

Naval Officer Reports Sexual Assault by Superior; National Human Rights Institute Files Protection Suit After Disciplinary Punishment

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The Appeals Court of Valdivia acknowledged the protection order, stating that the events stem from a "patriarchal and sexist institutional culture" and demonstrate "evident expressions of violence and gender discrimination." The INDH described the ruling as a "historic" legal precedent, as it marks the first time a court explicitly recognizes that tolerated institutional practices by the Chilean Navy constitute gender violence.



Original article: [Funcionaria de la Armada denunció a un superior por violación y la institución la castigó: INDH presentó recurso de protección](#)

The Appeals Court of Valdivia has accepted a protection order presented by the National Human Rights Institute (INDH) on behalf of a naval officer who reported being sexually assaulted by a superior, only to face disciplinary action afterward.

The complainant had to navigate several review processes to reverse the sanctions imposed against her.

According to the ruling, these incidents arise from a «patriarchal and sexist institutional culture» and demonstrate «evident expressions of violence and gender discrimination.»

Constanza Montt, the regional head of the INDH, stated that this is a «historic precedent: for the first time, a court explicitly recognizes that practices tolerated by the Chilean Navy constitute gender-based violence, and that disciplinary investigations can operate with structural biases that revictimize the complainants.»

Montt explained that the decision «compels regulatory, procedural, and power dynamics changes, setting a standard that will impact all institutions across the country.»



The Facts

According to the facts recognized by the court, between the night of November 7 and the early morning of November 8, 2022, the complainant reported consuming an unknown alcoholic drink that caused her to lose consciousness during a celebration or «ritual» recognizing personnel promotions, held at El Ancla in Valdivia.

Later, in December of that same year, the victim filed a complaint through the institutional channels, stating that a direct superior took her home from the event, where he sexually assaulted her.

However, oddly enough, in the internal inquiry, the Navy accused her of an «abuse of trust» and issued a reprimand.

In 2023, following the officer's appeal, the sanction was reduced to a minor disciplinary infraction. After another appeal, the Navy's General Staff ultimately resolved to annul the sanction «due to the lack of substantiated facts.»

In this regard, **the court criticized the Navy** for allowing the investigation to lead against the victim, directing two accusations at her.

The Appeals Court of Valdivia held that the disciplinary measures taken by the Chilean Navy allowed for the «facilitation and promotion of transgressive behaviors regarding sexuality by shifting responsibility onto the victim for disrespecting a superior, while the superior was the one accused of the crime of rape he allegedly committed.»

Moreover, the court concluded that the Navy subjected the complainant to «discriminatory treatment, inflicting institutional violence based on her gender during the administrative sanctioning process triggered by her complaint of being raped.»

It also determined that the institution exercised gender-based discrimination since «it was considered that the officer did not merit victim status, according to the role assigned to women in the institution and the prohibitions and mandates reinforcing it... This phenomenon occurs in an environment where public service functions, exposing serious obstacles to the integration of women in the Chilean Navy, due to the tolerance of rituals, favoritism, comments, and jokes (as recorded in the proceedings by the aggressor in ‘choosing’ who to favor based on physical characteristics), and sexual violence.»

Due to all these circumstances, the Appeals Court of Valdivia ordered the Navy to erase all records of the disciplinary measures imposed on the victim. Additionally, the court mandated the removal of any limitations on her job functions.

Furthermore, it established guiding and training measures to be carried out with the Ministry of Women and Gender Equity, involving the Inclusion and Non-Discrimination Table and the Gender Delegate.

Thus, the Navy will need to identify areas that may allow for sexual harassment, discrimination, inequality, or gender-based violence to occur. It will also have to define strategies for addressing these issues through public intervention and promote affirmative actions for the full participation of women under equal conditions within the institution.

«The Ministry of Defense must review the Navy’s Disciplinary Regulations, adapting its provisions to Laws N°[21.675](#) and N°[21.643](#), particularly regarding hierarchical relationships, interaction practices, discrimination, and gender violence, incorporating and effecting

necessary modifications through the issuance of the corresponding Supreme Decree within six months. They must also inform the General Comptroller of the Republic of these proceedings,» concluded the INDH.

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Fuente: [El Ciudadano](#)