



Communique **Committee of Experts**

Committee of Experts urges Chilean authorities to continue collaborating with the investigation into rape allegation against the former Undersecretary of the Interior

Washington, DC, November 13, 2024. [The Committee of Experts of the Follow-up Mechanism to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women "Belém do Pará Convention" \(MESECVI\)](#) expresses its concern regarding the rape allegations involving a former high-ranking official of the Chilean government against a subordinate. The Committee of Experts has received information on the case involving former Undersecretary of the Interior, Manuel Monsalve, who has been accused of sexual assault and other abuses of power by a staff member under his supervision, including possible misuse of public resources to obstruct the investigation process.

In light of the complaint filed, the Committee acknowledges the cooperation of the Chilean authorities in the procedures related to the investigation and will remain vigilant to ensure that it is conducted with transparency and promptness, respecting due process, applying the principle of reinforced due diligence, while, at the same time, ensuring the protection and avoiding the revictimization of the complainant.

In this regard, the Committee of Experts underscores the need for judicial and administrative investigations to be conducted diligently to ensure that the facts are clarified, appropriate sanctions are applied, and reparations are provided to the complainant if warranted.

The Experts note that, according to Article 7 of the Belém do Pará Convention, "The States Parties condemn all forms of violence against women and agree to [...]: a. refrain from engaging in any act or practice of violence against women and to ensure that their authorities, officials, personnel, agents, and institutions act in conformity with this obligation; b. apply due diligence to prevent, investigate and impose penalties for violence against women."

In the context of the case, the Committee of Experts also acknowledges the progress made by the Chilean state in legislation and public policies that move in this direction,

such as the recently approved Law 21.675, which establishes measures to prevent, punish, and eradicate violence against women for gender reasons, setting obligations for the state and introducing modifications to judicial procedures, incorporating as a special source of interpretation the provisions of the Convention of Belém do Pará. Likewise, the Committee values the explicit guarantee of health coverage for acute sexual assaults, which allows for a basket of minimum integral care services to be provided in response to such crimes.

Moreover, the Committee of Experts underscores the importance of applying the principle of consent in the investigation and prosecution processes for cases of sexual violence, as a central element to identify acts of abuse or rape.

In its [General Recommendation No. 3 on the concept of consent in cases of sexual violence against women for gender reasons](#), the Committee highlights that sexual abuses often occur within relationships marked by power asymmetries, which perpetrators use to control victims. Therefore, consent is compromised or nullified when elements such as coercion, fear of violence, and/or abuse of power are present.

Thus, in this general recommendation, the Experts point out that: “a) Consent cannot be inferred from any word or conduct of the victim when force, the threat of force, coercion, or taking advantage of a coercive environment have diminished her ability to freely and voluntarily give consent; b) Consent cannot be inferred from any word or conduct of the victim when she is unable to give free consent; c) Consent cannot be inferred from silence or the victim’s lack of resistance to sexual violence; and d) Consent cannot be inferred when there is a power relationship that forces the victim to act out of fear of the consequences thereof, taking advantage of an environment of coercion.”

In view of the above, the Committee calls upon the highest authorities of the Chilean State to continue acting in accordance with the principle of reinforced due diligence, as enshrined in Article 7 of the Belém do Pará Convention, ensuring the protection of the alleged victim and preventing any form of re-victimization throughout the process. The Committee also urges the State of Chile to explicitly incorporate the principle of consent into its criminal legislation, judicial procedures, investigative protocols, and educational and public policies. Further, in line with MESECVI’s General Recommendation No. 6, the Committee emphasizes the importance of eliminating gender stereotypes that undermine the integrity of the justice system, ensuring that such stereotypes do not interfere with prevention strategies, the initial contact with women filing complaints, investigations, trials, and post-trial processes.

The Follow-up Mechanism to the Belém do Pará Convention, through its Committee of Experts, makes itself available to the State of Chile for any technical support they may require in this matter.

The [Committee of Experts](#) is the technical body of the MESECVI, responsible for the analysis and evaluation of the implementation process of the Convention of Belém do

Pará. It is made up of independent Experts, appointed by each of the States Parties from among their nationals, who perform their duties in a personal capacity.