
COMPENSATION TO VICTIMS

uc3m

Universidad
Carlos III
de Madrid



OUR TEAM (MISSING SOME MEMBERS)



INDEX



MONETARY REPARATION TO THE VICTIM
SPAIN

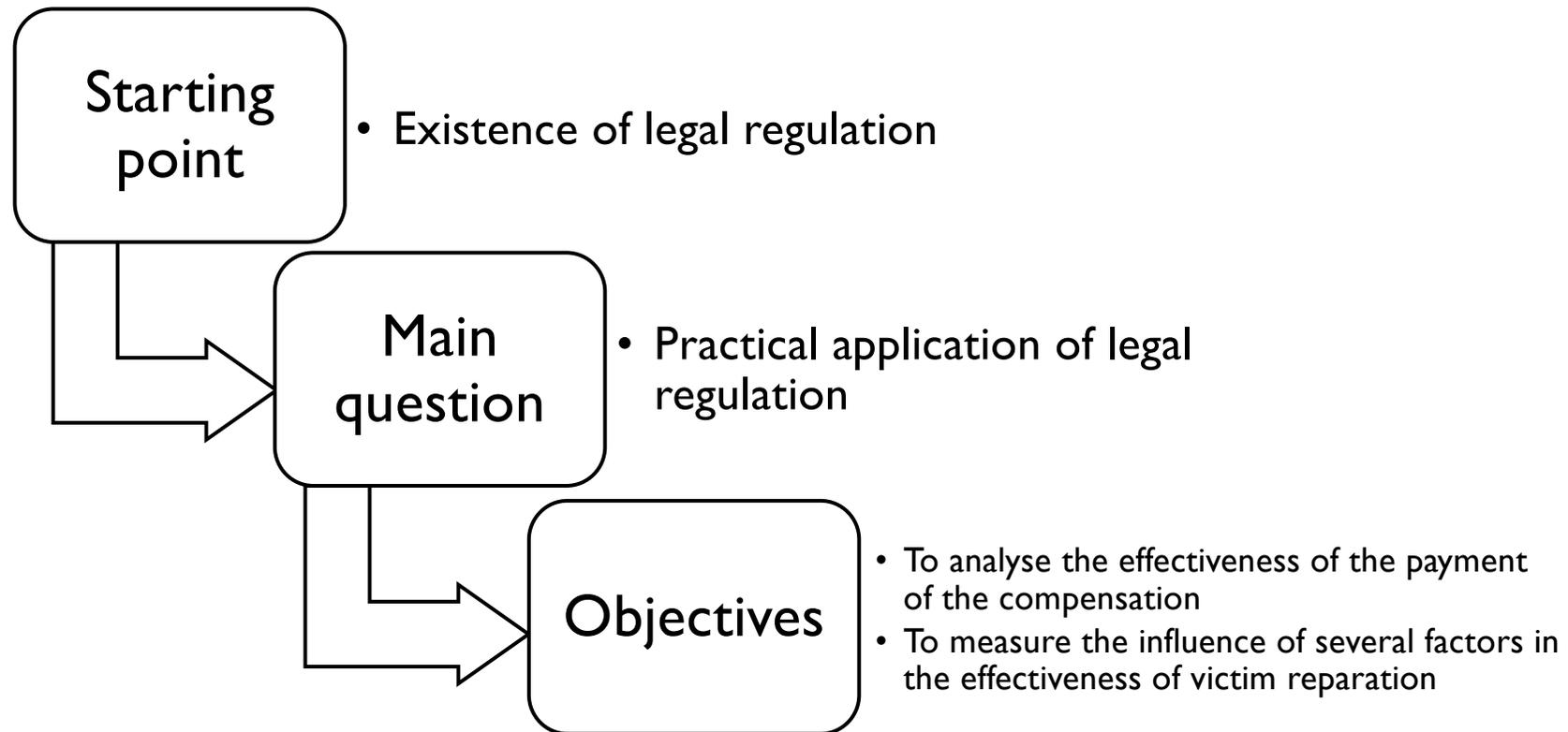


CROWD FUNDING PROJECT “MONETARY
REPARATION TO VICTIMS OF SEXUAL
VIOLENCE”



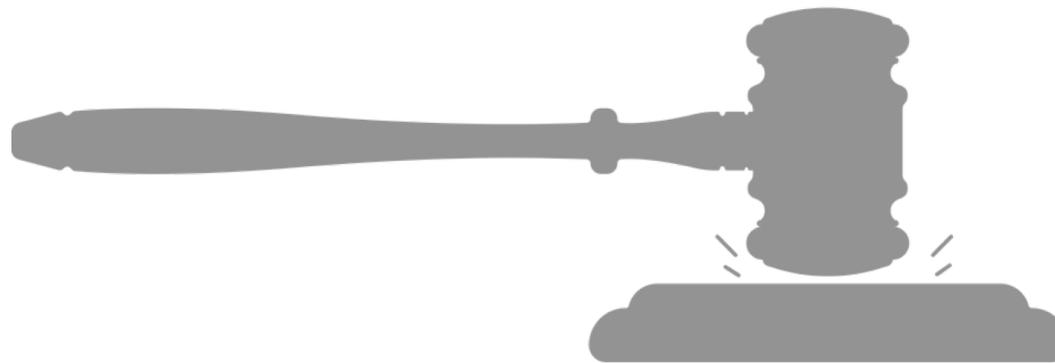
FAIRCOM

CONCEPT



TO BE HIGHLIGHTED

In Spain the victim has a right to accuse and to participate in the process as a party
(“*acusación particular*”)



METHODOLOGY

Cross area cooperation

- Procedural Law - Statistics

2 studies

- Cases of 2012: verification on compensation by different courts
- Cases of 2014: verification on compensation by types of crime

All Courts of Madrid Province:

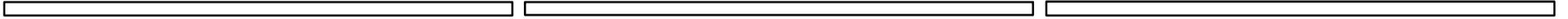
- Criminal Courts: Madrid capital, suburbs
- Provincial Court of Madrid

2763 cases randomly selected

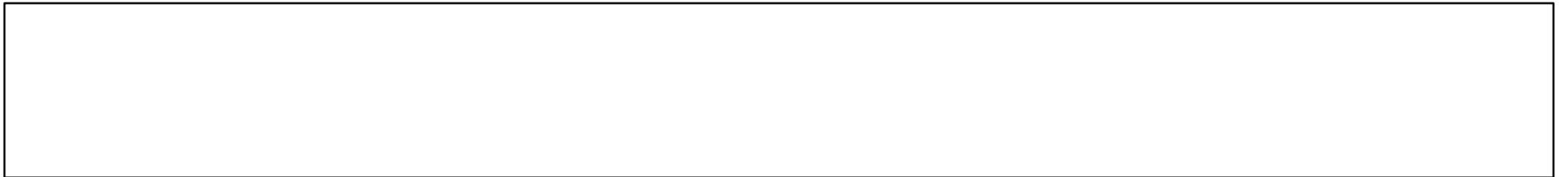
Out of research:

- Crimes against road safety
- Gender violence



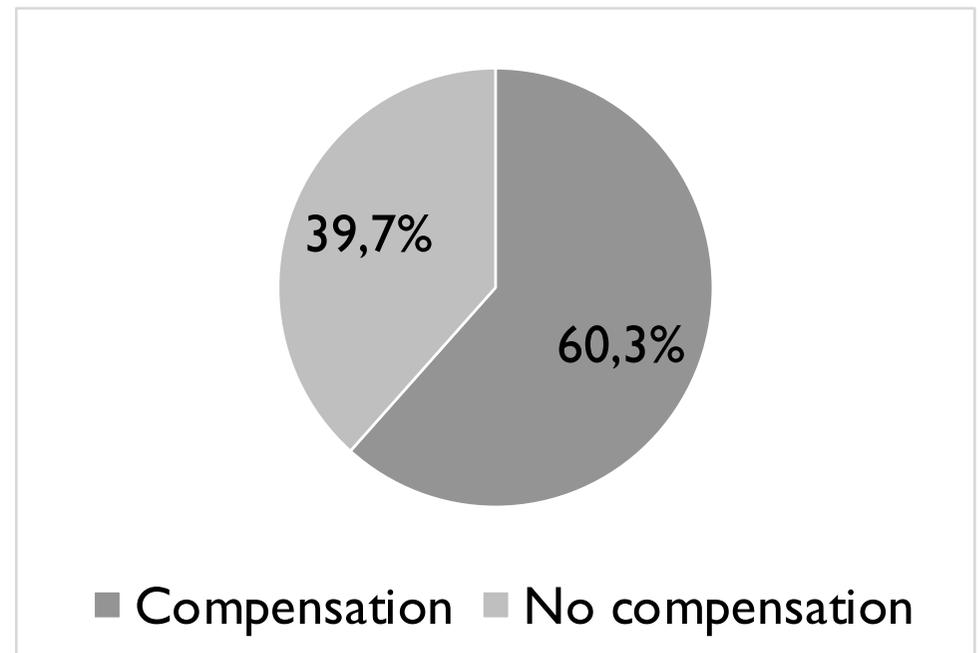


MAIN FINDINGS



MAIN FINDINGS

- More than half of judicial resolutions include compensation for the victim

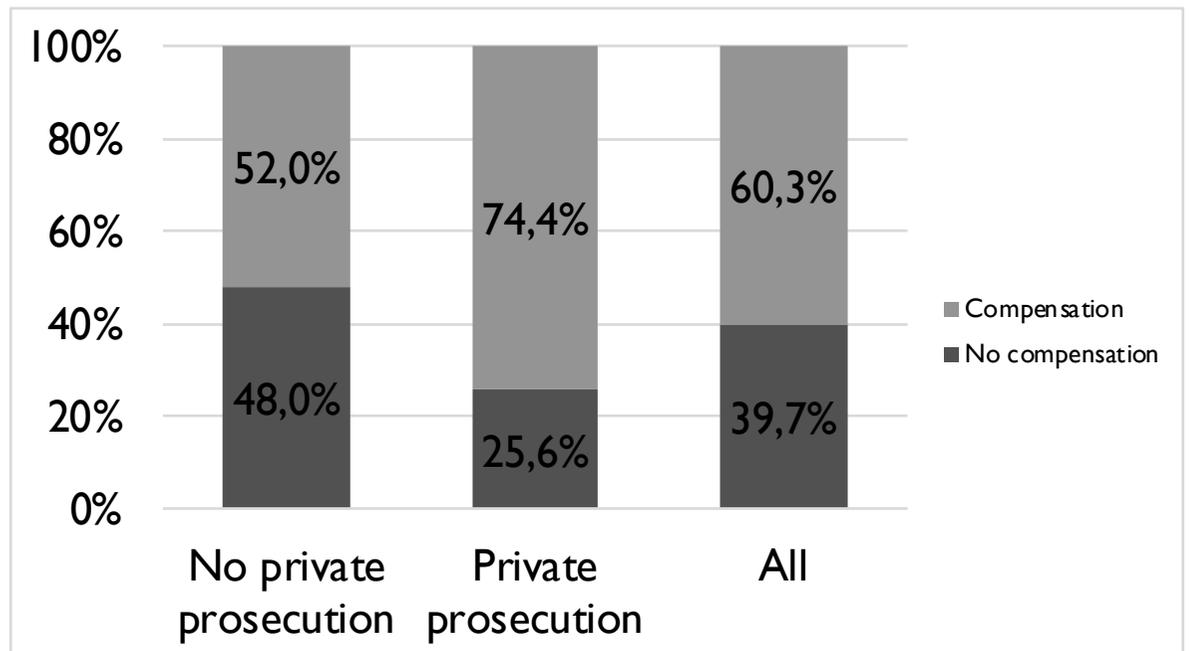


MAIN FINDINGS

- The private prosecution increases the possibility to include compensation in the judicial resolution

BUT

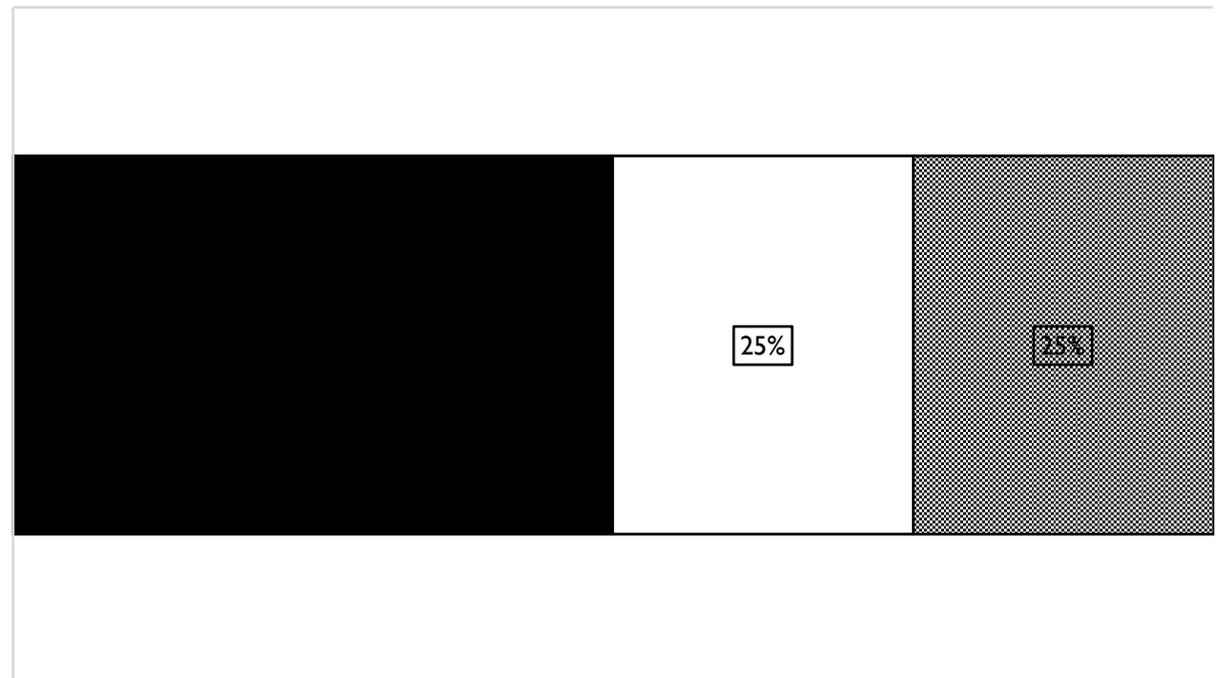
- Does not influence payment



MAIN FINDINGS

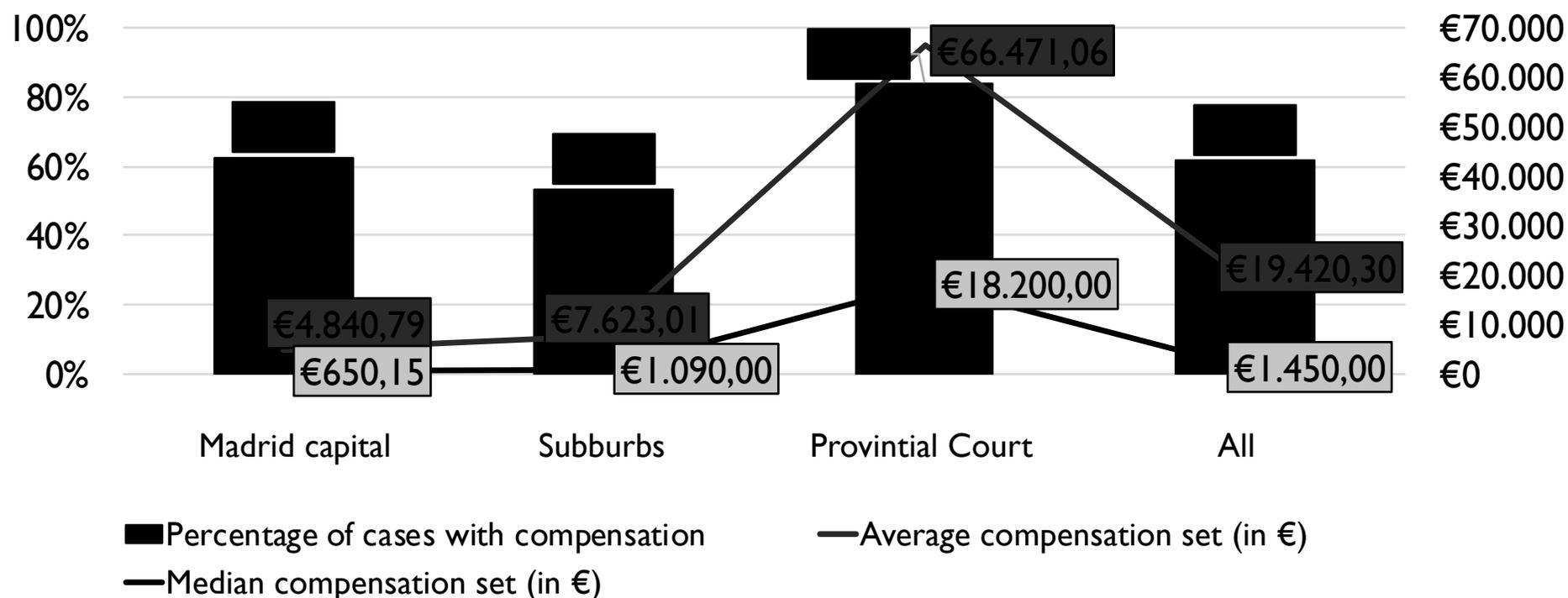
- Half of the compensations are lower than €1451

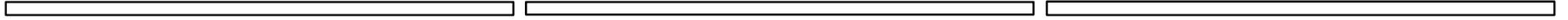
■ from €1 to €1450 □ from €1450.01 to €6000 ▒ more than €6000



MAIN FINDINGS

The median of **declared** compensation is €845.20 in Criminal Courts, and €18200 in Provincial Court

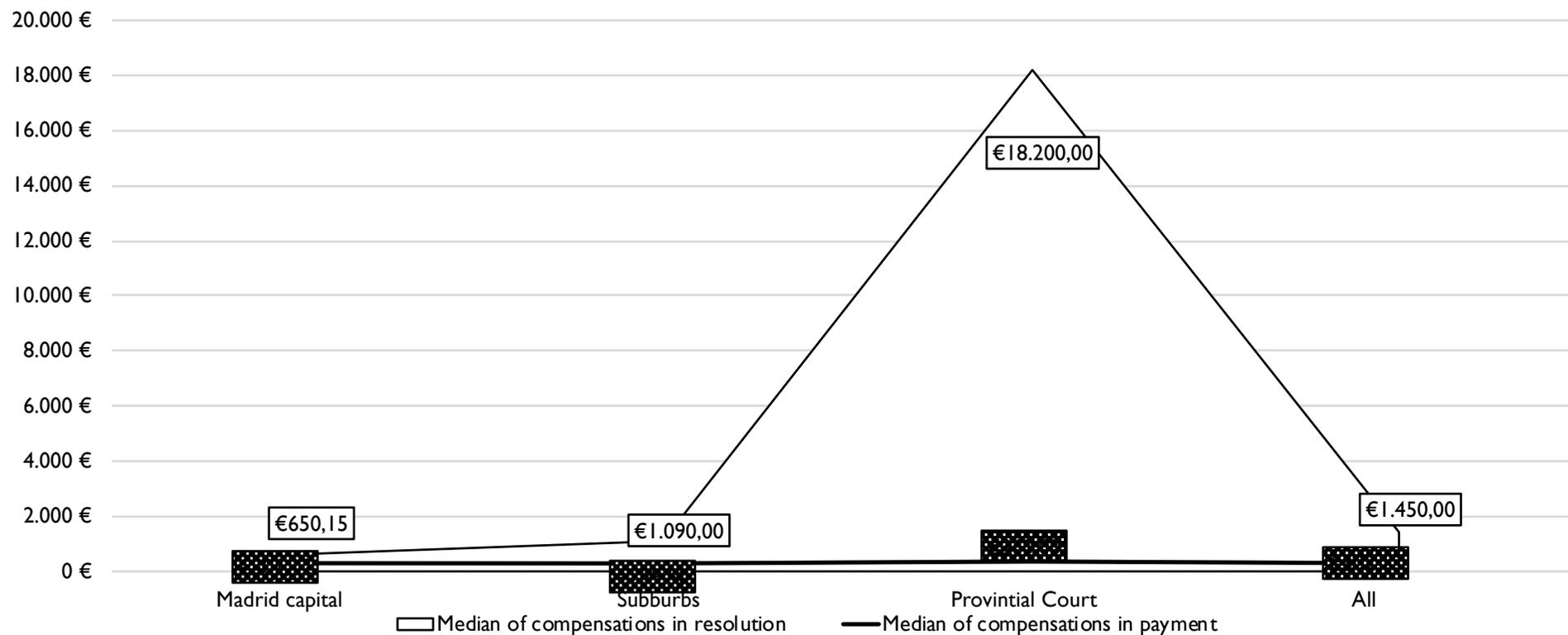




How much is paid in practice?

MAIN FINDINGS

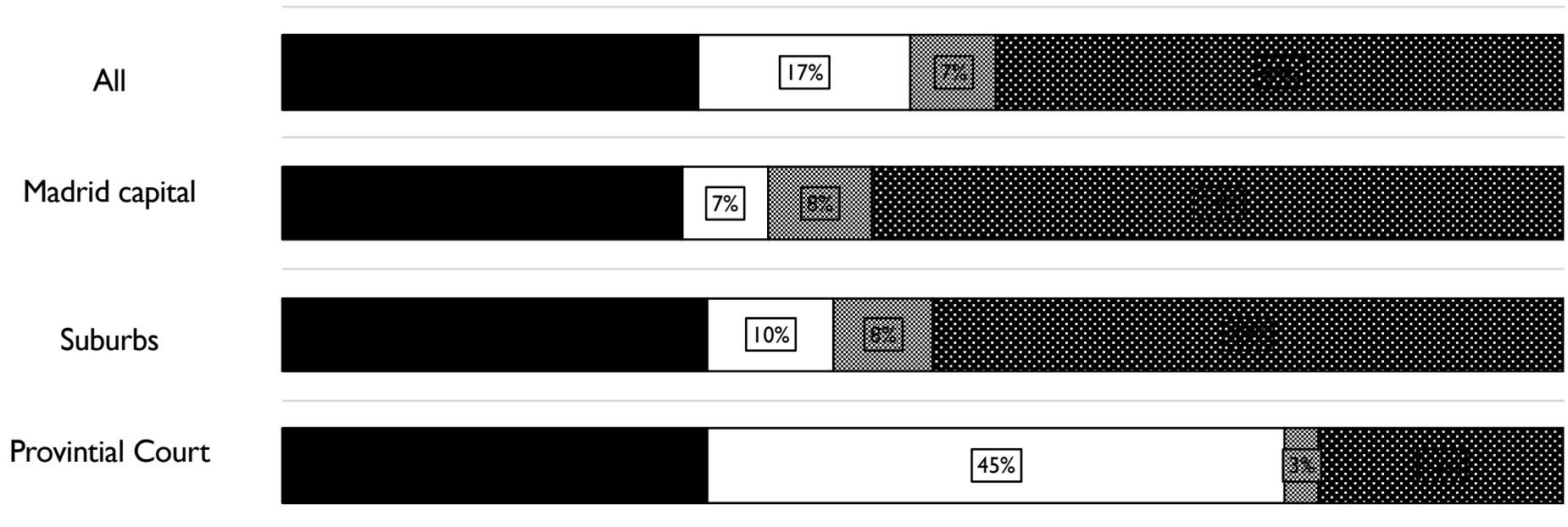
Median of **paid** compensation payment €302.13



MAIN FINDINGS

PAYMENTS-PERCENTAGE

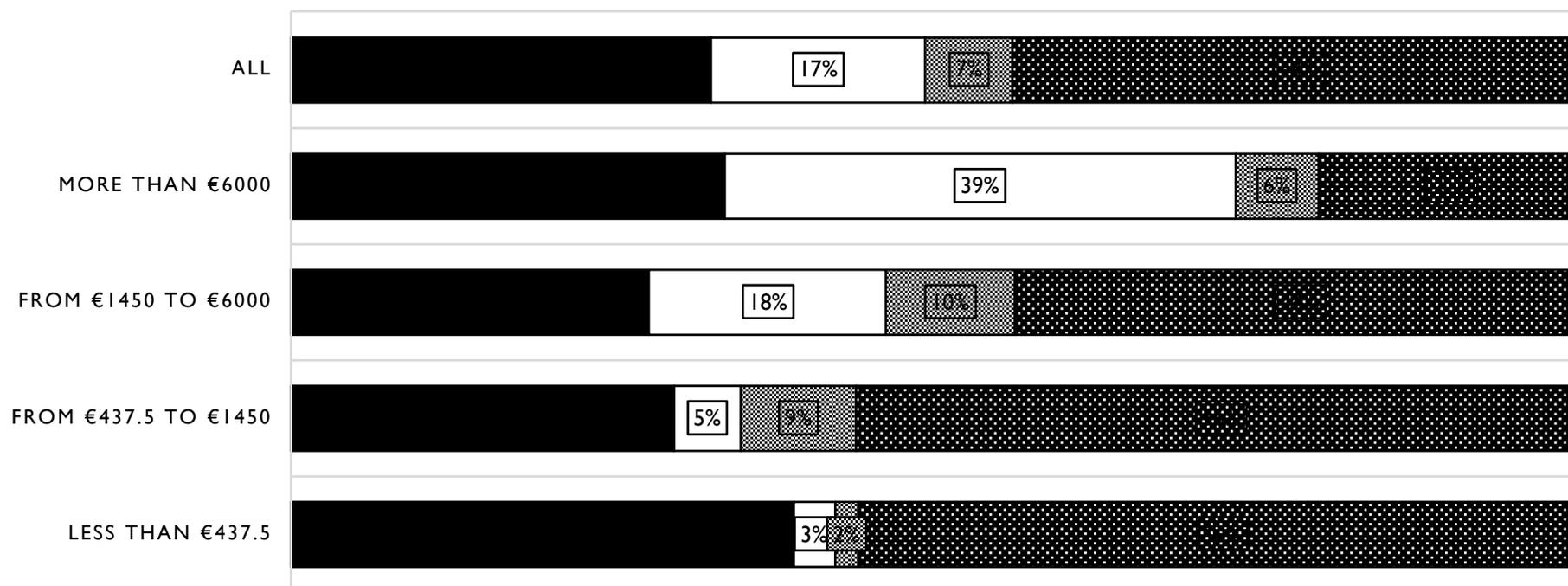
■ 0% paid □ from 0.1% to 50% paid ▨ from 50.1% to 99.9% paid ■ 100% paid



MAIN FINDINGS

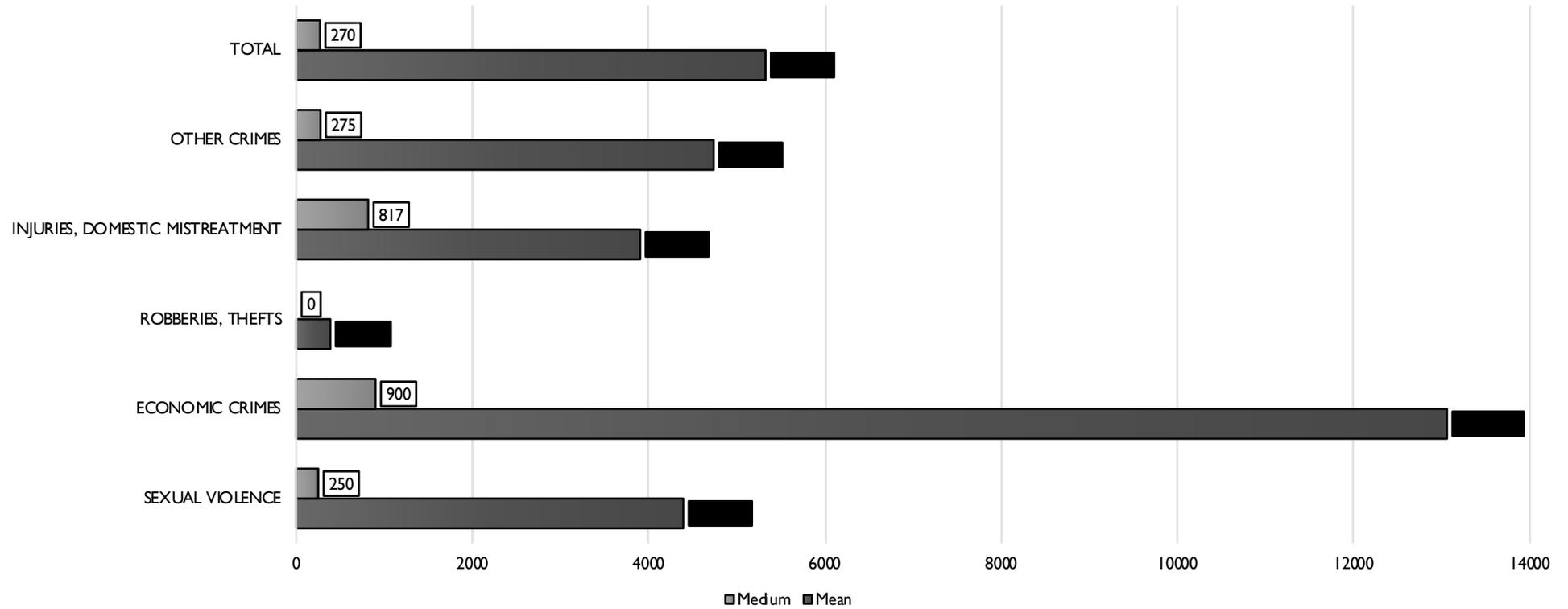
COMPENSATION PAYMENT PERCENTAGE VS. COMPENSATION AMOUNT

■ 0% paid □ from 0.1% to 50% paid ▨ from 50.1% to 99.9% paid ■ 100% paid



MAIN FINDINGS

PAYMENTS BY TYPE OF CRIME



CONCLUSIONS

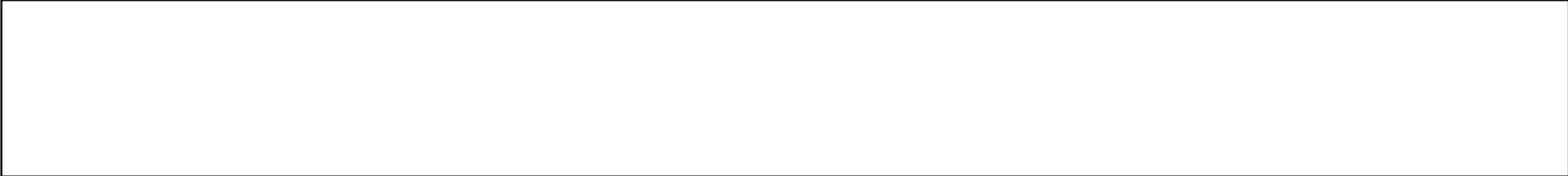
Judicial resolutions

- More than half foresees compensation (60,3%)
- Half of compensations are lower than 1.451€

Payment

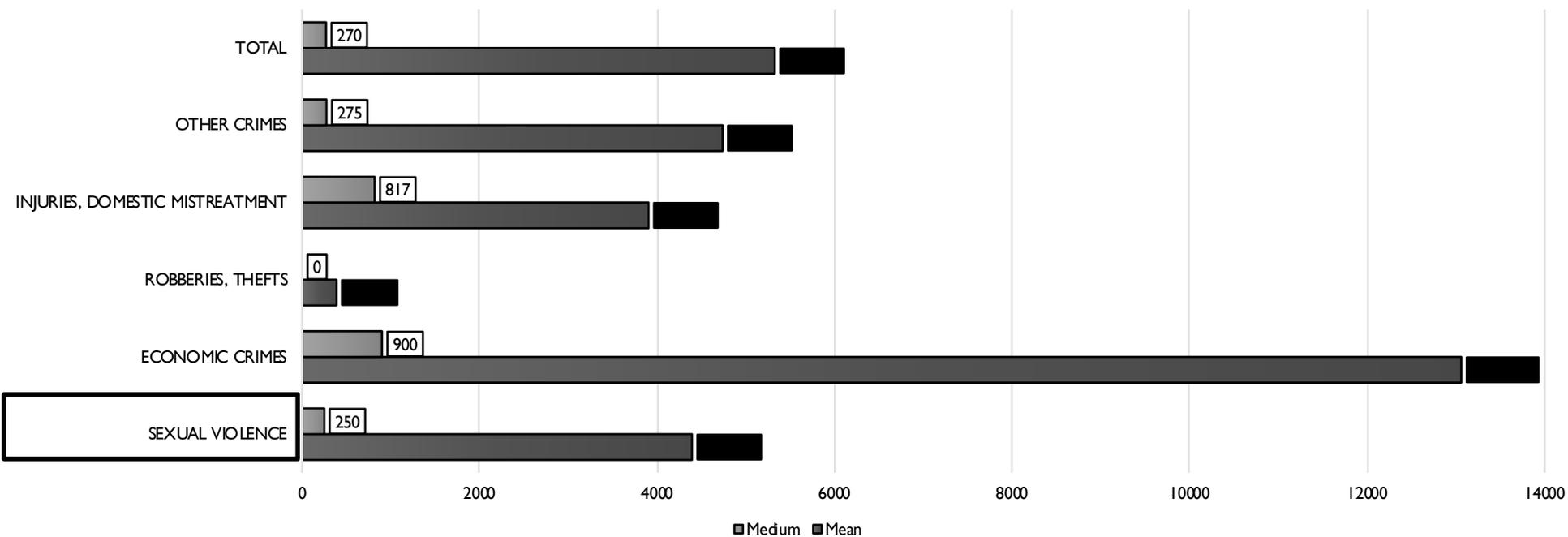
- 32% of victims haven't gotten compensation at all
- 50% of victims receive less than 302 €

WHAT NEXT?

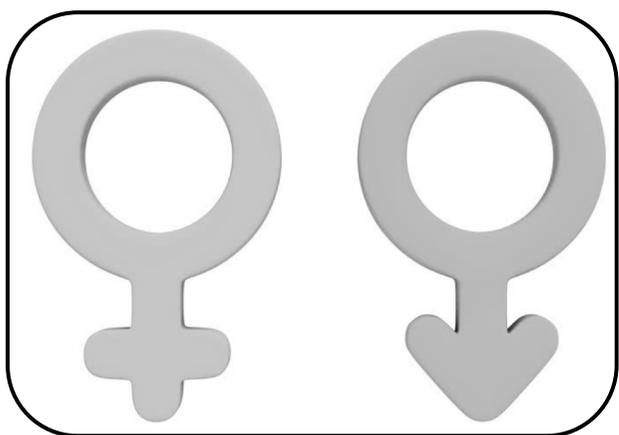


WHICH VICTIMS ARE MORE ADVERSELY AFFECTED

PAYMENTS BY TYPE OF CRIME



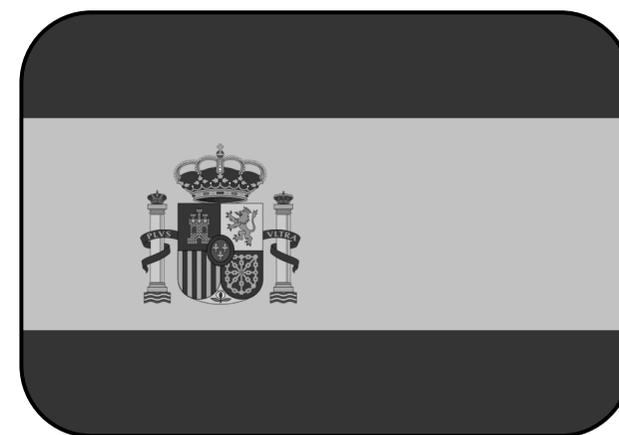
SEXUAL VIOLENCE



73,9% - 26,1%



46,7%



73,9%

CROWDFUNDING PROJECT

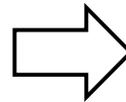
”REPARATION TO VICTIMS
OF SEXUAL VIOLENCE”



NEW FINDINGS

Compensation by the State

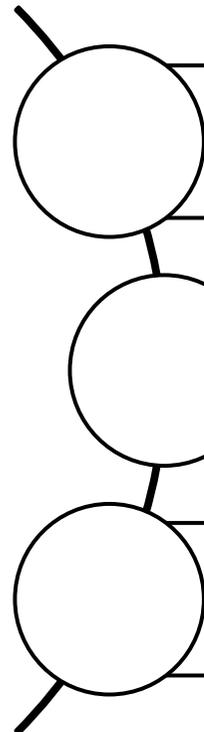
- Law 35/1995
- Royal Decree 738/1997



Practice

- Year 2012 – 23 compensations
- Year 2015 – 9 compensations

OBJECTIVES



Identification of reasons

Development of package of solutions

Dissemination

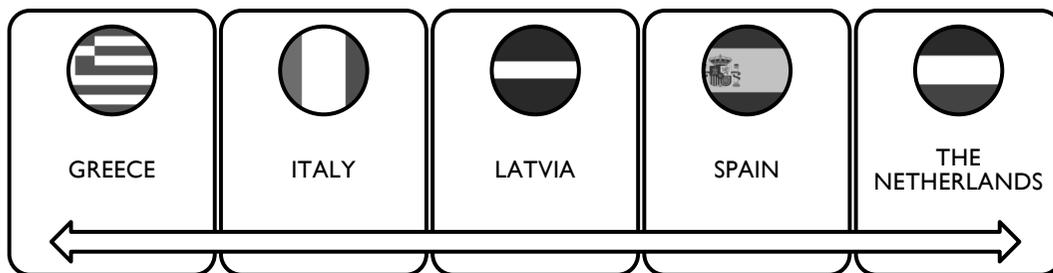
IN PARRALEL



FAIRCOM

Justice Programme (JUST-AG-2018)

TOWARDS FAIR AND EFFECTIVE
COMPENSATION SCHEME TO
VICTIMS OF SEXUAL VIOLENCE



September 2019						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					



