

Úvodní stránka>Vaše práva>Oběti trestných činů>Odškodnění>Pokud se má o mé žádosti (z jiné země EU) rozhodnout v této zemi
If my claim (from another country) is to be considered in this country

Španělsko

Which authority decides on a claim for compensation in cross-border cases?

Can I send my claim directly to the deciding authority in this country even in cross-border cases (without having to go via the assisting authority in my home country)?

For **violent crimes and sexual offences**, the Crime Victim Support Offices (*Oficinas de Asistencia a las Víctimas del delito*) are the assisting authority.

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

For **terrorism offences**, the Ministry of the Interior is the assisting authority.

You can check the [website of the Ministry of the Interior](#) for information on the assisting authority.

There may be cases in which the assisting authorities of other Member States establish direct contact with the deciding authority, although we recommend that applications are channelled through the assisting authorities.

In which language(s) do the compensation authorities accept the - claim? - supporting documents?

The language accepted for applications for compensation and documents is Spanish.

If the compensation authority translates the claim/supporting documents from another EU country, who pays for this?

This information is not available.

Are there administrative or other charges to be paid in this country for processing my claim (received from another EU country)? If so, how can I pay these?

No.

If I need to be present during the procedure and/or when my claim is being decided upon, can I be reimbursed for my travelling costs? How do I claim them? Who do I have to contact?

In the case of **violent crimes and sexual offences**, once all the investigations are complete and before the decision on granting or refusing the aid requested is drafted, a hearing will be granted to the applicant in accordance with the applicable legislation, so that the applicant can present the relevant arguments. If the crime was committed in Spain and the applicant for aid is habitually resident in another EU Member State, when the application for aid is made through the assisting authority of the Member State in which the applicant habitually resides, the General Directorate of Personnel Costs and Public Pensions of the Ministry of Finance and Public Administration (*Dirección General de Costes de Personal y Pensiones Públicas del Ministerio de Hacienda y Función Pública*), as the deciding authority, may obtain the cooperation of the relevant assisting authority to carry out the procedure for the hearing of the applicant or of any other person if it considers this necessary.

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

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

As set out above, it is possible to conduct the hearing by telephone or videoconferencing if the applicant agrees to this, thus avoiding travel expenses.

Is an interpreter provided, in case I have to be personally present?

In general for victims of any crime, any victim who does not speak or understand Spanish or the official language used in the proceedings has the right to be assisted free of charge by an interpreter who speaks a language the victim understands when making a statement at the investigation stage by the magistrate, the public prosecutor or police officers, or when involved as a witness in the trial or at any other oral proceedings. This right also applies to people with hearing or speech impairments.

Assistance from an interpreter may be provided by means of videoconferencing or any means of telecommunication, unless the judge or court, of their own motion or at the request of one of the parties, decides to have the interpreter physically present to safeguard the victim's rights.

In the case of police action, any decision not to provide interpretation to a victim can be appealed before the examining magistrate. This appeal is understood to have been lodged when the person affected by the decision expresses their dissatisfaction at the time of the refusal.

A judicial decision not to provide interpretation to a victim can be appealed against.

In addition, the Crime Victim Support Offices, which are the assisting authorities for cross-border crimes, will provide information to victims on the interpretation services available.

Will medical certificates, given by doctors in my country of residence, be accepted or recognised – or will my health/injury have to be examined by your own medical experts?

All documents included with the application must be translated into Spanish, since that is the only language accepted by the compensation authority.

Will I be reimbursed for my travelling costs if I have to undergo a medical examination in this country?

No.

How long does it take approximately to get a decision on compensation from the authority/body?

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

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

For **disabling injuries, aggravation of such injuries or death**: 6 months.

For **temporary incapacity**: 4 months.

For **the costs of therapeutic treatment following sexual offences and for funeral costs**: 2 months.

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

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

The time limit for adopting and notifying the relevant decision is 12 months, except for study aid where it is 6 months, with the request being understood as approved if the time limits have expired with no express decision being issued.

In which language will I receive the decision on my claim?

In Spanish.

If I am not satisfied with the decision, how can I challenge it?

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

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

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

If three months pass following the challenge without the National Commission adopting a decision, the challenge may be considered as rejected, and an appeal for judicial review may be lodged against it.

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

Can I get legal aid (help from a lawyer) under the other country's rules?

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

In particular, according to Spanish legislation victims of gender-based violence have the right to receive free legal advice immediately before lodging the complaint, and to free defence and representation by a lawyer and court representative in all the administrative processes and proceedings resulting directly or indirectly from the violence suffered.

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

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

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

Are there any victim support organisations in this country that can help me claim compensation in a cross-border case?

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

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

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

The **National High Court's Information and Support Office for Victims of Terrorism** (*Oficina de Información y Asistencia a Víctimas del Terrorismo de la Audiencia Nacional*) provides general information on the financial aid that may apply to victims of terrorism. This Office is located at:

C/ Goya, 14, 5ª planta, 28071 MADRID.

Contact telephone number: + 34 91 400 74 02

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