February 1, 2013

Barrick corrects false claims concerning Remediation Program at Porgera

On January 30th, MiningWatch Canada issued a public statement regarding the Remediation Framework which was established by the Porgera Joint Venture (PJV) and is now in operation. The statement was erroneous and misleading in a number of respects. In particular, it falsely claims that local women who suffered sexual violence at the Porgera Joint Venture (PJV) in Papua New Guinea (PNG) are being coerced into giving up their rights in order to participate in the remediation program.

The facts of the remediation program are known to MiningWatch Canada through extensive written and oral engagement. MiningWatch Canada's assertion of known inaccuracies is regrettable. The Remediation Framework at Porgera was developed after more than 18 months of extensive consultation with local stakeholders and leading authorities in the areas of human rights and violence against women. These consultations included Human Rights Watch, public sector agencies, and national and international organizations dedicated to combating violence against women. The Remediation Framework is being administered and implemented by a team of specialists that are independent of the PJV.

Importantly, this Remediation Framework, which encompasses individual and community remedies, fully accords with the Guiding Principles on Business and Human Rights. Barrick is among the first companies to put into practice the Guiding Principle of the "right to remedy" since the ratification of the Principles by the UN Human Rights Council in 2011.

Barrick believes that the remediation process operating in Porgera provides an effective and locally accessible means for women to obtain a just outcome, consistent with the Guiding Principles. It is an opt-in program, administered by an independent team working closely with local women's leaders, in a manner that suits the claimants themselves. This team comprises respected Papua New Guineans, including the former Chief Magistrate of PNG.

Consistent with the Guiding Principles, the filing of a claim does not waive any legal rights. Claimants may withdraw from the remediation process at any time and seek other means of

relief. Claimants may consult with third parties throughout the process, and independent legal counsel is made available to them free of charge. To be clear, no claimant is being rushed through the process, or pressured to accept remediation packages. All remediation packages offered to claimants are discussed and agreed between individual claimants and the remediation team. Neither Barrick nor the PJV plays any role in that process. At the end of the process, if a claimant reaches agreement with the remediation team, this agreement settles the claim against the PJV and Barrick and the claimant may not then pursue further legal action against the companies. This ensures the claimant does not receive double recovery for the same claim against the companies, but does not affect the claimant's ability to pursue action against other individuals or entities who may have been involved. This approach is the norm for companies in the practice of settling grievances and is consistent with the Guiding Principles.

In addition to the individual remediation program, the PJV has agreed to fund community programs to assist area women. These include programs providing a variety of health, counseling, and medical care to victims of sexual violence. Contrary to claims made, these programs are open to all community members, and are not conditioned on participating in the remediation program or waiving any rights.

We regret the decision of MiningWatch Canada to issue a public statement with assertions contrary to facts it knows. In doing so, MiningWatch Canada has misrepresented the remediation process, the sole objective of which is to provide fair and equitable treatment to women who have experienced harm. Misrepresentation of that process is likely to cause confusion and further distress.