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Victims' rights - by country

Spain

Under Law 4/2015 of 27 April 2015, natural persons that are the victims of offences committed in or which may be prosecuted in Spain are considered to be victims of crime, regardless of their nationality, of whether they are of legal age or minors and of whether or not they are legally resident. The provisions of this Law shall apply:

a) As a direct victim, to any natural person who has suffered harm to his or her person or property, especially physical or mental injury, emotional suffering or economic loss directly caused by an offence.

b) As an indirect victim, in the event of death or disappearance of a person directly caused by an offence, except where the events are directly attributable to:

1. The victim's spouse, where they are not legally or effectively separated, and to any children of the victim or of the victim's spouse, where they are not legally or effectively separated, who are living with them at the time of the death or disappearance; any person who, at the time of the death or disappearance, is in a comparable sentimental relationship with the victim and any children of that person who are living with the victim at the time of the death or disappearance; to the victim's parents or direct or third-degree relatives for whom the victim has parental responsibility and persons under the victim's guardianship or who are being fostered by the victim.

2. Where none of the above persons exist, other direct relatives and the victim's siblings, with preference being given to the victim's legal representative.

Basic victims' rights: All victims are entitled to protection, information, support, assistance and care, as well as to participate actively in criminal proceedings and to receive respectful, professional, personal and non-discriminatory treatment from their first contact with the authorities or officials, while victim assistance and support and restorative justice services are being provided, throughout criminal proceedings and for a sufficient period of time after their conclusion, regardless of whether or not the identity of the offender is known and of the outcome of the proceedings.

Contact point: victim support offices

As a victim of crime, the law grants you certain individual rights before, during and after court proceedings (trial).

**Criminal proceedings** in Spain start with investigation of the crime, conducted by the judicial police under the supervision of an examining magistrate. At the end of the investigation the examining magistrate sends the case to the public prosecutor who decides what to do next. If there are not sufficient grounds to bring a case against the offender and the public prosecutor fails to press charges, the examining magistrate will dismiss (end) the proceedings. Otherwise, the case will be referred to the relevant court for trial.

During the trial the court examines the evidence and decides whether the alleged offender is guilty or not. If the offender is found guilty the court will impose a penalty. The criminal proceedings may continue with the possibility of an appeal before the higher court.

As a victim, you can take part in criminal proceedings as a **witness** or have a more active role as a **private prosecutor** and thus benefit from additional rights derived from being a party to the proceedings. In any case, pursuant to Article 124 of the Spanish Constitution, the public prosecutor shall safeguard the interests of victim/s throughout the proceedings.

The victims of offences related to gender-based violence are assisted by a specialised lawyer from the preliminary enquiries onwards. Following the reform of the Organic Law on the Judiciary (LOPJ) with Organic Law 7/2015, the courts with jurisdiction for violence against women also deal with offences against privacy, the right to self-image and honour of women and the offence of contempt of court or disregarding an interim measure.

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