



FACTSHEET: Abuse by Barrick Gold Corporation

Representing survivors of gang rape and those killed by Barrick Gold Corporation's security guards at the Porgera gold mine in Papua New Guinea

Canadian mining company Barrick Gold Corporation, the largest gold mining company in the world, operates the Porgera mine in Papua New Guinea (PNG), where security guards have raped and gang-raped hundreds of local women and girls and killed several local men.

EarthRights International (ERI) represents a number of survivors of rape and family members whose relatives were killed by Barrick security guards.

Barrick's Porgera Gold Mine

Barrick has owned and operated the Porgera gold mine since 2006, when it acquired the previous owner, Placer Dome. Barrick also acquired a legacy of environmental damage and human rights abuses that it has failed to remedy.

Each day, Barrick dumps more than 16,000 tons of waste into the Porgera River and local creeks that villagers have long relied upon for drinking water, bathing, and washing clothes and food. The mine's ever-expanding waste dumps continue to take over the land and bury the homes of the original landowners that have lived in the region for generations, long before large-scale mining came to Porgera. Surrounded on all sides, villagers have no choice but to cross the dangerous dumps to reach agricultural land, commercial areas, schools or other villages. Many have not been compensated for the loss of their land and their homes, and Barrick has refused to relocate them. Without land to farm and sources of clean water, practically the only means of income available to some of the local indigenous communities is to scavenge for remnants of gold in the open pit or the treacherous waste dumps.

Barrick's Security Guards

Barrick employs a private security force to patrol the open pit and the waste dumps. Villagers who are caught scavenging in the dumps or pit are often detained in a holding cell at the mine site before being transferred into police custody for “illegal mining” or trespassing.

The security force includes local PNG police officers and others with a police or military background who are employed by Barrick to protect the mine. Barrick has a Memorandum of Understanding with the government of Papua New Guinea to provide police reservists from its own security guards in order to augment the local police force; in practice, these reservists patrol the mine at Barrick's direction.

Barrick also provides financial and other support, such as housing on mine property and transportation, to the PNG Mobile Police squads, a branch of the national police force, to protect its facilities. The Mobile Police have a long history of serious human rights abuses, including shootings, beatings, rape, forced evictions, and burning of homes.

Systematic Sexual Violence and Gang Rape by Barrick Security Guards

For two decades, women and girls living near the mine have been brutally raped by the mine's security guards patrolling in or near the dumps. Many suffer from lasting physical and emotional injuries, as well as marginalization and social isolation in their community.

One of ERI's clients, a young girl at the time, was panning for gold with her older sister when they were surrounded by ten armed Barrick security guards. The guards handcuffed her behind her back, beat her and gang-raped her. They then locked her in a holding cell at the mine site until she was transferred to police custody and jailed for “illegal mining.” It took her family a week to gather bail money, during which time she received no medical treatment for her injuries, which included broken bones and swelling from a blood clot. She still has trouble walking today.

Another ERI client was caught by guards in the dump after they fired teargas at her group. She was beaten, cut with a knife, and brutally raped by ten guards. She had to be carried home by relatives and could not walk for weeks; walking still causes her pain. After her newlywed husband found out about the rape, he abandoned her, and she is no longer able to have children. She was ostracized by the community and had to move to live with relatives in another town.

Dozens of women have suffered similar sexual assault by mine security guards. Local human rights group Akali Tange Association (ATA) began warning of abuses committed by mine guards before Barrick formally took over the mine; the company ignored or denied the problem for years. In 2008, Barrick's CEO wrote in a letter to Porgeran leaders that the allegations of gang rape were “most distasteful, to say the least as you know these allegations to be untrue.”

Finally, after investigative reports from groups like ATA, MiningWatch Canada, Human Rights Watch, and Amnesty International, the company admitted in 2011 that there was a problem.

Barrick's Remedial Framework

In 2012, Barrick set up a "Remedial Framework" to enable rape survivors to apply for limited benefits. This was designed to be an "Operational Grievance Mechanism," as envisioned by the U.N.'s 2011 Guiding Principles on Business and Human Rights, but from the outset the Remedial Framework failed the U.N. criteria. For example, the Guiding Principles state that such mechanisms should be "Based on engagement and dialogue: consulting the stakeholder groups for whose use they are intended on their design and performance . . ." Barrick did not consult the women or their local advocates in designing the Framework.

More than two hundred women lodged complaints of rape and gang rape; local advocates believe that the actual number of victims may be even higher. Barrick claimed that it would assess each woman's needs and offer a flexible benefits package that might include financial reparations or even relocation where appropriate.

ERI represented several dozen women who lodged claims with the Remedial Framework, but soon discovered that they were not being offered appropriate financial compensation commensurate with the gravity of the abuses. Nearly all of ERI's clients were offered benefits packages that were calculated to amount to exactly the same value – 21,320 kina, about \$8500.

When many of ERI's clients objected and asked for appropriate compensation, the Remedial Framework rejected their request. In a statement (see below), the Framework's Advisory Panel accepted that the claimants had suffered horrific abuses – "physical assault and imprisonment as well as aggravated rape." But they rejected the notion that compensation for "aggravated rape" should rise above \$8500 per woman, regardless of the details of her experience, for several reasons:

- The Panel suggested that, since other women had already accepted their standard packages, it would be "unjust" to them to give these claimants anything more.
- Although the Panel recognized that "compensation is a traditional form of redress," it suggested that this culturally appropriate remedy – well-enshrined in international human rights law – was inconsistent with the "dignity" of the women, as protected by Papua New Guinea's Constitution.
- The Panel believed that – despite the fact that the women themselves were asking for compensation – it was better to treat these rape survivors as an economic development project, by giving them "income-generation skills training" and "start-up" grants.

Two of the benefits packages, with names redacted (see below), demonstrate that the women were offered almost identical benefits regardless of their desires and circumstances. The largest component of the packages is a business training program; after attending Barrick's mandatory

training, women could get a “business grant” of 15,000 kina – about \$6000 – which they were expected to use to start a small business raising chickens or selling second-hand clothing. No exceptions were made to the mandatory business training program – not even for an 87-year-old woman. The rest of the value of the package was made up small components, such as school fees (in a country where such fees have been abolished) and vouchers for counseling services. Then the packages included a “financial supplement” of up to 5,000 kina (about \$2000), in order to make up the difference to 21,320 kina.

In order to accept these packages, women were required to sign an agreement (see below), promising never to sue Barrick for their injuries. The women that ERI represented were apparently the only women in the process with any representation by legal counsel. All of the women who were not represented by ERI accepted the agreements.

The outcomes of the Remedial Framework fail the fundamental test that, under the U.N. Guiding Principles, such a process should be “[r]ights-compatible: ensuring that outcomes and remedies accord with internationally recognized human rights.” Providing manifestly inadequate benefits in exchange for waivers of legal rights – especially for unrepresented women, most of whom are extremely impoverished, with little formal education – is inconsistent with international human rights standards, which require remedies that are proportional to the gravity of the abuses.

Eleven women represented by EarthRights International rejected the agreements offered through the Remedial Framework.

Routine Beatings, Shootings and Killings by Barrick Security Guards

In addition to the systemic violence against women, over the course of the mine’s existence, local men and boys have been routinely beaten, shot, and killed for entering the open pit, the dumps, or simply being near the mine’s property. ATA has documented numerous incidents of violence and killings by mine security guards and Mobile Police squads working for the mine over the past 20 years. In 2005, just before Barrick took over the mine, its predecessor, Placer Dome, acknowledged some of those deaths, but alleged they were all in self-defense. Most killings have not been independently investigated, however, and Barrick generally continues to deny any responsibility. In 2006, the PNG government initiated an investigation into the unusually high number of deaths near the mine; no report was publicly released.

One victim was only 15 years old when he was shot and killed. He was staying with a relative in Porgera, and one night, he followed a group of locals to a gap in the mine fence. The group attempted to gain entrance to the open pit to look for gold. Guards stationed at the entrance, behind a fence, began shooting into the crowd. The boy was killed by a shot to the head. His relatives reported the shooting to the police but no one was ever prosecuted for his death.

Barrick's Remedial Framework was limited to claims of sexual violence. Relatives of men killed by security guards have tried to lodge complaints with Barrick's local community relations grievance office; none have apparently resulted in reparations.

Not an Isolated Case

Unfortunately, the abuses at Porgera are not unique among Barrick's mines. Violence by police affiliated with the company and the company's own security guards at the North Mara mine in Tanzania is eerily similar to the violence committed near the Porgera mine. Tanzanian villagers filed suit in the United Kingdom against Barrick in 2013 after their relatives were killed at the gold mine and others were injured by police officers working under contract with the company to provide security to the mine.

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)

Further Reading

Human Rights Watch, [Gold's Costly Dividend: Human Rights Impacts of Papua New Guinea's Porgera Gold Mine](#)

Amnesty International, [Undermining Rights: Forced Evictions and Police Brutality around the Porgera Gold Mine, Papua New Guinea](#)

International Human Rights Clinic, Harvard Law School & Center for Human Rights and Global Justice, New York University School of Law, [Legal Brief Regarding Bill C-300](#), submitted before the Standing Committee on the Foreign Affairs and International Development (FAAE), House of Commons, Ottawa, Canada