ending the proceedings.
You can report the crime in any language and if you do not speak Spanish or any of the respective regional languages you have the right to an interpreter free of charge. In practice, if no one at the police station speaks your language, the police will offer you the following:
if the crime is not serious, you will be able to report it using a form in your language;
if the crime is serious, you will be provided with an interpreter via telephone or in person.
There are English, French and German interpreters at some police stations, especially in summer.
There is no time limit for you to report the crime, but there are time limits after which it will not be possible to prosecute the crime: from 10 to 20 years, depending on the seriousness of the crime. No specific way of reporting a crime is required by the authorities. You can report it in writing or orally, in which case the competent authority will take note of the report. You must give your name, address, ID number, telephone number, etc. and you must sign the report.
At the time of reporting the crime, if you are victim of a crime of gender-based violence or domestic violence, you can request a protection order from the police. You can also request a protection order directly from the judicial authority or public prosecutor, the Crime Victim Support Offices or social services or care institutions attached to the public administrations.
In all cases, you will be provided with forms to request the protection order and you will be given information about this order.

How do I find out what's happening with the case?

When you file a report, you receive a certified copy with a reference number.
As the victim, you can obtain information from the police about the development of the proceedings, unless it could be detrimental to the investigation. In practice, it is better to call the respective police body and ask for information.
Generally speaking, you have the right – if you have made the relevant request – to receive information about the date, time and place of the trial and the content of the accusation against the offender, as well as to be notified of the following decisions:
the decision not to initiate criminal proceedings;
the final judgement in the proceedings;
decisions to imprison or release the offender, as well as the possible escape of the offender from custody and decisions adopting precautionary measures for your protection.
If you have asked to be referred to a Crime Victim Support Office or you are receiving care from one of these Offices, you have the right to receive information on the contact details of the authority responsible for handling the proceedings and the channels for communicating with this authority, as well as information on the date, time and place of the trial and the content of the accusation against the offender.
If you are a victim of a crime of gender-based violence, you have the right to be informed about the procedural situation of the aggressor and the precautionary measures taken, without having to ask for this. You may at any time express your desire not to receive the information.
If you are victim of a violent crime against sexual freedom, you have the right to receive information about the State compensation to which you are entitled if the aggressor does not pay your compensation or if it is not sufficient.

Am I entitled to legal aid (during the investigation or trial)? Under what conditions?

From the first contact with the authorities or officials, you are entitled to receive information about the procedure to obtain legal advice and defence and, where applicable, the conditions under which you may be able to get this free of charge. The Crime Victim Support Offices will also provide you with this information.
You will be able to submit your request to have your entitlement to legal aid recognised to the official or authority who has given you the information about the procedure for obtaining legal advice and defence and, where applicable, obtaining this for free. The official or authority will forward it, together with the documentation provided, to the relevant bar association.
Your request may also be submitted to the Justice Administration's Crime Victim Support Offices, which will forward it to the relevant bar association.
In general, you can benefit from legal guidance services that offer information about the law to all citizens. These services are organised by bar associations in each judicial area.
You have to complete a form that can be found in courts, at the Ministry of Justice and at other State offices and prove that your means of support are insufficient. You must submit your request to the bar association in the area of the respective court or at the court in the area where you reside, if the criminal proceedings have still not begun.
If you are a victim of a crime of gender-based violence, you do not need to first prove that your means are insufficient in order to obtain legal aid.
If you are a victim of terrorism, you can also obtain legal aid.
You can request legal aid in Spain if you are in one of the following situations, among others:
if you are a citizen of any EU Member State and you prove that your resources are insufficient;

if you are a citizen of a third country and legally resident in Spain or with a right recognised in international agreements (e.g. agreements on international child abduction). In this case, you will be able to access legal aid in Spain under the same conditions as EU citizens;
regardless of the existence of resources to institute legal proceedings, your right to legal aid will be recognised and this aid will be provided to you immediately if you are a victim of gender-based violence, terrorism or human trafficking in any proceedings that are linked to, derived from or a result of your status as a victim, or if you are a minor or have a learning disability or mental illness when you are the victim of situations of abuse or mistreatment.
This right will also apply to successors in the event of the victim's death, provided that they were not involved in the acts.
For the purposes of granting legal aid, you will be considered a victim when a report or action is filed, or when criminal proceedings are initiated, for any of the crimes mentioned, and you will maintain this status as long as the criminal proceedings are in force or where a guilty verdict has been issued following the conclusion of the proceedings.
The right to legal aid will be lost once an acquittal becomes final, or following the temporary stay or dismissal of proceedings because the criminal acts are not proven, without the obligation to pay the cost of the benefits enjoyed free of charge up to that point.
In the different proceedings that may be initiated as a result of your status as victim of the crimes identified and, in particular, in gender-based violence proceedings, it must be the lawyer him or herself who assists you, provided that your right of defence is thus duly guaranteed.
You have the right to legal aid if your yearly income and income per family unit do not exceed:
twice the public index of income (indicador público de renta de efectos múltiples – IPREM) in force at the time of making the request, where the persons in question are not a part of any family unit. 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;
two and a half times the IPREM in force at the time of making the request, where the persons in question are part of any of the types of family unit with fewer than four members;
three times the IPREM where the family units in question are formed of four or more members.
The annual IPREM for 2016 is €6 390.13.
If you are granted legal aid, you will not have to pay the following costs:
preliminary legal advice;
lawyer and court representative (procurador) fees;
costs arising from the publication of notices in official newspapers;
the deposits required to file certain appeals;
payments for experts;
you will benefit from an 80 % reduction on the amount for notarial deeds and certifications from the land and trade registers.

Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?

In general, if as the victim of a crime you have taken part in the proceedings, you will be entitled to be reimbursed for the expenses needed to exercise your rights and the legal costs that have been incurred in preference to payment of the expenses that have been incurred for the State.
To that end, the payment must be imposed in the sentence and, in addition, the accused must have been convicted, at your request as the victim, for crimes for which the public prosecutor has not made an accusation, or have been convicted after the decision to close the case has been revoked due to an appeal you have lodged as victim.
The assistance and support services and, in particular, the Crime Victim Support Offices, will provide you with information on the cases in which you may be reimbursed for legal expenses and, where appropriate, the procedure for claiming them.

Can I appeal if my case is closed before going to court?

If you are a victim who has not appeared in the proceedings and the public prosecutor decides to withdraw the charges against the offender, the judge can inform you of this and invite you to bring an action and become a private prosecutor within 15 days. In the case of a fast-track procedure, the judge is obligated to inform you and invite you.
If the public prosecutor brings charges against the offender, you cannot do anything as victim to end the proceedings, except in private crimes.
If you have already appeared in the proceedings and you are a private prosecutor, you can request the opening of the oral proceedings and bring charges against the offender. If the investigating judge decides to end the proceedings, i.e. dismiss the case, you can appeal.
If the public prosecutor brings charges against the offender, you can ask to have the case dismissed and withdraw from your role as private prosecutor. The public prosecutor may continue, however, if it so decides.

Can I be involved in the trial?

In your first appearance in court, the legal counsel will inform you of the your rights in the criminal proceedings as victim and will offer you the possibility of entering the proceedings as a private party, using clear, simple and understandable language, taking your characteristics and needs into account.
As victim of a crime, in criminal proceedings you are entitled to the following:
to bring criminal and civil actions according to the provisions of the criminal legislation in force;
to appear before the authorities in charge of the investigation to provide them with sources of evidence and relevant information to clarify the facts.
Furthermore, at this initial appearance you will be asked if you wish to receive the communications or notifications established by law, in which case you must provide an email address or, failing that, a home or postal address.
Regardless of your role in the criminal proceedings, you can usually be present at the hearings, even if they are not public. You will only be obliged to attend to testify as a **witness**.
If you are a victim who has not appeared in the criminal proceedings, you will be informed of the date and place of the trial. Your main role will be to testify as a witness. So that you can be notified of the date and time of the trial, you must communicate any change in your address during the proceedings.
You can appear in the proceedings as **private prosecutor** before the indictment is prepared, i.e. before the start of the oral proceedings, except in the case of criminal proceedings against a minor. The public prosecutor, private prosecutor, if there is one, and defence lawyer prepare the indictment. This document includes these persons' classification of the offence and recommended penalty. In practice, each party has five days to present its position in writing.
Generally, you will be represented by your lawyer, who will defend your case, and by your court representative, who will represent you formally in the proceedings.
If there are multiple victims, they will be able to appear separately, although the judge may require them to be grouped into one or several defences. Victims' associations will also be able to appear in the criminal proceedings, provided that they have your permission as victim of the crime.
If you are already private prosecutor, your lawyer will have access to the summary and the other case documents, and other rights, similar to those of the public prosecutor, including the following:
to request the collection of more evidence;
to propose new witnesses or experts who will support your case;

to propose confrontations, etc.
In the event the accused is convicted, the court may order him/her to pay you the following costs: the cost of lawyers and court representatives, experts, certificates from public registers and notaries, etc.
As part of the criminal proceedings, you can bring a civil action (**civil party**) if you claim the restitution of property, the making good of the damage or the compensation for damages, both material and non-material, caused by the crime. In this case, you will be represented by your lawyer, who will defend your case, and by your court representative, who will represent you formally in the proceedings.
In the event it is decided to close the investigation, the decision to dismiss the case will be communicated to the direct victims of the crime who have reported the acts, as well as the other direct victims whose identities and places of residence are known. In cases of death or disappearance of a person as a direct result of a crime, the decision will be communicated to the indirect victims of the crime.

What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?

As victim of a crime, in criminal proceedings you are entitled to the following:
to bring criminal and civil actions according to the provisions of the criminal legislation in force;
to appear before the authorities in charge of the investigation to provide them with sources of evidence and relevant information to clarify the facts.
The different roles you can perform in the justice system are:
direct or indirect victim: according to the crime reported or, in the case of requesting access to victim assistance and support services, without having previously reported the crime, since access to these services is not dependent on submitting a report;
witness: if there is a report. Your involvement in the proceedings takes place once you receive the summons;
private prosecutor: if you decide to appear in the criminal proceedings as private prosecutor**,** in the event you bring an action against the offender (semi-public crimes and private crimes) and before the indictment is prepared, i.e. before the oral proceeding begins, except in the case of criminal proceedings against a minor;
civil party: in general, if you decide to bring a civil action as part of the criminal proceedings, i.e. you claim the restitution of property, the making good of the damage or the compensation for damages, both material and non-material, caused by the crime.
In general, you must be present at the hearings, even if they are not public. You will only be obliged to attend to give evidence as a witness.

What are my rights and obligations in this role?

In general, as a **victim**, from the first contact with the authorities or officials and during the activity of the assistance and support services provided by the public administrations, including prior to reporting the crime, you have the right to receive protection, information, support, assistance and care.
You can ask the authorities or officials you contact initially to refer you to the Crime Victim Support Offices, where they will attend you free of charge and confidentially, even if you have not previously reported the crime.
You may also be accompanied by a person of your choice from the first contact with the authorities and officials.
Furthermore, as a victim you have the right to understand and be understood in any action that has to be carried out once the crime has been reported, including the information prior to lodging the report. Interpretation in legally recognised sign languages will be provided as well as means of support for oral communication in cases where this is needed.
All the communications made, both orally and in writing, will take place in clear, simple and accessible language and will take into account your personal characteristics and needs, especially if you have any sensory, intellectual or mental disability or if you are a minor.
As victim, you have the right to receive information mainly regarding the following:
the assistance and support measures available, whether these are medical, psychological or material, and the procedure for obtaining them. Where appropriate, these measures will include information about the possibilities of obtaining alternative accommodation;
the right to report the crime and, where appropriate, the procedure for doing so and the right to provide evidence to the authorities in charge of the investigation;
the procedure for obtaining advice and legal defence and, where appropriate, the conditions under which it may be obtained free of charge;
the possibility of requesting protection measures and, where appropriate, the procedure for doing so;
the compensation to which you may be entitled and, where appropriate, the procedure for claiming it;
the interpreting and translation services available;
the auxiliary aid and services for communication available;
the procedure via which you may be able to exercise your rights in the event you live outside Spain;
appeals you can lodge against any decisions you consider to be incompatible with your rights;
the contact details of the authority in charge of handling the procedure and channels to communicate with them;
the restorative justice services available, in cases where this is legally possible;
the cases in which you can be reimbursed for legal expenses and, where appropriate, the procedure for claiming them;
the right to make a request to be notified of certain decisions in the proceedings such as, among others, the decision not to initiate criminal proceedings, the final judgement in the proceedings, etc.
Regardless of your role in the criminal proceedings, you can usually be present at the hearings, even if they are not public. You will only be obliged to attend to testify as a witness.
If you are a victim who has not appeared in the criminal proceedings, you will be informed of the date and place of the trial. Your main role will be to testify as a witness. To be able to notify you of the date and time of the trial, you must communicate any change in your address during the proceedings.
You can appear in the proceedings as **private prosecutor** before the indictment is prepared, i.e. before the start of the oral trial, except in the case of criminal proceedings against a minor. You will be represented by your lawyer, who will defend your case, and by your court representative, who will represent you formally in the proceedings.
}If you are already a private prosecutor, your lawyer will have access to the summary and the other case documents, and other rights, similar to those of the public prosecutor, including the following:
to request the collection of more evidence;
to propose new witnesses or experts who will support your case;
to propose confrontations, etc.
In the event the accused is convicted, the court may order him/her to pay you the following costs: the cost of lawyers and court representatives, experts, certificates from public registers and notaries, etc.
As **witness,** you have the right to an interpreter free of charge, if you do not speak Spanish or the respective regional language, but you do not have the possibility of document translation. Despite the fact that it is generally difficult to avoid eye contact with the accused and court buildings do not usually have different waiting rooms for witnesses, if you have been a victim of sexual assault you can:

benefit from a screen in the courtroom, or
testify via video conference.
If you are going to testify and you are in danger, the president of the court can order a private hearing to protect morality, public order and yourself as victim and/or your family. As private prosecutor, you could request a private hearing.
If you are summoned to testify and the judge sees you are at serious risk or your freedom, property or family is at risk, he/she can take one of the following actions:
protect your identity, address, profession and workplace, not using this information in the proceedings;
prevent you from being seen in the court and establishing the court as the address for notifications;
prevent your image from being recorded using any medium;
order police protection during and after the proceedings;
provide you with transport to the court in official cars;
at the court, place you in a waiting room guarded by the police;
in special circumstances, provide you with a new identity and financial aid to change location, residence and job.
If you are a minor making a statement, eye contact between you and the accused will be prevented using any technical medium possible. Confrontations are also restricted. If you have any conflict of interests with your legal representatives that does not make it possible to be confident that your interests will be adequately managed in the investigation or criminal proceedings, or the conflict is with one of your parents and the other parent is not able to adequately perform his/her duties to represent you or assist you, among other cases, the public prosecutor will ask for the judge or court to designate a guardian at litem for you, who will have the duty to represent you in the investigation and the criminal proceedings.
If you are a foreigner, you can have an interpreter free of charge, if you do not speak Spanish or the respective regional language. The police can offer you a form in your language for reporting the crime, and access to an interpreter by telephone or in person. The courts have an interpreter service that will be coordinated with the Crime Victim Support Office.
If you wish to bring a civil action in the criminal proceedings (**civil party**), you must appear with a lawyer and court representative at the time of offering the possibility of entering the proceedings as a private party and always before the offence is classified. In this case, you will be represented by your lawyer, who will defend your case, and by your court representative, who will represent you formally in the proceedings.
If you obtain any subsidy or aid based on your status as victim and you have been the subject of any protection measure provided for by law, you have the **obligation** to reimburse the subsidy or aid, in the cases of conviction for a false report of a crime or simulation of the crime, as well as the **obligation** to pay the costs incurred for the administration for its recognition, protection and support actions and for the services provided, without prejudice to any other civil or criminal liabilities that may apply.

Can I make a statement during the trial or give evidence? Under what conditions?

Regardless of your role in the criminal proceedings, you can usually be present at the hearings, even if they are not public. You will only be obliged to attend to testify as a witness.
While you take part in the proceedings you can continue to benefit from the services of the Crime Victim Support Offices.
If you are a victim who has not appeared in the criminal proceedings, you will be informed of the date and place of the trial. Your main role will be to testify as a witness. So that you can be notified of the date and time of the trial, you must communicate any change in your address during the proceedings.
You can appear in the proceedings as **private prosecutor** before the indictment is prepared, i.e. before the start of the oral proceeding, except in the case of criminal proceedings against a minor. You will be represented by your lawyer, who will defend your case, and by your court representative, who will represent you formally in the proceedings.
If you are already private prosecutor, your lawyer will have access to the summary and the other case documents, and other rights, similar to those of the public prosecutor,:
to request the collection of more evidence;
to propose new witnesses or experts who will support your case;
to propose confrontations, etc.
In the event the accused is convicted, the court may order him/her to pay you the following costs: the cost of lawyers and court representatives, experts, certificates from public registers and notaries, etc.
As **witness,** you have the right to an interpreter free of charge, if you do not speak Spanish or the respective regional language, but you do not have the possibility of document translation. Despite the fact that it is generally difficult to avoid eye contact with the accused and court buildings do not usually have different waiting rooms for witnesses, if you have been a victim of sexual assault you can:
benefit from a screen in the courtroom, or
testify via video conference.
If you are going to testify and you are in danger, the president of the court can order a private hearing to protect morality, public order and yourself as victim and/or your family. As private prosecutor, you could request a private hearing.
If you are summoned to testify and the judge sees you are at serious risk or your freedom, property or family is at risk, he/she can take one of the following actions:
protect your identity, address, profession and workplace, not using this information in the proceedings;
prevent you from being seen in the court, establishing the court as address for notifications;
prevent your image from being recorded using any medium;
order police protection during and after the proceedings;
provide you with transport to the court in official cars;
at the court, place you in a waiting room guarded by the police;
in special circumstances, provide you with a new identity and financial aid to change location, residence and job.
If you are a minor making a statement, eye contact between you and the accused will be prevented using any technical medium possible. Confrontations are also restricted. If you have any conflict of interests with your legal representatives that does not make it possible to be confident that your interests will be adequately managed in the investigation or criminal proceedings, or the conflict is with one of your parents and the other parent is not able to adequately perform his/her duties to represent you or assist you, among other cases, the public prosecutor will ask for the judge or court to designate a guardian at litem for you, who will have the duty to represent you in the investigation and the criminal proceedings.
If you are a foreigner, you can have an interpreter free of charge, if you do not speak Spanish or the respective regional language. The courts have an interpreter service that will be coordinated with the Crime Victim Support Office.

What information will I receive during the trial?

You have the right – if you have made the relevant request – to receive information about the date, time and place of the trial and the content of the accusation against the offender, as well as to be notified of the following decisions:
the decision not to initiate criminal proceedings;
the final judgement in the proceedings;
decisions to imprison or release the offender, as well as the possible escape of the offender from custody;
decisions adopting personal precautionary measures or amending those already agreed, where they are in place to ensure your safety;
decisions from any judicial or prison authority affecting subjects convicted for crimes committed using violence or intimidation and that pose a risk to your safety;
decisions that involve your participation as victim in the enforcement of the sentence and that are handed down in the prison environment, such as those affecting the classification of the convicted prisoner in a grade 3 open prison regime, prison benefits, short-term leave, conditional release, etc.
When requesting to be notified of the above decisions, you must designate an email address or, otherwise, a postal or home address, to which the communications and notifications will be sent by the authority.
Exceptionally, if you do not have an email address, they will be sent by ordinary mail to the address you have provided.
If you are a citizen residing outside the European Union and you do not have an email or postal address that communications can be sent to, they will be sent to the Spanish diplomatic or consular office in your country of residence for publication.
The notifications you may receive will include, at minimum, the operative provisions of the decision and its legal basis.
If as victim you have formally appeared in the proceedings, the decisions will be notified to your court representative and will also be communicated to you at the email address you have provided.
You may at any time express your desire not to be informed of the decisions mentioned above, and the request you made will then become inoperative.
If you have asked to be referred to a Crime Victim Support Office or you are receiving care through one of these Offices, you have the right to receive information on the contact details of the authority responsible for handling the procedure and the channels for communicating with this authority, as well as information on the date, time and place of the trial and the content of the accusation against the offender.
If you are a victim of a crime of gender-based violence, you have the right to be informed about the procedural situation of the aggressor and the precautionary measures taken, without having to ask for this. You may at any time express your desire not to receive the information.

Will I be able to access court files?

If you are already private prosecutor, your lawyer will have access to the summary and the other case documents.
Lawyers' daily activities include accessing the legal information and documentation, particularly in cases where their client is not a party in the proceeding.
Pursuant to Spanish legislation, the parties appearing may be informed of the proceedings and participate in all the procedural formalities.

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3 - My rights after trial

Can I appeal against the ruling?

If you would like to appeal against the judgment in the event the accused is declared innocent, bear in mind that if you haven't been party to the proceedings, you can't appeal against the judgment.
If you have been party to the proceedings and you are private prosecutor, you can appeal as follows:
against the judgment within ten days of it being notified; there are various grounds for appeal and it is possible to review the evidence. This is an ordinary appeal.
Cassation appeal within five days of the judgment being notified; the grounds are violation of the law or the Spanish Constitution or formal grounds. This is an extraordinary appeal.
As civil party, you can only lodge an appeal in cassation regarding matters related to your compensation.
As regards possibilities for lodging other appeals, if you have first lodged an ordinary appeal, you could lodge a cassation appeal as a second appeal. The cassation appeal is decided by the Supreme Court.
The Crime Victim Support Offices will provide you with information about the appeals you can lodge against rulings you consider to be incompatible with your rights.

What are my rights after sentencing?

If you have made the relevant request, you have the right to be notified of the following decisions:
the decision not to initiate criminal proceedings;
the final judgment in the proceedings;
decisions to imprison or release the offender, as well as the possible escape of the offender from custody;
decisions adopting personal precautionary measures or amending those already agreed, where their aim is to ensure your safety;
decisions from any judicial or prison authority affecting subjects convicted for crimes committed using violence or intimidation and that pose a risk to your safety;
decisions that involve your participation in the enforcement of the sentence and that are handed down for prison-related matters, as well as those affecting the classification of the convict in a Grade 3 open prison regime, prison benefits, short-term leave, conditional release, etc.
Your main rights during enforcement of the judgment are the right to information on the sentencing of the accused. In general, the information regarding their release from prison would be considered part of their privacy and could not be communicated to you.
Exceptionally, if you have been victim of a crime of gender-based violence, you will be provided with information on the procedural status of the accused and how they are serving their sentence, for as long as the protection order or restraining order remains in force.
If you were private prosecutor in the proceedings, you can take part in the suspension of the sentence of the accused. A prison sentence of less than two years can be suspended if there is no repeat offending within a given period of time. After this period, the sentence lapses. The court decides on the suspension of the sentence and you will be heard by the judge before its decision.
The Crime Victim Support Offices will provide information about the possibility you have as victim to participate in the prison sentence enforcement and will carry out whatever assistance activities are needed so you can exercise the rights recognised by law.

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

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

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

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

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

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

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

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

As victim, you are entitled to:

a) ask for the behavioural measures or rules provided for by law and considered necessary to ensure your safety to be imposed on the parolee, where this person had been convicted for acts from which a situation danger may reasonably arise for you;

b) provide the judge or court with any information that is relevant to rule on the enforcement of the penalty imposed, the civil liabilities arising from the crime or the confiscation that was agreed.

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

the provision of psychological support or assistance to deal with the disorders caused by the crime, using the most appropriate psychological methods for your care;

accompaniment to trial;

information on the available psychosocial and care resources and referral to these services if you request this;

any special support measures that may be necessary if you are a victim with special protection needs;

referral to specialist support services.

For how long?

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

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

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

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

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

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

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

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

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

decisions to imprison or release the offender, as well as the possible escape of the offender from custody;

decisions from any judicial or prison authority affecting subjects convicted for crimes committed using violence or intimidation and that pose a risk to your safety;

decisions that involve your participation in the enforcement of the sentence and that are handed down for prison-related matters, as well as those affecting the classification of the convict in a Grade 3 open prison regime, prison benefits, short-term leave, conditional release, etc.

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

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

Will I be involved in release or parole decisions?

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

ask for the behavioural measures or rules provided for by law considered necessary to ensure your safety to be imposed on the parolee, where this person had been convicted for events from which a situation danger could reasonably arise for the victim;

provide the judge or court with any information that is relevant to rule on the enforcement of the sentence imposed, the civil liabilities arising from the crime or the confiscation that was agreed.

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

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

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

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

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

homicide;

abortion;

injury;

crimes against freedom;

crimes of torture and against moral integrity;

crimes against sexual freedom and indemnity;

crimes of theft committed with violence or intimidation;

crimes of terrorism;

crimes of human trafficking.

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

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

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4 - Compensation

What is the process for claiming damages from the offender? (e.g. independent lawsuit, civil claim, joint civil and criminal proceedings)

As private prosecutor, you can claim compensation for damages by means of a civil action within the same criminal proceedings or defer this claim until the criminal proceedings have ended. If the two actions are separate, the civil action must wait until the criminal proceedings have ended.

You can also only appear in the proceedings as civil party that will not have any capacity in the proceedings. If you do not appear as civil party to seek the compensation, the public prosecutor will claim the civil action on your behalf. If the court declares the accused not guilty or does not award you the compensation, you can always claim damages through a civil procedure.

The civil liability of the accused covers the restitution of the property, the making good of the damage and the compensation for damages, including those caused to your partner and children.

You can also obtain compensation from the State.

The Crime Victim Support Offices are the crime victim assistance authority in cross-border situations, in cases where the crime you have suffered was committed in a European Union Member State other than Spain and you are ordinarily resident in Spain. In cases of crimes of terrorism in cross-border situations, the Ministry of the Interior is the assistance authority, via the Directorate-General for the Support of Victims of Terrorism.

In general, except for crimes of terrorism, the assistance authority will cooperate in initiating and handling the procedures for the award of aid by the European Union Member State where the crime was committed, so that you, as claimant, can access, from Spain, the compensation from the State in whose territory the crime was committed.

To this end, the Crime Victim Support Offices will provide you, as aid claimant, with the following information:

information about the possibilities of claiming financial aid or compensation, the procedures or forms required, including the way in which these must be completed, and the supporting documentation that may be necessary;

general guidance about how to fill out requests for additional information.

Moreover, as assistance authority, the Crime Victim Support Offices must do the following:

forward your claim and supporting documentation, as well as any documentation that may be required subsequently, where applicable, to the decision-making authority appointed by the State in whose territory the crime was committed;

cooperate with the decision-making authority where, in accordance with its national legislation, this authority decides to hear the claimant or any other person.

The decision-making authority is the Ministry of Economy and Finance's Directorate-General of Personnel Costs and State Pensions when the claim for the legally established State aid is dealt with via the assistance authority of the State where the claimant is ordinarily resident.

The decision-making authority must communicate the following both to you as aid claimant as well as to the assistance authority:

receipt of the State aid claim, the body that opens the proceedings, the timeframe for handing down a decision and, if possible, the anticipated date when the decision will be taken;

the decision closing the proceedings.

For crimes of **terrorism**, the Ministry of the Interior (Directorate-General for the Support of Terrorism Victims) will act as the assistance authority in cases in which the place where the crime is committed is a European Union Member State other than Spain and you as aid claimant are ordinarily resident in Spain, so that you can access, from Spain, the appropriate compensation, where applicable, from the State in whose territory the crime was committed. The actions that must be undertaken by the Directorate-General of Support for Victims as the assistance or decision-making authority are equivalent to those pertaining to the Ministry of Economy and Finance's Directorate-General of Personnel Costs and State Pensions.

The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?

The State will pay all or part of the aid where the offender has been declared partially insolvent.

The State will be subrogated, up to the full amount of the provisional or final aid you have been granted as victim or beneficiary, to your rights against the party civilly liable for the crime.

The State may bring an action for recovery against the party civilly liable for the criminal act to demand the full or partial reimbursement of the aid granted.

This action will be carried out, where appropriate, by means of the administrative recovery procedure and will apply in the following cases, among others:

where the final judicial decision finds that no crime has been committed;
where after payment, both you as victim as well as your beneficiaries obtained, on any grounds, full or partial compensation for the damages suffered in the three years following the granting of the aid;
where the aid was obtained based on the provision of false or deliberately incomplete information or by any other fraudulent means, as well as the deliberate omission of circumstances that would lead to the refusal or reduction of the aid claimed;
where the compensation awarded in the judgement is less than the provisional aid.
This action will be brought by the appearance of the State in the criminal or civil proceedings being conducted, without prejudice to the civil action that may be brought by the public prosecutor.

If the offender does not pay, can the state pay me an advance? Under what conditions?

The State will pay all or part of the aid where the person convicted of the crime has been declared partially insolvent.
Provisional aid may be granted before the final judicial decision ending the criminal proceedings is handed down, so long as the precarious economic situation in which you were left as victim or beneficiary has been demonstrated.
Provisional aid may be claimed once you have reported the events to the competent authorities or where criminal proceedings are conducted ex officio based on these events.

Am I entitled to compensation from the state?

You can obtain compensation from the State.
In Spain, there is a system of aid for victims of intentional and violent crimes, committed in Spain, resulting in death, serious bodily injury or serious damage to physical or mental health. Aid is also awarded to victims of crimes against sexual freedom, even when these crimes are committed without violence.
In general, you can access the legally established financial aid if, at the time the crime is committed, you are Spanish or a national of any other European Union Member State, or, if neither of the above applies to you, you are ordinarily resident in Spain or a national of another State that grants similar aid to Spanish nationals in its territory.
In the event of death, the above-mentioned nationality or residence requirements must be met by the beneficiaries, not the deceased person.
In the event of serious bodily injury or serious damage to physical or mental health, the **direct victims**, i.e. those who suffered the injuries or damages, will be the beneficiaries.
In the event of death, the beneficiaries are the **indirect victims,** who would be the following:
The spouse of the deceased person, 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 will suffice. The children of the persons mentioned are also included, even if they were not the children of the deceased person, so long as they were financially dependent on that person and there was cohabitation.
Beneficiaries will not in any case include anyone convicted for intentional homicide in any of its forms, where the deceased was their spouse or the person with whom they were or had been in a stable relationship akin to marriage.
The child of the deceased person, who was dependent on that person and there was cohabitation, assuming that children who are underage or disabled adults are financially dependent.
The parent of the deceased person, who was financially dependent on that person, so long as there is no one in the above situations.
The parents of a minor who dies as a direct consequence of the crime are also considered indirect victims for the purposes of the financial aid established by Spanish law.
The injuries that entitle victims to receive financial aid are those that damage bodily integrity or physical or mental health and that temporarily disable, for longer than six months, or permanently disable, with a degree of disability of at least 33 %, the person who suffered them.
As a general rule, the granting of aid is conditional on the handing down of a final judicial decision ending the criminal proceedings. Taking into account the timeframes for deciding on criminal cases, before a final judicial decision ending the criminal proceedings is handed down, the law provides for the possibility of granting provisional aid, taking into consideration the precarious economic situation of the victim of the crime or their beneficiaries. Provisional aid may be claimed 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.
The amount of aid may not in any case exceed the compensation set in the judgement.
In the event of the death of a minor or disabled person as a direct consequence of the crime, the parents or guardians of the minor will be entitled only to aid consisting of compensation for the funeral expenses they have actually paid up to the legally established limit.
In cases of crimes against sexual freedom that cause the victim damages to his/her 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 general, the **time limit for claiming the aid** is one year counted from when the crime was committed. This time limit will be suspended when the criminal proceedings begin, and will resume when the final judicial decision has been handed down and notified to the victim.
The receipt of aid **is incompatible** with the following:
compensation established by means of the judgement. Nonetheless, all or part of the aid will be paid where the offender has been declared partially insolvent;
compensation or aid from private insurance, as well as with the Social Security subsidy that might apply due to the victim's temporary disability. Nonetheless, the aid would be paid to the beneficiary of private insurance where the amount of the compensation to be received under this insurance was lower than the amount established in the judgement;
the receipt of this aid will not in any case be compatible with the compensation for damages to victims of armed groups and terrorists.
The receipt of aid **is compatible** with the following:
in cases of permanent disability or death of the victim, with the receipt of any State pension the beneficiary is entitled to receive;
the social assistance provided for in Article 27 of Organic Law 1/2004 of 28 December 2004 on Comprehensive Protection Measures against Gender-Based Violence (Ley Orgánica 1/2004 de 28 de diciembre, de Medidas de Protección Integral contra la Violencia de Género).
The aid for permanent disability will be incompatible with the aid for temporary disability.
The **competence to process and decide on claims** for the legally established State aid lies with the Ministry of Economy and Finance's Directorate-General of Personnel Costs and State Pensions, for victims of any crime except for victims of terrorism, in which case the Ministry of the Interior (Directorate-General for the Support of Victims of Terrorism) will be competent.
If you are a **victim of terrorism**, there is a series of State aid intended for victims of terrorism to compensate them for the damages caused by these kinds of crimes, provided there is a full connection between the terrorist act and the damages suffered.
The following are damages 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 in the event they are not fully or partially covered by a public or private welfare system;
material damages 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 provisional accommodation while repair work is carried out on the ordinary residences of natural persons;
damages caused to private vehicles, as well as those suffered by vehicles used for ground transport of people or goods, except publicly-owned vehicles.
Compensation for the damages indicated, except for bodily injuries, will be subsidiary to that established for the same cases by any other public body or those arising from insurance agreements. In these cases, any amounts that might result from the difference between what was paid by these public administrations or insurance entities and the official valuation will be compensated.
The amount of compensation will be determined according to the damage produced (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 assistance and counselling, both for victims as well as for family members;
extraordinary aid to mitigate, exceptionally, situations of personal or family need of the victims, who are not covered or are covered in a markedly insufficient way by ordinary aid.

Aid beneficiaries:

if there are injuries, the injured persons;
if there was death:
the spouse of the deceased person;
the unmarried partner with whom the deceased had cohabited for at least two years;
the unmarried partner with whom the deceased had children;
the parents of the deceased person if they were financially dependent on that person. In the absence of parents and in this order, the grandchildren, siblings and grandparents of the deceased person who were financially dependent on that person;
if there are none of the above persons, the children and, in their absence, the parents who were not financially dependent on the deceased person.
In general, the time limit for submitting claims for compensation for personal or material damages will be one year, counted from the date on which the damages occurred.
The National High Court's Terrorism Victim Information and Assistance Office (Oficina de Información y Asistencia a Víctimas del Terrorismo de la Audiencia Nacional), in collaboration with the Ministry of the Interior's Directorate-General for the Support of Victims of Terrorism, will help you as a victim of terrorism through the process of claiming compensation: obtaining certificates of the final judgements, of orders not to enforce civil liabilities and other documents required to process the aid.

Am I entitled to compensation if the offender is not convicted?

The final judgement in the criminal proceedings, which cannot be appealed, must prove that the death, bodily injuries and serious damage to physical or mental health constitute an intentional and violent crime and, consequently, the judgement will have to determine the appropriate compensation.
To submit the claim for financial aid, you must attach to the claim a copy of the final judicial decision ending the criminal proceedings, whether it is a judgement, default judgement or decision to close the case due to death of the offender, or decision to dismiss the case.
The amount of aid granted may not in any case exceed the compensation set in the judgement.

Am I entitled to an emergency payment while I wait for the decision on my compensation claim?

Provisional aid may be granted before the final judicial decision ending the criminal proceedings is handed down, so long as evidence is provided of the precarious economic situation in which you as the victim or your beneficiaries have been left.
Provisional aid may be claimed once you have reported the events to the competent authorities or where criminal proceedings are conducted ex officio based on these events.

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5 - My rights to support and assistance

I am a victim of crime. Who do I contact for support and assistance?

If you are a victim of crime, you can go to a Crime Victim Support Office (**Oficinas de Asistencia a las Víctimas del delito**).
Crime Victim Support Offices are a free, public multidisciplinary service to address victims' needs, run by the Ministry of Justice.
There are Offices in all the autonomous communities, in nearly all provincial capitals as well as other cities.
The Crime Victim Support Offices will provide you with comprehensive, coordinated and specialist support as a victim of crime, meeting your specific legal, psychological and social needs.
If you are a victim of **terrorism**, you can contact the National High Court's Terrorism Victim Information and Support Office (**Oficina de Información y Asistencia a Víctimas del Terrorismo de la Audiencia Nacional**), although you may go to the Crime Victim Support Office in your province if you wish. The Crime Victim Support Office will then coordinate with the National High Court's Terrorism Victim Information and Support Office.
The care and support offered by Crime Victim Support Offices is provided in a series of phases:
Reception and orientation phase: the orientation phase is when the Office provides you with comprehensive information about the actions you must take, the issues you have to deal with and the possible consequences. This phase generally takes place through an interview, either face-to-face or over the phone, where you will explain your problems and needs. Based on your explanation, you will be given guidance, the possibility of interventions from other resources will be assessed and referrals will be made, if necessary.
Information phase: as a victim, starting from the first contact with the authorities and officials, even before filing a complaint, you have the right to receive information that fits your personal circumstances and conditions and also the nature of the crime you have experienced and the damages suffered. This information concerns certain aspects such as:
How you can make a complaint and the procedure for filing it.
The specialist services and psychosocial and care resources available, regardless of whether a complaint is filed, and how to access them.
The care and support measures (medical, psychological or material) available and the procedure for obtaining them, including, when appropriate, information concerning the possibilities of obtaining alternative accommodation.

How you can obtain advice and legal defence and, where appropriate, the conditions under which it may be obtained free of charge.
Accompaniment for you, throughout the proceedings, to the trial, if you require this, and/or to the different criminal authorities.
Possibility for you to request protection measures and, where appropriate, the procedure for doing so.
Advice on economic rights related to the proceedings, particularly regarding the aid and compensation to which you may be entitled based on the damages caused by the crime and, where appropriate, which procedure should be used to claim them.
The procedure you must follow to exercise your rights as a victim of crime if you live outside Spain.
The contact details of the authority responsible for handling your proceedings and the channels for communicating with them, and information on the date, time and location of the trial as well as the content of the accusation against the offender.
The restorative justice services (e.g. mediation) available, in cases where this is legally possible.
The cases in which you can be reimbursed for legal expenses and, where appropriate, the applicable procedure for claiming them, etc.
Intervention phase: the intervention by the Crime Victim Support Offices takes place in different areas:
Legal interventions: the Offices will provide you with the legal assistance you need and, specifically, they will give you information about the type of assistance you can receive in the context of judicial proceedings, the rights you can exercise as part of the proceedings, the way and the conditions in which you can access legal advice and the types of services or organisations you can contact for support.
The legal assistance will in all cases be general regarding the way in which the proceedings are carried out and the way to exercise different rights, as your lawyer is responsible for the guidance and legal aid in each case.
Medical and psychological interventions: the psychological care offered by the Offices consists in assessing and treating your situation to reduce the crisis caused by the crime, to cope with the judicial proceedings resulting from the crime and accompaniment throughout the proceedings and reinforcement of your strategies and abilities, enabling help from your surroundings.
The Offices will create a psychological support plan in the event of you being a particularly vulnerable victim or in need of special protection.
Economic interventions: regarding economic aid to which you are entitled if you have been the victim of a violent crime or crime against sexual freedom, the Offices mainly play an informational role and can assist with handling claims.
Social and care interventions: in this area, the Offices will be coordinated in the care they provide you and, where appropriate, they will refer you to the social services, care institutions or organisations available to ensure safe accommodation, immediate medical care and any financial aid you might be entitled to, with particular attention given to needs arising from situations of invalidity, hospitalisation, death and those caused by a possible situation of vulnerability.
Monitoring phase: the Offices will monitor your case, especially if you are a vulnerable victim, throughout the entire criminal process and for an appropriate period of time after the process ends. In this phase, the Offices will analyse your legal, medical and psychological, social and care and economic situation following the crime at different periods. The appropriate time for monitoring will be determined based on your situation.
If you are a **victim of terrorism**, the main functions of the National High Court's Terrorism Victim Information and Support Office are the following:
to provide you with information on the status of the judicial proceedings that may affect you based on the crime committed;
to advise you on everything related to the criminal and administrative proceedings that may affect you;
to offer you personal accompaniment to the trials held regarding the terrorist acts that may affect you;
to provide you with emotional and therapeutic support, without prejudice to the competencies of the Ministry of the Interior;
to promote the protection of your safety and privacy as victim of the crime in your participation in the judicial proceedings;
to inform you about the main compensations for terrorism victims, in all cases referring you to the Ministry of the Interior's Directorate-General for the Support of Victims of Terrorism;
to notify you of everything related to the enforcement of the prison sentence, until the sentence has been served in full, particularly in cases where the convicts have been granted benefits or released.
For victims of terrorism, the Ministry of the Interior's Directorate-General for the Support of Victims of Terrorism will act as a one-stop shop for any proceedings that may be initiated by the people and families affected by terrorist action before the Central State Administration, referring any requests made to the competent body and assuming the relationship with the person concerned.
Furthermore, this Directorate-General will collaborate with the competent bodies of the Central State Administration and the other public administrations concerning assistance and support for victims of terrorism to ensure comprehensive protection for victims.
The Directorate-General for the Support of Victims of Terrorism will be responsible for handling, managing and drafting decisions on aid and compensation for those affected by crimes of terrorism.

Victim support hotline

During the reception or orientation phase, you may be attended in person or via telephone at the Crime Victim Support Offices.
For certain crimes like gender-based violence, in Spain there are telephone services for assistance and guidance, e.g. the **016 Telephone Service for Information and Legal Advice concerning Gender-Based Violence (Servicio telefónico de información y asesoramiento jurídico en materia de violencia de género).**
In the case of particularly vulnerable victims, such as minors, there are specific services such as the **ANAR (Aid for At-Risk Children and Adolescents) Foundation Hotline (Servicio de atención telefónica de la Fundación ANAR)**), aimed at children and young people, adults and relatives of minors and relatives in the case of missing minors.
The 016 Telephone Service for Information and Legal Advice concerning Gender-Based Violence provides free, professional assistance 24 hours a day, 365 days a year. The data of persons who use this service are guaranteed to remain confidential at all times.
Assistance is offered in 51 languages. Specifically, 24-hour assistance is offered in Spanish, Catalan, Galician, Basque, English and French, and via a tele-translation service for calls in German, Portuguese, Mandarin, Russian, Arabic, Romanian and Bulgarian. Assistance in the other languages is offered via a tele-translation service.
The accessibility of the service for people with hearing and/or speech impairments is guaranteed via the following means:
text telephone (TTY) on 900 116 016;
Telesor service via the Telesor website (https://www.telesor.es/). An Internet connection is required in this case;
mobile telephone or PDA. In both cases it is necessary to install a free application by following the steps indicated on the Telesor website.
This service offers assistance for anyone with queries related to specific cases of gender-based violence: female victims of gender-based violence, people who are close to a female victim of gender-based violence (relatives, friends, neighbours, etc.), professionals attending to a female victim of gender-based violence or who are aware of a situation of this kind of violence, etc.
The information provided refers to the resources and rights available to you as victim of this kind of crime, concerning employment, social services, financial support and information, assistance, reception and legal advice resources.
In the event of receiving an emergency call, it is immediately diverted to the 112 emergency number of the respective autonomous community.

If you are an underage victim of gender-based violence, any calls you make to the 016 Service will be diverted to the **ANAR Hotline for Aid for Children and Adolescents (900 20 20 10)**.

The **ANAR (Aid for At-Risk Children and Adolescents) Foundation Hotline (900 20 20 10)** is a free, confidential and anonymous service, available 24 hours a day, 365 days a year, which mainly consists of three aid lines:

The **ANAR Hotline for Aid for Children and Adolescents**, the main aim of which is to offer child or adolescent callers the necessary support and guidance when they have problems or are in a situation of risk.

The **ANAR Hotline for Adults and Families**, aimed at adults who need guidance on issues related to minors.

The **ANAR 116 000 Hotline** for cases of missing minors (the European Union's harmonised number of social value for dealing with these cases).

This service will divert the calls you make to the 016 Service if you are an adult female and victim of gender-based violence or an adult who is aware of a case of this kind of violence.

Is victim support free?

Yes. Access to crime victim care and support services, such as the Crime Victim Support Offices, is free and confidential; it is not necessary to file a complaint first.

What types of support can I receive from state services or authorities?

You can go to the Crime Victim Support Offices found in all the autonomous communities, in nearly every provincial capital and even in other cities.

The Crime Victim Support Offices will provide you with comprehensive, coordinated and specialist victim support as a victim of crime, meeting your specific legal, psychological and social needs.

In particular, the Crime Victim Support Offices will provide you with information about the specialist services and psychosocial and care resources available, regardless of whether you file a complaint, and about how to access these services.

They will also provide you with information about the care and support measures (medical, psychological or material) available and the procedure for obtaining them, including, where needed, information concerning the possibilities of obtaining alternative accommodation.

In addition, they will advise you about how you can make a complaint and the procedure for filing it, as well as the possibility of obtaining legal advice and defence and, where appropriate, the conditions under which you may obtain these free of charge.

The Crime Victim Support Offices will be able to refer you to specialist legal, psychological and social services, depending on your needs, such as e.g. municipal, social welfare, health, education and employment services; associations, foundations and other non-profit entities; psychosocial services from the Justice Administration; and, in the event of you being a victim of gender-based violence, to the Units for Coordination against Violence against Women (Unidades de Coordinación contra la Violencia sobre la Mujer) and Women Units (Unidades sobre la Mujer) in each autonomous community and province.

What types of support can I receive from non-governmental organisations?

Non-governmental organisations (NGOs) can offer support to victims of specific crimes by means of establishing personalised pathways according to each victim's needs and characteristics. The assistance function mainly includes legal advice, information about the different resources and aid available and psychological and emotional support.

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