



MiningWatch Canada
Mines Alerte



Rape victims must sign away rights to get remedy from Barrick

Sources: MiningWatch Canada, Rights & Accountability in Development, EarthRights International

Ottawa – Washington, D.C. - Oxford – January 30, 2013. Following years of denial, Barrick Gold is implementing a remedy program for victims of rape by employees of its Porgera Joint Venture (PJV) mine in Papua New Guinea (PNG).

In order to receive a remedy package, women must enter into an agreement in which “the claimant agrees that she will not pursue or participate in any legal action against PJV, PRFA [Porgera Remediation Framework Association Inc.] or Barrick in or outside of PNG. PRFA and Barrick will be able to rely on the agreement as a bar to any legal proceedings which may be brought by the claimant in breach of the agreement.”

Included in the remedy options offered to women are “access to psychosocial/trauma counseling” and “access to health care.” “We do not believe women should have to sign away rights to possible future legal action in order to access the types of remedy Barrick is offering these victims of rape and gang rape,” says Catherine Coumans of MiningWatch Canada, “this requirement is not best practice in cases of non-judicial remedy.”

“We are also concerned that Barrick is not offering remedy to those women who have been raped and gang raped by members of police Mobile Squads who are being housed, fed and supported by PJV on PJV property” says Tricia Feeney, Executive Director of Rights & Accountability in Development.

“Barrick appears to be rushing women through the claims process,” says Rick Herz, Litigation Coordinator for EarthRights International, which has brought several transnational lawsuits in U.S. courts against extractive companies for similar abuses. “Women should not be coerced into giving up their legal rights and, at a minimum, Barrick should allow women to keep the remedial offers made to them open long enough for them to seek legal counsel and evaluate their options.”

MiningWatch Canada, Rights & Accountability in Development and EarthRights International are currently engaged in mediated discussions with Barrick Gold as a result of a complaint filed with the Canadian National Contact Point for the OECD Guidelines. The information and related documents provided in this release were obtained outside of that process.

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Related Documents:

- Background Brief - Concerns regarding the Remediation Framework for women victims of sexual violence by Porgera Joint Venture security guards. January 29, 2013.
- A FRAMEWORK OF REMEDIATION INITIATIVES IN RESPONSE TO VIOLENCE AGAINST WOMEN IN THE PORGERA VALLEY
- OECD Complaint
- Legal Brief before the Standing Committee on the Foreign Affairs and International Development (FAAE) of the House of Commons by the International Human Rights Clinic at Harvard Law School and the Center for Human Rights and Global Justice at New York University School of Law. November 16, 2009.