



United States Embassy

Madrid, Spain

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AskACS@state.gov

<http://madrid.usembassy.gov>

Help for U.S. Citizen Victims of Crime in Spain

[Please click on this link to read the Department of State's brochure for victims of crime.](#)

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If you have been a victim of crime in Spain, the U.S. Embassy is here to help.

What the Embassy can do:

- Help you replace a lost/stolen passport.
- Help you find appropriate medical care if you are injured.
- Assist you with emergency needs that arise as a result of the crime, such as finding shelter, food, or clothing.
- Help you contact your family, friends, or employer, if you wish.
- Explain how and where you can report the crime to local law enforcement officials.
- Provide you with general information about the criminal justice process in Spain.
- Provide you with information about resources for crime victims in Spain.
- Provide you with a list of attorneys practicing in Spain.
- Provide you with information about crime victim assistance resources in your state of residence, if you are returning to the United States.

What we cannot do:

- Provide legal advice or represent you in court.
- Pay legal fees or other expenses for you.
- Request preferential treatment for U.S. citizens during legal proceedings in Spain.

How to Contact Us:

Address: (metro Ruben Dario, line 5)

American Embassy

Calle Serrano 75

28006 Madrid

Telephone: 91-587-2240

24-hour emergency line: 91-587-2200

e-mail: askacs@state.gov

Help us contact you in an emergency:

Americans living or traveling in Spain are encouraged to sign up with the SMART TRAVELER ENROLLMENT PROGRAM through the [State Department's travel registration website](#) so that they can obtain updated information on travel and security within Spain. By enrolling, American citizens make it easier for the Embassy or Consulate to contact them in case of emergency.

Additional Information:

Being the victim of a crime in a foreign country can be a devastating and traumatic experience. While no one can undo the emotional trauma, physical injury, or financial loss you may have experienced, the [U.S. Embassy in Madrid](#), [Consulate General in Barcelona](#) and any of our [six Consular Agencies throughout Spain](#) are ready to help. We are very concerned about violent crimes committed against U.S. citizens in Spain. We will assist you in managing the consequences of being a crime victim. This includes providing information on how the local criminal justice system works and other resources for victims of crime abroad. This office can help you to find appropriate medical care, contact family or friends on your behalf and explain how funds can be transferred. We can also help you to better understand and access the criminal justice system in Spain, which is very different from the system in the United States.

The information included in this guide relating to the legal requirements in Spain is provided for general information purposes only. The information may not be accurate or relevant to a particular case. Questions involving interpretation of Spanish laws should be addressed to legal counsel licensed to practice law in Spain. The investigation and prosecution of the crime is solely the responsibility of local authorities. The Federal Bureau of Investigation (FBI) may assist local authorities in certain cases of kidnapping, hostage-taking and terrorism.

REPORTING CRIMES:**Who should I call in case of emergency?**

- Call 112 (the equivalent of 911) for emergencies. English-speaking personnel are available.

What if I don't speak Spanish?

- The Madrid Central Police station has implemented SATE, or the Foreign Tourist Assistance Service, to provide information and assistance in a number of languages including English. A link to the SATE brochure including a map can be found [here](#).
- You have the right to request an interpreter. In some cases, if you waive your right to an interpreter when reporting the crime, but request one for the trial, your request will be denied and you will have to pay for an interpreter yourself. If you feel you will need an interpreter at the trial, request one as soon as possible and if offered an interpreter at prior proceedings, do not waive this right.

How do I file a police report?

- Call 902.102.112 and you will be directed to the nearest Police/Guardia Civil station by an English operator or can report the crime over the phone.
- Submit your police report online through <http://www.policia.es/> under the link for denuncias.
- Violent crimes should be reported in person, not over the phone or online.
- Request a copy of the police report.
- In cases of sexual assault, victims may report in special Spanish police units called SAF (for a list of SAF offices, you may check http://www.policia.es/org_central/judicial/estructura/saf_dependencias.html).

When do I file a police report?

- It is best to file a police report within 48 hours of the crime.
- You must report the crime while in Spain, not after leaving the country.

What can the embassy do to help?

If you have difficulties filing your police report with an official, please contact the U.S. Embassy or Consulate immediately. You may need a police report to file for crime victim compensation or insurance reimbursement. If you do decide to file a report please send a copy to us, along with your address and phone number in the event we need to communicate with you. While we are not

authorized to act as your legal representative, prosecutor or investigator, our office can help you track the progress of your case and advise you of any developments.

WHAT HAPPENS AFTER THE CRIME IS REPORTED?

INVESTIGATIONS:

What happens during an investigation?

The Spanish National Police or the Guardia Civil are responsible for investigating crimes as directed by an Investigating Judge. Forensic evidence such as fingerprints, photographs, and medical examination will be collected.

How can I get information about the progress of my case?

Although not required, the easiest way to get timely information about the development of the investigation is by hiring a private attorney. A list of English-speaking attorneys is available on the embassy website and can be found at: <http://madrid.usembassy.gov/citizen-services/professional-services/attorneys2.html>.

What if I am being harassed or intimidated by the accused?

Report the incident(s) to the police.

How long will the case remain open?

A case where there is no suspect will remain open until there is one.

ARRESTS:

Will I know when the suspect is arrested?

No, you will not be notified unless you are being represented by a private attorney.

How long will the authorities hold the suspect?

Length of detention will depend on the crime (violent versus petty crime) and flight risk. Suspects can be held in pretrial detention, officially, for up to two years. However, the two year period is extendable.

What will my role be in the arrest?

You may be asked to identify the arrestee in a private police lineup.

PRETRIAL PERIOD:

Who is involved in the trial?

If you chose to hire a private attorney he/she will represent you in court. In Spain, there will also be a public prosecutor present to assist in prosecution. A judge will be assigned to the case and all evidence will be submitted to him/her.

Does the case have to go to trial?

Yes, if there is a suspicion of a crime, the case will go to trial; even if the victim does not wish to see the crime prosecuted. There are a few exceptions to this rule, such as sexual assault and rape. Misdemeanors and lesser crimes will be tried at speedy trials that can happen as soon as the next day. Plea bargaining is not possible in Spain.

TRIAL:

How long will the trial last?

The Spanish criminal justice system may seem frustratingly slow to American victims of crime. Spanish courts experience long delays and completion of cases can take many months and sometimes years.

Will I have to be present at the trial?

If the trial takes place after you have left Spain, you may be asked to return. However, your presence is not mandatory. You can testify via videoconference. You are allowed to request an interpreter.

Will there be a jury?

Not all trials will have a jury. Examples of cases that would have a jury include sexual assault and homicide.

What are trials like in Spain?

Trials are public, so anyone can attend. Like trials in the U.S., all those who attend are expected to behave in a respectful manner which includes silence during the trial itself.

SENTENCING:**How long will it take to pass a sentence?**

A sentencing hearing generally occurs a few days after the end of the trial. Perpetrators begin serving a sentence immediately.

Will I be notified when the perpetrator is released?

No, victims are not notified when a perpetrator is transferred or released.

APPEALS:**Are appeals permitted?**

Yes, the Spanish judicial system permits appeals.

Will I have to return to testify at the appeal?

No, you will be asked to appear at an appeal hearing only if new facts emerge during the appeal process.

ATTORNEYS:**Should I hire my own attorney?**

Ultimately, it is up to you as to whether or not you want to hire a private attorney. A public prosecutor will always be available to prosecute your case either alongside or without a private attorney. However, a private attorney may be more effective in promoting your interest with the police and court. Also, having a private attorney may make it easier for you to understand the differences in procedures and rules between the U.S. and Spanish legal systems.

VICTIM COMPENSATION IN SPAIN:**Am I eligible to receive compensation?**

The Spanish Ministry of Justice maintains a victim compensation program for victims of terrorism and violent crimes (including sexual assault).

How do I apply to receive compensation?

- **Public funding:** You may be granted compensation, also known as restitution of damages, as part of the sentencing process. This form of compensation is part of the criminal case and you do not have to file any additional claims for compensation.
- **Private funding:** In Spain, there is a wide range of private organizations that provide victims' assistance for specific crimes. Please ask Embassy staff for a referral.

- **International crime victim compensation programs:** You may be eligible to claim compensation under this program as a result of physical or emotional injuries as either a crime victim or a dependent of the victim. Application forms for compensation can be obtained from the ministry of finance. The ministry of finance can be contacted at 91-349-1611. Additional information and requirements can be found on the website for international crime victim compensation programs:
<http://www.ojp.usdoj.gov/ovc/publications/infores/intdir2005/welcome.html>.

SPECIAL INFORMATION FOR CASES OF SEXUAL ASSAULT AND RAPE:

What is considered sexual assault in Spain?

Any unauthorized sexual contact is criminally punishable per Spanish law. The law defines various sexual crimes and sentencing varies by crime. For example, sexual abuse is subject to lower sentencing while rape may be subject to the highest possible sentence. Acquaintance or date rape is considered as serious as any other type of sexual assault.

What steps should I take if I have been the victim of a sexual assault?

Report the incident to the police right away. File a police report and request a copy. Have a medical exam to preserve any physical evidence of the crime. Remember that physical evidence is very important in sexual assault cases, and can deteriorate as time passes. You should not change clothes, avoid bathing if possible, and have a physical exam at the first opportunity. You should take these steps even if you are unsure about whether to report the crime to police. If you decide to pursue a prosecution at a later time, these steps preserve evidence that will assist the prosecutor.

How does the medical exam work?

The medical exam will be performed only in specific hospitals throughout Spain that are trained to work with victims of sexual assault. The police will instruct the victim of a sexual assault where they need to go to have the forensic examination performed. These exams are performed by certified medical doctors in Spain who are licensed to conduct forensic examination. The exam will involve a pelvic exam, genital swabs, taking of hair samples, fingernail scrapings, blood samples and saliva samples. The victim may ask for a support person to remain with them throughout the exam process.

Do I have to have a medical exam?

No, but it is very difficult to convict anyone in a rape/sexual assault charge without a physical exam. Even if you are not interested in taking the case to court, it is important to get medical attention to determine if you have been injured in any way and to discuss treatment and prevention options for pregnancy and sexually transmitted diseases. Emergency contraception (the morning-after pill) is available in Spain, as well as prophylaxis for HIV and other STDs.

What is my role in the case?

You will be interviewed by the police, public prosecutor, Investigating Judge and the defense counsel throughout the proceeding.

How do I maintain my privacy during the case?

Strict data protection laws in Spain make it illegal to publicize the victim's name.

What can the embassy do?

- Provide lists of local doctors and clinics
- Send a consular officer or after-hours duty officer to accompany victims for the medical exam

SPECIAL INFORMATION FOR CASES OF DOMESTIC VIOLENCE:

Is domestic violence a crime in Spain?

Yes.

How can I get help?

You can get a protection order after reporting the crime to the police or to a court. Shelters for victims of domestic violence are available in every region in Spain, and are safe. Law enforcement or social services will provide a victim with a local shelter referral. We are unable to publish locations of shelters because the locations are kept secret as a safety measure. Young children may stay with their mothers in some of the shelters.

What other resources are available to me?

- The Spanish domestic violence hotline is 016. This number is toll free, and in addition, no record of calling this number will appear on your phone bills. English operators are available and this service is completely confidential. This service provides access to social resources, financial aid, sheltered housing, employment advice, residence papers, and legal advice. Stalking is also a crime in Spain and can be reported to the police. The 016 hotline will provide victims with referrals to free emergency programs.
- The police have implemented SAF (servicio de atención a la familia) and SAM (servicio de atención a la mujer) to work with women who have been sexually or physically abused. The central SAF office is located at Calle Julián González Segador, s/n 28043 Madrid. In emergencies, dial 012 and tell the operator your name, where you are, and that you need help.
- The Americans Overseas Domestic Violence Crisis Center is available for a number of services including advocacy to obtain resources, case management, relocations, counseling, and emergency assistance. To call toll free from Spain, dial the AT&T USADirect Access Number (900-99-0011) then dial 866-879-6636.
- Hot Peach Pages is a global information center for women, searchable by country. You can find additional domestic abuse centers to call and information on your rights.
- Embassy staff is available to try to answer any questions you might have.

SPECIAL INFORMATION FOR CASES OF CHILD ABUSE:

What resources are available in Spain for the prevention of child abuse?

Each of the 17 Autonomous Communities of Spain has a Government Child Protection Agency. Social Services in each of those regions will alert one of those agencies of any mistreatment suspected against minors. Schools are mandated to report suspected abuse. The Government agency can open a child abuse case that will be investigated either administratively or criminally in a court, depending on the nature of the abuse. The web page *Observatorio Infancia* contains links to documents that explain what to do if you suspect child abuse, how to document and report it, and links to other groups for the prevention of child abuse (maltrato infantil). <http://www.observatoriodelainfancia.msps.es/index.html>

The *Federación de asociaciones para la prevención del maltrato infantil* also has further information regarding child abuse and offices are located throughout Spain. The address of the nearest office can be found on the website <http://www.fapmi.es/index.asp> under the heading 'localización.'

What happens to American children who are victims of child abuse?

An American child would be put in a child protection institution if he/she was removed from the home. The examination of a minor victim of sexual abuse would be carried out by specialized forensic doctors. Very young minors are not allowed to testify in abuse cases. If a child abuse case goes to court, a special prosecutor is assigned to ease the traumatic experience for the minor.

SPECIAL INFORMATION FOR CASES OF MISSING PERSONS

What can the embassy do if an American citizen is missing in Spain?

The embassy can help to locate missing friends and relatives on a limited basis. If you are concerned for the well-being of someone in Spain you can call the embassy and request assistance. You can request that we pass messages to individuals and we will attempt to contact them. However, the embassy is limited by privacy laws and if an American citizen is living in Spain and is an adult, we must respect his/her privacy. To report a missing person, you can call the American Citizen Services unit at 91.587.2240. In the event of an emergency, please call the police.

How can I report a missing person from the U.S.?

If you are residing in the U.S. and want to report that a person living in Spain is missing, you can file a police report with your local station in the U.S. The police will then file the report with the international police (Interpol) and the Spanish police. When filing a report, it is very important to include a photo of the missing person.

How can the embassy contact me in case of an emergency?

To make it easier for embassy personnel to contact you in case of an emergency, enroll in the Smart Traveler Enrollment Program (SMART). Any information that you share with the embassy including your travel plans and contact information will not be shared with other parties except in emergency situations. The information will be used so that the embassy can call you and let you know that you need to call home, in case your family cannot reach you in an emergency. You may use the following link to register in SMART: <https://travelregistration.state.gov/ibrs/ui/>.

SPECIAL INFORMATION FOR CASES OF HOMICIDE:

An autopsy is mandatory in any non-natural death that takes place in Spain. Surviving families in Spain often find they can better participate in the criminal prosecution if they retain private counsel. This is not required and a public prosecutor will always be appointed to represent the public interest. However, a public prosecutor will independently decide on the accusation and charges, without consulting with the surviving family.