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SURVIVORS OF RAPE BY BARRICK GOLD SECURITY GUARDS OFFERED “BUSINESS GRANTS” AND
“TRAINING” IN EXCHANGE FOR WAIVING LEGAL RIGHTS

*Human rights advocates denounce Barrick’s reparations process in Papua New Guinea as
inconsistent with international law and inadequate to remedy brutal rapes*

NOVEMBER 21, 2014, WASHINGTON DC AND PORGERA, PAPUA NEW GUINEA — Approximately 200 women who survived brutal rapes by Barrick Gold’s security guards in Papua New Guinea were asked to waive their legal rights in exchange for small “business grants” and “business training,” a reparations process that human rights and women’s rights advocates are criticizing as inadequate and designed to protect the Canadian gold company rather than remedy the abuses.

For years, security guards at Barrick’s Porgera mine have brutally raped and gang-raped hundreds of local women and girls. The mine’s ever-expanding waste dumps surround communities and bury farms, leaving girls with no option but to cross through the dumps to reach school, and leaving many women with few livelihood options than to scavenge for gold. As documented by local human rights group Akali Tange Association (ATA), as well as a 2011 Human Rights Watch report, Barrick’s security guards patrolling the dumps have repeatedly preyed upon these women and girls.

In 2012 Barrick set up its Remedial Framework to provide reparations to the victims. That process is now finished, and those familiar with the process are speaking out.

“Barrick’s so-called ‘remedial framework’ in fact failed to remedy anything,” said Kerry Kennedy, noted women’s rights advocate and President of the Robert F. Kennedy Center for Justice and Human Rights. “Rather, the framework put the company’s interests before justice, in no way fulfilling Barrick’s responsibility to the hundreds of women who were raped by its employees.”

Barrick claimed that it would make individual assessments of each woman’s needs and offer a flexible benefits package that might include appropriate financial reparations or even relocation where appropriate. But the Framework was not run as promised. As documents released today show, the benefits packages were largely made up of a “business training” program set up by Barrick, after which the women could get a “business grant” of 15,000 kina – about \$6000. With other small elements, such as fees for children’s education and a “financial supplement” of up to 5,000 kina (\$2000), the value of almost every package came to the same figure – 21,320 kina (about \$8500). No exceptions were made to the mandatory business training program – not even for an 87-year-old woman.

In exchange, documents show, the women – mostly highly impoverished, traumatized, and often illiterate – had to promise never to sue Barrick.

“Some of the women felt they had no choice but to accept the benefits offered,” said Marco Simons, Legal Director of EarthRights International (ERI), which represented dozens of women in the process. “One of our clients told us how she was brutally beaten, cut with a knife and raped by more than 10 Barrick guards, left unable to have children, and then abandoned by her husband and ostracized by her community. She was angered by what the Remedial Framework offered. But she felt she could not reject the benefits because she needed medical treatment; her injuries still made it painful for her to walk.”

“Some of our clients did, however, refuse the benefits,” added Simons. “As far as we know, the only women who refused to sign Barrick’s legal waiver were those represented by ERI – in other words, those who thought they might have other options.”

Tricia Feeney, Executive Director of UK-based Rights & Accountability in Development (RAID), noted that the Framework’s approach “abandoned fundamental human rights principles. The Porgera program offered women a standardized reparation package that did not reflect the severity of the harm they had suffered. In return, at minimal cost to itself, the company sought to avoid legal liabilities and refurbish its reputation.”

Many women demanded reparations according to their culture, in which disputes are settled with valuable compensation. In a surprising statement, the Remedial Framework’s Advisory Panel specifically rejected this, suggesting that providing compensation according to Porgeran culture and international human rights norms would not “respect the dignity” of the women.

ATA spokesperson Jethro Tulin denounced the Remedial Framework’s approach. “Barrick did not consult with local women or the ATA in designing the Framework. They did not recognize that compensation is culturally appropriate in Porgera. And they have made no effort to remedy other abuses, including killings by Barrick’s security guards.”

“When Barrick acquired the Porgera mine, it had a chance to do the right thing,” said Catherine Coumans of Mining Watch Canada, which has monitored the Porgera mine for years and raised concerns about the Remedial Framework from the beginning. “Instead, Barrick allowed the rampant sexual violence to continue and refused to relocate local people to less degraded land.”

Documents:

1. Statement from Remedial Framework Advisory Panel rejecting compensation demands
2. Remedial Framework benefits package (name redacted)
3. Remedial Framework benefits package (name redacted)
4. Remedial Framework final contract including agreement not to sue Barrick (name redacted)

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EarthRights International (ERI) is a nongovernmental, nonprofit organization that combines the power of law and the power of people in defense of human rights and the environment, which we define as "earth rights." We specialize in fact-finding, legal actions against perpetrators of earth rights abuses, training grassroots and community leaders, and advocacy campaigns, and have offices in Southeast Asia, the United States and Peru. More information on ERI is available at <http://www.earthrights.org>.