



MiningWatch Canada

Mines Alerte

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September 23, 2015

Peter Sinclair
Senior Vice President, Corporate Affairs
Barrick Gold Corporation
psinclair@barrick.com

Re: Lack of equity in settlements for victims of sexual assault at the Porgera Joint Venture gold mine in Papua New Guinea.

Dear Peter Sinclair,

I am writing because MiningWatch is receiving reports through our local partner organizations¹ in Porgera of increased tension and dissatisfaction among the 120 women who have accepted a remedy package from Barrick through the remedy mechanism that Barrick set up in Porgera to address harm suffered by victims of sexual assault by mine personnel.

According to Barrick's December 1, 2014 publication the average package value received by the 120 victims was worth 23,630 Kina, with no woman receiving less than a value of 23,040 Kina.² According to Barrick's statement of April 3, 2015, with EarthRights International (ERI) who represented 11 women who refused to accept Barrick's remedy package, Barrick settled the claims of these 11 victims such that "the women will receive compensation under the Porgera Remedy Framework, and a payment in connection with their participation in the mediation process which led to the resolution of their claims."³ In other words, these 11 women received payment in addition to receiving the payment made to the 120 women who received packages under Barrick's remedy program.

Although the amount of the settlement received by the 11 women represented by ERI is meant to be confidential, it is now widely reported in Porgera that the total amount received by these women is around 200,000 Kina. It is also understood that, after this amount became public in Porgera, Barrick responded to complaints from the 120 women it had compensated under the remedy program by "topping up" the original remedy provided with an additional 30,000 Kina. This additional amount was provided to the 120 women, even though the remedy program for victims of sexual assault by mine personnel was already closed and the 120

¹ Akali Tange Association and Porgera Landowners Association

² <http://www.barrick.com/files/porgera/Porgera-Joint-Venture-Remedy-Framework-Dec1-2014.pdf> p. 13.

³ <http://www.earthrights.org/media/survivors-who-alleged-rape-and-killing-papua-new-guinea-mine-pleased-barrick-gold-settlement>

female recipients had already signed legal waivers, prohibiting them from taking civil legal action against Barrick gold or its subsidiaries.

As there is no information regarding the additional 30,000 Kina apparently paid out by Barrick on Barrick's web site, **can you please confirm or deny that this additional payment of some 30,000 Kina was made to the 120 women who participated in the remedy program. Additionally, if this information is correct, can you please explain why Barrick made this additional payment some six months after closing the remedy program and making public representations that the payment the 120 women had received through the remedy program – in return for waiving legal rights - had been fair and adequate?⁴ And can you please explain why the additional payment of 30,000 Kina is not disclosed on your web site?**

Presuming that the 120 victims of sexual assault by Barrick personnel have indeed received an additional 30,000 Kina, in addition to the average of 23,630 Kina these women originally received under the remedy program, their total compensation amount would still be only about a fourth of that allegedly received by the 11 women represented by ERI. In that case, the accounts we are receiving from our partners in Porgera of ongoing dissatisfaction among women who have received remedy from Barrick through the remedy program is understandable. **Can you please explain why you would not provide the 120 women who participated in your remedy program the same amount of compensation for the sexual assaults that they endured that you provided the 11 women who were represented by ERI and who suffered similar harm?**

I look forward to your response.

Sincerely,



Catherine Coumans, Ph.D.
Asia-Pacific Program Co-ordinator

Copy furnished:

Akali Tange Association

Porgera Landowners Association

EarthRights International

Sarah Knuckey, Director, Human Rights Clinic, Columbia University

Tyler Giannini, Co-Director, International Human Rights Clinic, Harvard University

UN High Commissioner of Human Rights

UN Working Group on Business and Human Rights

Business and Human Rights Resource Centre

Others

⁴ <http://www.barrick.com/files/porgera/Porgera-Joint-Venture-Remedy-Framework-Dec1-2014.pdf>