NOVEMBER 25
INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN AND GIRLS

“PORTEADORAS”
An atypical commercial activity undermining the dignity and respect of Moroccan women in Ceuta

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Violence against women is one of the most extreme forms of discrimination and one of the most widespread and persistent human rights violations in the world. This violence is a direct consequence of persistent inequalities between men and women. It manifests itself in many forms, the most common family violence, domestic violence, sexual violence (harassment, rape, and sexual exploitation), mutilation, forced and/or early marriage, trafficking in women and psychological violence. The few figures presented below are revealing of the situation.

The World Health Organisation estimates that 35% of women in the world have suffered physical and/or sexual violence from an intimate partner or sexual violence from another person. A worldwide study of homicide conducted by the United Nations states that nearly half of the world’s female homicide victims in 2012 (43,600) were killed by an intimate partner or family member, while this is the case of less than 6% of men killed the same year (20,000). According to the European Union Agency for Fundamental Rights, 43% of women in the EU have experienced some form of emotional abuse from an intimate partner in their lifetime.

Nearly 750 million of women and girls currently alive were married before the age of 18, according to a report by UNICEF. Child marriage often leads to an early pregnancy and interrupts schooling, which limits girls’ possibilities. More than half (51%) of the world’s victims of human trafficking are adult women, according to the UN Global Report on Trafficking in Persons.

This year the European Association for the Defence of Human Rights (AEDH) and the Association for the Defence of Human Rights in Andalusia (APDHA) have decided to pay particular attention to a peculiar form of violence: the violence against women carrying goods, the so-called “porteadoras”.

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“Porteadora” is an unregulated activity mainly exercised by Moroccan cross-border women workers and consisting in transferring bundles, as hand luggage\(^6\), from the Tarajal area of Ceuta to Moroccan localities close to the border, often in exchange of a commission. According to an APDHA survey on the human rights violations suffered by these women working as carriers of goods at the Ceuta border, \(7,000\) to \(9,000\)\(^7\) women cross the border daily\(^8\) carrying on their backs between \(60\) and \(90\) kg of goods\(^9\).

For various reasons (death or disability of the spouse, separation, divorce, unemployment of the spouse), these women have become the financial pillar of their family. If they manage to cross the border without their goods being seized, they will be able to obtain either a commission ranging from \(15\) to \(30\) euros for the transport of the goods, or a profit on the sale of the merchandise to Moroccan traders from neighboring localities (from \(10\) to \(60\) euros per day), for those self-employed\(^10\).

“Portadoras” salary depends on the goods’ value and weight as well as on the law of supply and demand. Should the goods be seized, they will have to pay half of the value of the goods transported. If they cannot pay the amount requested, “portadoras” working on commission will have to work for free to make up for the loss. Self-employed “portadoras” will lose their investment.

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\(^6\) Morocco considers as “hand luggage” everything that a person wears on himself/herself, without any limitation of weight, and is not subject to any customs tax.

\(^7\) It is impossible to issue a precise figure. Transborder residing in the Tetouan region do not present their passports. In addition, people often cross the border several times on the same day.

\(^8\) “Respect et dignité des femmes marocaines qui transportent des marchandises à la frontière du Maroc avec Ceuta », APDHA, October 2016, p.23.

\(^9\) “L’APDHA et l’AEDH exigent que le Parlement Européen s’engage pour mettre fin aux violations des droits des femmes porteadoras de marchandises à Ceuta», AEDH, June 2017.

\(^10\) “Respect et dignité des femmes marocaines qui transportent des marchandises à la frontière du Maroc avec Ceuta », APDHA, October 2016, p.18.
At the Tarajal border, “porteadoras” often have to face arbitrary decisions from the police which sometimes prevents them from crossing the border. In this case they are forced to wait for a change of police round in order to try again. If they still do not succeed in crossing, they are stuck in Ceuta, sentenced to sleep on the street and exposed to illegality, since the Schengen Agreement allows them to enter without a visa but forbids them from spending the night in the city.

While carrying out this activity, these women are subjected on a daily-basis to humiliations, degrading treatments, physical and verbal abuses, and sexual harassment (for the youngest) by the police forces on both sides of the border.

Tarajal polygon is one of the areas concentrating most of police violence. The attacks are motivated by the need to maintain a steady pace of goods outflows and a clear and attested disregard from the Spanish police forces.
Avalanches occur frequently and have caused since 2009 the death of 8 women by asphyxiation and crushing (Karima, Bushra, Zhora, Safia Azizi, Suad el Jatabi and Batul el Hichu, Karima Rmili and Touria Bak-kali). However, these represent only the documented deaths. “Porteadoras” interviewed by APDHA report that many more deaths have occurred through scrambles or police violence.

11 « APDHA denuncia la “alarmante pasividad” ante las repetidas muertes de porteadoras en la frontera con Ceuta », APDHA, August 2017.
Moreover, APDHA report states that during the summer, these women frequently spend several hours under the sun on the beach of Tarajal, without access to drinking water or public toilets and without shade to protect them from the intense heat.

APDHA notes that the situation is further deteriorating since the opening of the new Tarajal II border crossing on 27 February 2017\textsuperscript{13}.

\textsuperscript{13} « El paso (atrás) de El Tarajal II para las porteadoras », APDHA, April 2017.
The geopolitical situation of the region, the legislative singularities of Ceuta and the existence of border crossings allow the exercise and the persistence of this activity.

Hispanic-Moroccan relations have influenced and will continue to influence border control. The issue of Ceuta and Melilla sovereignty, European landlocked territories in Africa, remains a latent conflict in the diplomatic relations between Spain and Morocco. In the 70s, the Kingdom of Morocco began claiming its sovereignty over the two cities. Nowadays, if commercial customs between Morocco and Ceuta are not yet established, it is partly due to the refusal of Morocco to recognise Ceuta as a Spanish territory. Indeed, the establishment of commercial customs would be perceived by Morocco as a first step towards the recognition of Spanish sovereignty over Ceuta. Moreover, Morocco regards as «hand luggage» everything that a person carries on himself/herself, without any limitation of weight, and is not subjected to any customs tax.

Spain’s membership in the European Union also had consequences for Ceuta and Melilla. In order to keep their free port status, the two autonomous cities are excluded from the Community Customs Union and exempt from intra-Community VAT\textsuperscript{14}. Therefore, goods imported from the European Union and some goods exported from Ceuta and Melilla are exempt from customs duties\textsuperscript{15}. In addition, the ratification of the Schengen Protocol by Spain included a declaration on Ceuta and Melilla specifying the visa exemption for the citizens of the provinces of Tetouan and Nador. The exception is however limited to certain hours (from 4-5am to 7pm) and to the territories of those two autonomous cities (a visa is required to go to another Spanish city or elsewhere in Europe).

\textsuperscript{14} Directive 2006/112/CE on the common system of value added tax.
The European Association for the Defense of Human Rights (AEDH) and the Association of Human Rights in Andalusia (APDHA) denounce once again the human rights violations that those Ceuta Porteadoras suffer from.

On 20 June 2017, APDHA and AEDH presented APDHA report to the European Parliament on the human rights violations suffered by women working as carriers of goods on the Ceuta border. Both associations demanded the European Parliament to commit on ending the systematic and continuous violation of the rights of these women carrying goods. The same report had already been presented in May 2017 to the parliamentary groups of the Congress of Deputies in Madrid, in order to improve the situation of “porteadoras”.

Moroccan and Spanish NGOs regularly denounce the humiliating and degrading conditions of these women who risk their lives to provide for their families.
Despite numerous political interpellations, the situation experienced by these women remains dramatic. Due to the economic benefits on both sides of the border, Moroccan and Spanish authorities have every interest to tolerate or even encourage goods carriage. According to a study from the Real Instituto Elcano, atypical trade represents 30% of legal exports from Spain to Morocco, and is worth 1.560 million euros in 2012\textsuperscript{16}. Moreover, without this trade, the polygon of Tarajal would not exist or at least it would not represent this volume of transactions. The American Chamber of Commerce in Casablanca estimates that 45,000 people live directly from atypical trade (75% of whom are women) and 400,000 people indirectly. Moreover, according to the Moroccan Independent Seminar «Al-Ayam», atypical trade would generate 90 million euros annually through police corruption\textsuperscript{17}. The activity is therefore a source of employment and income for the population of northern Morocco which, in addition, was discriminated during the reign of Hassan II. For Morocco, going against the atypical trade is not an option as social revolts could break out. For Spain, the end of this activity would generate considerable economic losses.

\textsuperscript{16} « Respect et dignité des femmes marocaines qui transportent des marchandises à la frontière du Maroc avec Ceuta », APDHA, October 2016, p.35.
\textsuperscript{17} Ibidem.
Nevertheless, improving the working conditions of these women is clearly possible. AEDH and APDHA urge for the creation of resting and shadows areas on the route taken by the “porteadoras”, the access to drinking water and sanitary, the demarcation of the police forces competences, the setting of bundles maximum weight limit, the recognition of the work of the “porteadoras” and the establishment of a status allowing them to access social rights. “Porteadoras” are driving the economy of the regions on both sides of the border. It is time to recognise their hard work and give them the respect and dignity they deserve. All these measures, taken in a limited time, may prevent other women from dying while trying to survive.

AEDH and APDHA point out that economic interests cannot predominate the respect of human rights. On 25 September 2017, on the International Day for the Elimination of Violence against Women and Girls, the two associations urge the Moroccan and Spanish governments as well as the European institutions to stop this human tragedy happening on Europe’s doorstep.
As of November 2017, AEDH has 32 member organisations in 24 European countries, including 3 European networks that are partner members and one observer member.

THE EUROPEAN ASSOCIATION FOR THE DEFENCE OF HUMAN RIGHTS

Founded in 2000, the European Association for the defence of Human Rights (AEDH) is a European network of 32 human rights organisations based in 23 member states of the European Union and in Switzerland. Within a Europe where important choices are made at the European level concerning more than 500 million people, AEDH defends and promotes human rights, democracy and citizenship.
OBJECTIVES
AEDH works for:

• A democratic Europe in which citizens get a real power
• A Europe grounded on the respect of freedom of each and every person
• A Europe which maintains its concern for social equality
• A Europe respectful of the environment and engaged in sustainable development
• A Europe without discrimination
• A Europe open to the world and taking into account its international responsibilities

METHODS
AEDH:

• Raises awareness and informs its members and citizens on EU policies having an impact on human rights;
• Brings its members together in the framework of its thematic priorities in order to develop analysis and common positions;
• It defends its claims and recommendations towards European decision-makers
• joins collective actions of European networks in order to defend human rights together

THEMES
AEDH concentrates its actions in particular on:

• economic, social and cultural rights
• minority rights and the fight against discrimination
• active and inclusive citizenship
• the right to asylum and the rights of migrants
• the right to privacy and the protection of personal data

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