

STRANDED

Human Rights Implications of an Inadequate Transportation System between the Islands of Culebra, Vieques, and Puerto Rico



[Español](#)

[Itinerary](#)

[Rates](#)

[Residents](#)

[Help](#)

[Buy tickets](#)

Tickets and schedule for **Vieques and Culebra**

Welcome to the online service to travel by ferry to Vieques and Culebra, and Ceiba. This page allows you to see schedules, buy tickets and in it, you'll find the answers to any questions you may have, regarding the Ferry system.

PORFERRY.COM is a service provided by the Maritime Transport Authority (ATM by its acronym in Spanish) for online ticket sales.

[Buy tickets](#)

[Itinerary](#)



**SANTA
CLARA
LAW**

**INTERNATIONAL
HUMAN RIGHTS
CLINIC**

Cover

Source: Porferry.com. Porferry.com is a collaboration between the Puerto Rican Maritime Transportation Authority and TiX.By LLC

Acknowledgements

This report was researched and authored under the supervision of Francisco Rivera Juaristi (Clinic Director and Associate Clinical Professor of Law) and Britton Schwartz (Deputy Clinic Director) by the following students of the International Human Rights Clinic at Santa Clara Law between Fall 2019 and Fall 2020: Bianca Bonjean, Carsyn Henry, Monique Israel, Vanessa Sibrian, Diann Jayakoddy, Daniel Antoon, and Elyse Tran.

This report does not represent the official position of the Santa Clara Law or of Santa Clara University, and the views presented here reflect only the opinions of the individual authors and of the International Human Rights Clinic.
Special thanks to Juan Carlos Garavito.

This report is brought to you free and open access by
Santa Clara Law's International Human Rights Clinic.

Santa Clara Law
International Human Rights Clinic
500 El Camino Real
Santa Clara, CA 95053-0424
IHRC@scu.edu
<http://law.scu.edu/ihrc/>

December 2020



STRANDED

Human Rights Implications of an Inadequate Transportation System between the Islands of Culebra, Vieques, and Puerto Rico

TABLE OF CONTENTS

METHODOLOGY	3
EXECUTIVE SUMMARY	4
HISTORICAL CONTEXT AND BACKGROUND	8
HUMAN RIGHTS IMPLICATIONS	20
What Are Human Rights and How Do They Apply?	20
Right to Access Healthcare and Medical Services	21
Right to Work and to Economic Development	27
Right to Public Education	37
Right to Freedom of Movement and to Choose One’s Residence	44
Right to Access to Public Transportation Without Discrimination	45
CONCLUSION	48
RECOMMENDATIONS	49
APPENDIX 1: TALKING POINTS	51
APPENDIX 2: KNOW YOUR HUMAN RIGHTS	53

METHODOLOGY

This report is the result of comprehensive research done by the International Human Rights Clinic (IHRC) at Santa Clara Law between Fall 2019 and Fall 2020. Drawing from IHRC's expertise in international human rights law, this report relies on legal analysis of relevant international human rights law in light of the facts IHRC gathered through qualitative and policy-oriented research. Further, it highlights explanatory and descriptive research of numerous news articles and other primary and secondary sources that brought into focus the difficulties that the lack of adequate maritime transportation poses for affected communities, as well as the government's response to this issue.

Additionally, this report reflects on first-hand interviews conducted by IHRC with residents in Puerto Rico who have been affected by public maritime transportation problems. IHRC traveled to Culebra in October 2019 to observe the maritime transportation system and controversy surrounding it, conduct interviews with residents, and gain a factual understanding of the maritime transportation system's impact on the lives of island residents. Contained in this report are testimonies given by community members during a Community Forum hosted by IHRC in Culebra to facilitate understanding of the various challenges the lack of adequate maritime transportation poses for residents of Culebra. Personal testimonies from residents of Vieques were gathered through news articles and social media outlets where numerous members of these communities expressed their concerns about the transportation system. All participants in the Community Forum and other interviews gave consent for their testimonies to be shared and quoted in this report.

“The residents of Vieques and Culebra deserve optimal [ferry] service, on time and of good quality, and this recurring situation is none of the above.”

Puerto Rico House of Representatives, Carlos Méndez Núñez

EXECUTIVE SUMMARY

The ferry system that connects the approximately 10,000 residents of the small islands of Culebra and Vieques to the main island of Puerto Rico is characterized by frequent and prolonged delays, cancellations, maintenance issues, and last-minute schedule changes. This situation presents a series of challenges for residents that affect their enjoyment of basic human rights, including the rights to access education, healthcare, and economic development without discrimination.

Sick residents do not know if they can make it to their doctor's appointments. Students do not know if they will make it to their classes. Business owners do not know if they will receive their shipment of goods for the day. Some residents cannot get to their court dates or appointments on time; others face health risks when their prescriptions do not arrive on time. Regardless of their personal circumstances, the lives of all Culebra and Vieques residents are marked by large-scale unpredictability that threatens their lives and fundamental rights.

As Vieques activist Ismael Guadalupe explains, “[t]he population lives uneasy, surrounded by a lot of insecurity [...] affecting the mental and physical health of the residents.”ⁱ This unpredictability and insecurity can be directly linked to the lack of adequate maritime transportation between these municipal islands and the main island of Puerto Rico.

The objective of this report is to utilize an international human rights framework to analyze the lack of reliable access to maritime transportation between the main island of Puerto Rico and the municipal islands of Culebra and Vieques. By providing an addendum that describes legal arguments and talking points that can be used by residents and activists, as well as recommending changes to law and policy, the report aims to improve Puerto Rico's public maritime transportation system in a way that upholds basic human rights.

The main finding of this report is that **the lack of a reliable maritime transportation system between Puerto Rico and the municipal islands of Culebra and Vieques violates international human rights law.**

Puerto Rico has an obligation to protect, respect, and guarantee applicable international human rights law, including the right to access healthcare, the right to education, the right to employment and economic development, the right to live where you choose, and the right to access public transportation without discrimination. By failing to provide an adequate maritime transportation system, Puerto Rico has violated its duty to respect, protect, and guarantee these human rights to the detriment of the people of Culebra and Vieques.

The Right to Access Healthcare

The enjoyment of the highest attainable standard of health is a fundamental human right. However, the municipal islands of Puerto Rico lack adequate healthcare services and residents are often dependent on mainland healthcare providers for many of their medical needs. The unreliable and inadequate ferry system makes it burdensome or even impossible to arrive at a

doctor's appointment on the mainland in a timely manner. In some cases, residents have died due to an inability to reach the mainland for life-saving services that are unavailable to them on the municipal islands. Further, emergency medical transport from the two municipal islands is limited to one emergency plane, shared by both islands, which has been characterized by residents as cramped, unsanitary, and hosted by unprofessional attendants. Additionally, the ferry system is not compliant with the federal Americans with Disabilities Act (ADA), which presents difficulties for individuals with disabilities who must travel to the mainland for medical services. Thus, Puerto Rico has failed to guarantee a maritime transportation system that facilitates accessibility, and has therefore violated island residents' human right to adequate access to healthcare services.

The Right to Education

Human rights law also requires that States guarantee the right to education, which includes education that is accessible, acceptable, available, and adaptable. First, education is inaccessible in these municipal islands because the unreliability of the ferry system discourages students from attending higher education on the mainland. Students face tremendous difficulties in commuting to school, and delays in ferry scheduling cause attendance issues for many. Students are also forced to incur financial and emotional costs of not having adequate access to and from the mainland, including the cost of lodging on the mainland when ferry schedules change and the emotional cost of not being able to reach their families. Further, public schools lack adequate teaching personnel, and the teachers employed by the schools lack access to adequate training, which negatively impacts the quality and availability of education on the islands. Lastly, due to the lack of adequate and properly trained teaching personnel, education on these islands is not adaptable because island students with disabilities that require special education resources are unable to access those resources on the municipal islands. Thus, education on the islands is neither accessible, acceptable, available, nor adaptable, in large part due to the ongoing transportation problems. This indicates that Puerto Rico has failed to ensure the right to education by neglecting to provide an adequate maritime transportation service to the islands that allows island residents to properly access education systems.

The Right to Economic Development and Employment

International human rights law obligates Puerto Rico to guarantee the right of its residents to work and to pursue their desired economic development. The economies of Culebra and Vieques are completely dependent on tourism, and the businesses on the islands rely on the ferry cargo system to deliver goods and food. The unreliable schedule of the passenger ferries limits the exchange of tourism between islands. The constant breakdowns suffered by cargo ships create shortages of supplies on the islands, imposing higher costs to businesses and causing an increase in the cost of living. Collapses in the maritime cargo system have caused several emergency situations for the islands in which essential goods, including food items and gasoline, were in extremely short supply on the islands.

Failures of the maritime transportation system also restrict the scope and availability of employment opportunities on the islands. People who live in the islands often cannot get to work on the mainland on time due to ferry departure delays, and people on the mainland often cannot

provide essential goods and services to the islands for fear of being unable to return to the mainland on time. Thus, the inadequate public transportation provided to the islands of Culebra and Vieques by Puerto Rico burdens the availability of work, limits opportunities for economic development, and fails to protect against unemployment, in violation of residents' human right to work and to pursue their economic development.

The Right to Freedom of Movement and to Choose One's Residence

Human rights law also recognizes the right to live where you choose. Critiques of island activism on this issue often cite the residents' ability to change their residence and move to the main island of Puerto Rico if they are discontent with the government's management of the ferry system to the municipal islands. Yet most of the residents were born on these islands, and "they defended the islands, they grew up here, and they don't want to leave."ⁱⁱ Forcing thousands of residents to move from their homes so they can fully enjoy their human rights to transportation, education, healthcare, and work opportunities violates the government's primordial obligation to guarantee the right to freely move within the archipelago of Puerto Rico and to choose the municipal islands as a place of residence.

The Right to Access to Public Transportation Without Discrimination

More generally, international human rights law recognizes the right not to be discriminated against in accessing public transportation. As a result of their origin and socioeconomic status as residents of rural communities, the residents of the municipal islands of Vieques and Culebra are denied access to essential goods and services because of the shortcomings of the maritime transportation system. The ferry system often makes last-minute changes to the schedule in order to accommodate tourists, despite the effect this has on residents. Moreover, the price increases and online ticketing system have a disparate impact on residents who can no longer afford to use the ferry. Thus, Puerto Rico violates the right to access to public transportation free from discrimination by failing to guarantee equal access to adequate maritime transportation, to the detriment of residents of the municipal islands.

COVID-19

The need for a reliable public maritime system has become even more urgent during the COVID-19 pandemic, and there is an ongoing debate as to how Puerto Rico should respond. With greater travel restrictions, island residents have experienced the effects of these human rights violations with increased severity. As a response to the pandemic, the government of Puerto Rico has barred tourists from travelling by ferry to these islands on and off since March 2020. Many residents agree that this restriction is likely to cripple the island's economy as tourism accounts for most of the economy in these islands. However, others believe that such restrictions are necessary to protect the health of residents. Ultimately, the ferry system is still not providing an adequate service to residents and businesses during the pandemic, and the resulting burden on human rights is greater than it has ever been.

VIOLETATIONS



- THE RIGHT TO ACCESS TO PUBLIC TRANSPORT WITHOUT DISCRIMINATION
- THE RIGHT TO HEALTH
- THE RIGHT TO EMPLOYMENT AND ECONOMIC DEVELOPMENT
- THE RIGHT TO EDUCATION
- THE RIGHT TO FREEDOM OF MOVEMENT AND TO CHOOSE ONE'S RESIDENCE



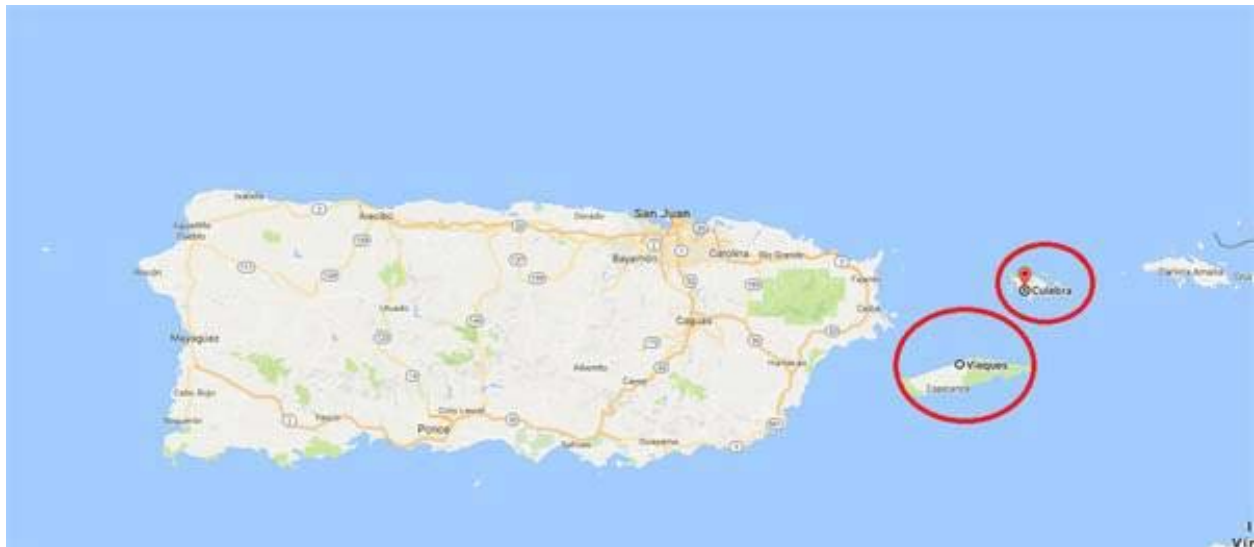
“Everything here revolves around the issue of transportation. That waterway is our only connection. That’s our road, that’s our expressway.”

Dolly Camareno, Culebra resident

Historical Context and Background

In order to understand the impact that the inadequate maritime transportation system has on the fundamental rights of the islands’ residents, it is important to recognize the conditions which make these islands dependent on the mainland of Puerto Rico.

The US territory and island of Puerto Rico is flanked by two small island municipalities called Vieques and Culebra, located 13ⁱⁱⁱ and 20^{iv} miles, respectively, off the east shore of the main island. According to the U.S. Census Bureau’s 2018 estimates, Vieques, locally referred to as “Isla Nena,” is the larger of the two islands both in size and population. It has a population of approximately 8,800^v on a land area of 52^{vi} square miles. Thirteen miles to the northeast of Vieques lies the smaller island of Culebra, which holds a population of approximately 1,300^{vii} on 10 square miles.^{viii} Both islands are renowned for having some of the most beautiful beaches in the world and serve as popular tourist destinations for Puerto Ricans and foreigners alike.^{ix}



Map of Puerto Rico, including Culebra and Vieques. Source: Google Maps

Demographics of the islands reflect populations that are mostly working age, employed in service occupations, and living in non-family households. Age demographics reflect a population of mostly adults under the age of 65, with 20.2 - 20.4% of the population under 18 years old and 20.8 - 21.8% of the population over the age of 65 for both Culebra^x and Vieques.^{xi} Further,

household demographics reflect an almost equal mix of family and non-family households, with non-family households making up 46.1% of the 475 households in Culebra^{xii} and 45.3% of the 2,470 households in Vieques.^{xiii}

Additionally, income demographics show a population of lower socioeconomic status. According to 2018 estimates, over 41% of both islands' populations live below the poverty line.^{xiv} The median household income in Culebra from 2014-2018 was approximately \$23,800,^{xv} while the median household income in Vieques for those same years was \$15,500.^{xvi} Culebra has a civilian employed population (over the age of 16) of 588.^{xvii} Of that population, 31.4% are employed in service occupations.^{xviii} In Vieques, of the 2,487 employed civilians (over the age of 16), 41.5% are employed in service occupations.^{xix}

As rural communities, island resident access to Puerto Rico's main island is limited to two options. The first option is to charter a plane, in which a one-way ticket can cost anywhere from \$40 to upwards of \$100 per person.^{xx} The second option is to take a public ferry that connects Ceiba, located on the east side of the main island of Puerto Rico, to Culebra and Vieques.^{xxi} A one-way ferry ticket from the main island to Culebra or Vieques costs residents \$2-\$2.25, depending on the destination.^{xxii} This disparity in cost, combined with the poverty rate in both islands, makes the public ferry the only feasible means of transportation for the vast majority of island residents.

These demographics demonstrate that the islands host predominantly working-class populations that are heavily reliant on the service industry and, as will be explained later, tourism. While the islands function largely as hidden gems of Puerto Rico's tourism industry in the 21st century, the history of both municipalities indicates that the islands have endured significant unrest and upheaval in becoming the paradises they are today.

“The navy destroyed the coral, they killed the turtles, the fish, the crabs, contaminated the land—all of this destruction.”

NACLA, [Fish, Wildlife, and Bombs: The Struggle to Clean Up Vieques](#)

Island History of Military Occupation

The history of both islands is marked with significant military presence by the US Navy and large-scale civil unrest as a result. The history of Navy occupation on the islands began in 1901, when President Theodore Roosevelt transferred the entire island of Culebra to the Department of the Navy (DoN) and forced out most of Culebra's residents by 1910.^{xxiii} The DoN began purchasing portions of land in Vieques in the 1940s through the 1950s.^{xxiv} According to a report by the Washington Office on Latin America (WOLA), the Navy purchased these lands in Vieques from local sugar farmers and by 1950 had purchased over 75% of the land in Vieques.^{xxv} Following these purchases, Vieques residents occupying these lands were forced to relocate to sites chosen and built by the Navy.^{xxvi} The Navy refused to give these residents title to the land, instead opting to give parcel assignments granting permission to live on the land, and inform them that they could be required to vacate with 30-days' notice.^{xxvii} These sites were located in the middle of the island, surrounded by the military-occupied lands, and the majority of the Vieques population still resides in those areas today.^{xxviii}

The lands on both islands were used primarily to store ammunition and conduct bombing and other live-fire training exercises by the US Navy, Marine Corps, and other military forces.^{xxix} According to the DoN, the Navy used Vieques lands to practice exercises for six months out of the year, four of which involved exercises with explosive ammunition.^{xxx} In Vieques, an average of 1,464 tons of bombs and explosives were dropped by the Navy annually.^{xxxi} Hermogenes Merrero, a former US Marine who was stationed as a security guard in Vieques, described what it was like to be around these exercises in a 2010 news article. He stated, **"Inside the base, you could feel... the ground moving. If you're on the range, you could feel it in your chest... It would rain, actually rain, bombs. And this would go on seven days a week."**^{xxxii} During the course of these training exercises, civilians occupied other portions of the island, often living a few miles from these military sites.



Detonation of a bomb and munitions recovered on Vieques. Source: AP Worldwide photos

These live-fire exercises continued on both islands until the 1970s, when protests erupted in Culebra led by residents and activists.^{xxxiii} After much protest and civil unrest, followed by an "unscheduled discharge of mortar fire" landing on a beach near children in 1974,^{xxxiv} the US returned the land of Culebra back to Puerto Rico in 1975.^{xxxv} Although removal of the military

from Culebra increased opposition to the Navy in Vieques, military activity continued on the island into the 21st century.^{xxxvi} A 1999 bombing accident, in which a misidentified target resulted in the death of a Puerto Rican civilian and injury of four others, established a firm opposition against the US military presence in Vieques across other sections of Puerto Rico. Following massive protests, the US Navy ended military training operations on Vieques in 2003, after six decades of occupation.^{xxxvii}

The effects of the military's presence continued after operations ended. The health and environmental effects of these training exercises have manifested in the years since the military left and will continue to be felt by these island communities in years to come. For example, according to a 2016 article from *The Atlantic*, cancer rates in Vieques are higher than any other municipality in Puerto Rico, and residents are seven times more likely to die from diabetes, as well as eight times more likely to die from cardiovascular disease.^{xxxviii} Munitions and other military equipment, such as tanks, were left behind on the islands, and heavy metals from ammunition have had a devastating impact on the health of all living beings on the islands.^{xxxix} Pito Delarme, a Vieques resident, pointed out several negative environmental impacts in a 2009 news article, stating, **"The navy destroyed the coral, they killed the turtles, the fish, the crabs, contaminated the land—all of this destruction."**^{xl} The oppression and devastation that the municipal islands have endured at the hands of the US military and the frustration of the residents that has been building over decades now function as a prologue to the current battle being fought over public transportation.

Current State of the Islands

While Culebra and Vieques have undergone changes over the course of their tumultuous histories, the islands remain very much rural in relation to the main island. There are no bustling downtown city streets, no movie theaters or shopping malls. Neither island has a university or major hospital. Due to the rural nature of these island communities, access to the main island for essential goods and services is critical. Culebra has a very small hospital with limited services available,^{xli} and Vieques has been without a functioning hospital since Hurricane Maria destroyed it in 2017.^{xlii} Due to its small geographic and population size, Culebra has one K-12 public school, the Escuela Ecológica De Culebra.^{xliii} As described by Karina Porcelli in a 1988 news article, "[t]here is a conspicuous absence of posh restaurants, golf courses and swimming pools" in Culebra.^{xliv} Vieques, on the other hand, "bustles with the excitement of a couple dozen restaurants, bars and nightclubs. But stray from the main road and there's little more than a wandering goat and the moody expanse of forest."^{xlv} Although written over three decades ago, these statements encapsulate the simplicity and rusticity of life still enjoyed to a great extent on the islands today.



Flamenco Beach in Culebra. Source: Getty images

The Maritime Transportation Authority

Puerto Rico has struggled for decades^{xlvi} to provide an adequate, reliable maritime transportation service to the approximately 10,000 residents of the municipal islands. The Puerto Rico Maritime Transportation Authority (ATM, for its Spanish acronym) was established in 2001 under the Maritime Transport Authority Act (ATM Act). The ATM Act established the ATM as a public corporation that owns ferry assets used to provide maritime services to Fajardo, Vieques, Culebra, San Juan, and Cataño.^{xlvii} The ATM's mission is "to provide an efficient, agile and reliable maritime transportation service for the residents of Puerto Rico and the Municipal Islands, which combined with other transportation options, helps facilitate socioeconomic development and the quality of life of the citizens."^{xlviii} The Puerto Rico Department of Transportation and Public Works ("DTOP", for its Spanish acronym), which regulates transportation in Puerto Rico, is responsible for overseeing transportation initiatives as implemented by the ATM.^{xlix}

As the provider of maritime transportation, the ATM is responsible for running the day-to-day operations of the ferries. These ferries operate from Monday to Sunday, between 4:00 a.m. and 10:45 p.m.ⁱ The terminal on the mainland residents used to reach the islands was formerly located in the city of Fajardo.ⁱⁱ In 2018, the ATM moved this terminal to the city of Ceiba. Many residents of both the islands and Ceiba disapproved of this move because it adds travel time, travel near the terminal is dangerous, and the new terminal conditions are poor.ⁱⁱⁱ Additionally, the ATM allegedly moved the terminal to Ceiba without permits from the Environmental Protection Agency (EPA), raising further concerns about this move.ⁱⁱⁱⁱ The removal of the Fajardo terminal marks just one of many major controversies that the ATM has drawn up in recent years.

As of September 2020, the ATM owned nine ferry boats, with six serving Vieques and Culebra and three serving Cataño.^{liv} Of the six vessels that serve the municipal islands, the ATM often

operates only two of these due to ongoing failures in maintenance and repairs.^{lv} The heavy cargo and passenger ship Isleño has a capacity of 204 passengers, while the sole passenger-only ship, Cayo Blanco, has a capacity of 600 passengers.^{lvi} The other four boats that are meant to serve Culebra and Vieques are all passenger and cargo vessels with capacities ranging from 137-355 passengers.^{lvii} In August 2019, the ATM executed a \$10 million dollar contract with the private ferry company Puerto Rico Fast Ferries (PRFF) for the rental of four additional boats to provide more ferry options for island residents.^{lviii} As of February 2020, all four of those PRFF ships operate in conjunction with the two functional ATM vessels, two of which are passenger ships and two of which are passenger and cargo.^{lix}



Logo of the Maritime Transportation of Authority of the Government of Puerto Rico. Source www2.pr.gov.

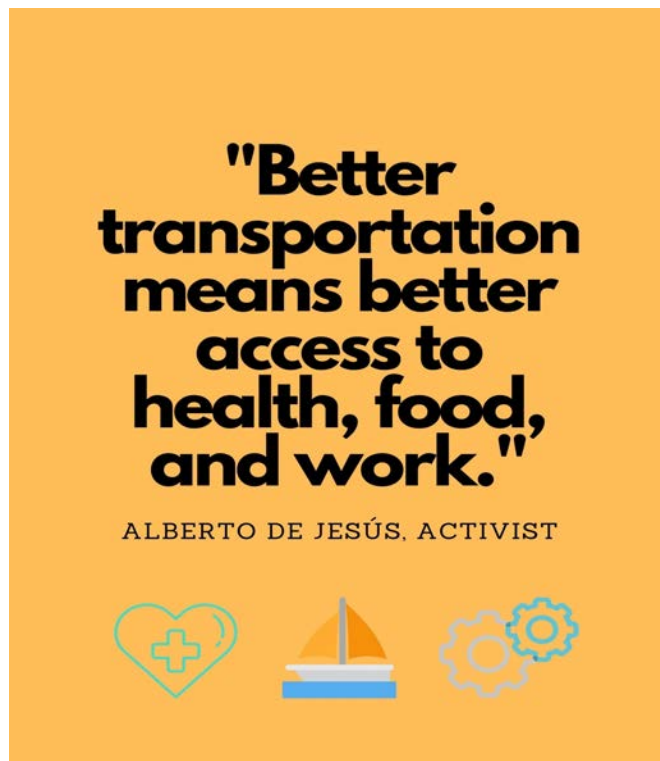
Further, budget cuts and resource constraints contribute to the ATM's difficulties in adequately managing the maritime transportation system. DTOP cut \$19 million from the ATM budget in the 2019 fiscal year, with an operational budget of \$46 million, \$38 million of which is subsidized.^{lx} Moreover, DTOP did not allocate any much needed additional funding for ferry maintenance for fiscal years 2019-2022 through the Statewide Transportation Improvement Program.^{lxi} In an effort to reduce government subsidies to the ATM, government officials organized a Public-Private Partnership (PPP) between the ATM and private ferry companies.^{lxii} In February 2020, the ATM announced that it had chosen a "preferred bidder" of the five bidding companies in the running for the potential PPP and that the parties are in the final stages of negotiations.^{lxiii} While the government aims to relieve some of the current burdens on the ATM by providing additional vessels and maintenance on those vessels, this plan has raised residents' concerns about potential fare hikes on all ferry tickets, including resident tickets.^{lxiv}

Most Common Grievances

While the ATM has been mired in controversy and conflict with the public for years, the resentments of affected communities against the ATM have reached an all-time high. Residents of the municipal islands and users of the maritime transportation service are active in speaking out against the many and varied inadequacies of the current system.^{lxv} While complaints about the ferry service span across every aspect of the management of this system, there are several specific inadequacies that harm the people of Culebra and Vieques most.

Inadequate Access to Transportation

The reliance on the ATM ferries as the only feasible means of transportation to and from the main island for purposes of receiving food, goods, services, and medications, cannot be overstated. Dolly Camareno, a Culebra resident of over 45 years and prominent community activist, expressed the importance island residents place on the maritime transportation system, stating that ***“[e]verything here revolves around the issue of transportation. That waterway is our only connection. That’s our road, that’s our expressway.”***^{xvi} Emphasizing that their daily necessities are dependent on the system, she noted, ***“nothing happens if we don’t have transportation.”***^{xvii} Alberto De Jesús Mercado, another prominent activist on this issue, summarized the problem at one of the many protests in the recent past, stating that ***“[t]he poor transportation offered by the ATM creates a great suffering for the residents of both islands. The complaints raised by residents and the demand for better transportation are legitimate. Better transportation means better access to health, food, and work.”***^{xviii} While concern over the adequacy of maritime transportation has ebbed and flowed over the years, the problem has reached a peak in both frustration levels of the public and the need for effective changes.



The failure of the ATM to provide adequate public maritime transportation has caused a deep and widespread problem for residents traveling between the islands. Luis Gonzales, a San Juan resident that owns property in Culebra, only needed to use a few choice words to express his disappointment in the ATM’s ferry system, telling IHRC that ***“it’s a complete f***ing disaster.”***^{xix} A January 2019 news article highlighted the frustration felt by those affected, stating residents ***“feel that they are being run over, that they are being kept stragglers, forgotten and, they even understand that there is a plan for them to gradually be forced out and turn the island into a Caribbean resort for tourists.”***^{lxx}

The poor quality of service provided by the ATM maimed its reputation in the community and soured the residents’ trust

in the efficacy of both the ATM and the government as a whole. The following issues highlight some of the most pressing inadequacies in the current transportation system. However, this set of issues is in no way exhaustive and many other problems with the operations of the ferry system exist that will need to be addressed to provide a better level of service to ferry passengers.

Moving the Ferry Terminal

The ATM's decision to move the ferry terminal from Fajardo to Ceiba is recognized by many as one of the "worst moments"^{lxxi} in recent maritime transportation issues. The move was disapproved of by island residents as well as neighboring mayors in the area of Ceiba and was later described by ATM Director Mara Perez Torres as "an error."^{lxxii} The move, while intended to make maritime transport easier, created a longer route for island residents.^{lxxiii} Ceiba is south of Fajardo, and thus farther from metropolitan areas like San Juan, which residents rely on even more heavily after hurricanes caused the closures of stores on the east side of the main island.^{lxxiv}

Furthermore, the terminal itself is very remote in relation to the surrounding area and parking lots. IHRC noted that due to the long distance on dirt roads to the terminal site, it would be extremely difficult and possibly harmful to walk from anywhere around the Ceiba terminal area to the actual terminal and ticket counter. The hot and humid Puerto Rican weather adds to this burdensome journey. While the terminal provides free shuttles from terminal parking lots to the terminal itself, there is no such "no-cost" option for those outside the main terminal area to shuttle into the terminal, and thus residents who cannot afford to take taxis must make a very long walk to reach the terminal. Dolly Camareno echoed this observation, indicating that the terminal is remote and there are no lights to illuminate the road to the terminal, so those who walk to the terminal at night must walk a very long distance in the dark.^{lxxv}

The move of the terminal to Ceiba was also met with complaints regarding the conditions of the terminal itself. Dolly Camarena expressed that the terminal conditions are "rough," and that a woman fell at the terminal and broke some of her teeth as a result.^{lxxvi} She stated that once the cafeteria located inside the terminal closes, there are no bathrooms (other than Porta Potty portable toilets) for those waiting at the terminal.^{lxxvii} She also indicated that the unpredictable changes to the ferry schedule often force many people to wait for long periods of time at the terminal and end up sleeping on the ground while they wait.^{lxxviii} Concerns about terminal conditions spiked in September 2019 when a man waiting for a ferry at the Ceiba terminal died of a heart attack because emergency medical devices and personnel were not present at the terminal and were unable to reach the terminal in time to save him.^{lxxix}



Local radio station WKAQ Twitter account

Constant Schedule Changes, Delays, and Breakdowns

Another prominent complaint lodged against the ATM and its ferry service concerns the inconsistency in ferry scheduling. Although the ATM Charter stipulates that ferry schedule changes must be posted in public at least two weeks in advance of the changes,^{lxxx} the ferry schedule often changes daily, if not hourly, with little to no notice. In an October 2019 news article, the mayor of Vieques, Víctor Emeric Catarineau, described a meeting he had with ATM Director Mara Perez and her assistant, José Vázquez, stating, **“one of the things we’re talking about is itineraries. They change every day.”**^{lxxxii} He explained, **“sometimes they make an itinerary and change it on the spot and cancel your trip on the spot.”**

Further, in an August 2019 news article, Sylvie Bedrosian, a volunteer traveling to the islands, noted the frequency with which these changes are made, stating, **“every five minutes they change the information.”**^{lxxxiii} Facebook pages dedicated to the island ferries are littered with posts inquiring about ferry schedule changes and denouncing the poor management of ferry itineraries. Edgar Oscar Ruiz, an island resident, posted about a frustrating ferry experience, in which **“Mr[.] Mason [a PRFF cargo ship] decided to leave before the departure time. What’s the point of a schedule? Also didn’t take any passengers. Passengers stuck till 1 pm.”**^{lxxxiii} Mr. Ruiz’s story is not unique. Island residents have taken it upon themselves to create social media resources to notify the public about erratic boat scheduling and poorly managed ferry operations. These changes are typically multi-hour delays. Culebra resident Digna Feliciano recounted a recent interaction, **“[t]hey sell tickets for 11:00a.m. and when I ask at 10:00a.m. when it will leave, they say 3:00p.m. without flinching.”**^{lxxxiv}

Further, arbitrary changes in destination are another cause of concern and major complaint of the communities affected by maritime transportation issues. Residents often express concern that these arbitrary changes are the result of the transportation authority catering ferry services to the needs of tourists at the expense of residents. Paul Alquine, a Culebra business owner, explained that, **“[t]here are fewer residents in Culebra than in Vieques. There are times when they change the ferry that goes to Culebra to go to Vieques. Like two or three times a week.”**^{lxxxv} Digna Feliciano expressed a common feeling of neglect by the ATM against island residents, stating, **“[t]hey’ve forgotten about us,”** in respect to the ATM.^{lxxxvi} Likewise, residents of Vieques express similar complaints due to these arbitrary changes. The mutual feeling of discrimination has created a conflict between residents of the two islands.



Source: ATM Twitter account

Finally, a third major criticism of the ATM's management of the ferry system is the ATM's inability to repair and maintain vessels and the constant boat breakdowns as a result. As previously mentioned, the ATM can only run two of the six ships that serve the municipal islands. In a September 2019 news article titled "Only two of the 12 boats to Vieques and Culebra works," current ATM director Mara Perez recognized that, ***"The root of the problem with maritime shipping is the neglect during these last 10 years in which the boats have not been maintained."***^{lxxxvii}

Sylvie Bedrosian was traveling with a group of volunteers to bring donations and animal medicine to the islands when their ferry trip was cancelled due to a boat breakdown. She explained, ***"We had bought the tickets in advance and we got here and were told that there is a ferry, which was damaged last night...We're going to get as much medicine and food off the wagons as we can to carry it by hand and they don't guarantee that we can come back tomorrow either."***^{lxxxviii} Ms. Bedrosian's experience mirrors the experience of thousands of other ferry passengers in the area, and constant ferry breakdowns remain a large source of frustration for ferry passengers of all backgrounds.



Passenger ferry in Culebra. Source: Google images.

Protests and Government Action

2019 was marked with significant turmoil and controversy for the ATM. In February, former Director Juan Maldonado resigned from his position after he was accused of using an ATM cargo ferry to transport goods for a private wedding, a move that left Vieques residents without a ferry to transport them.^{lxxxix} In his place, Mara Perez Torres was appointed to the director position. In May, she visited Culebra to meet with locals and address their concerns about the current state

of the maritime transportation system. There, she committed to addressing specific concerns and suggestions brought up by local merchants.^{xc}

In June of 2019, residents of both Culebra and Vieques gathered in San Juan to protest the maritime transportation conditions, as well as the government's proposed plan to privatize ferry services.^{xcⁱ} On June 5, a group of mostly women blocked access to the entrances of La Fortaleza, the official residence of the governor of Puerto Rico, in order to show government officials what they experience daily.^{xcⁱⁱ} Vanessa Castillo, a resident of Vieques, explained the struggles that they experience on a daily basis:

Imagine that you live in a town of Puerto Rico and you have to reach another town for some routine procedure. You get up early and go on the road and you find that the streets are closed for repairs and now you cannot leave your town because there are no alternative routes, so you decide to do it another day. But the next day they tell you that they opened the street and only 68 cars can pass, and there are hundreds of cars waiting to pass. Let's say you were one of the lucky ones that managed to pass that day, but no one guarantees that you can return to your home.^{xcⁱⁱⁱ} Vanessa Castillo, Vieques Resident

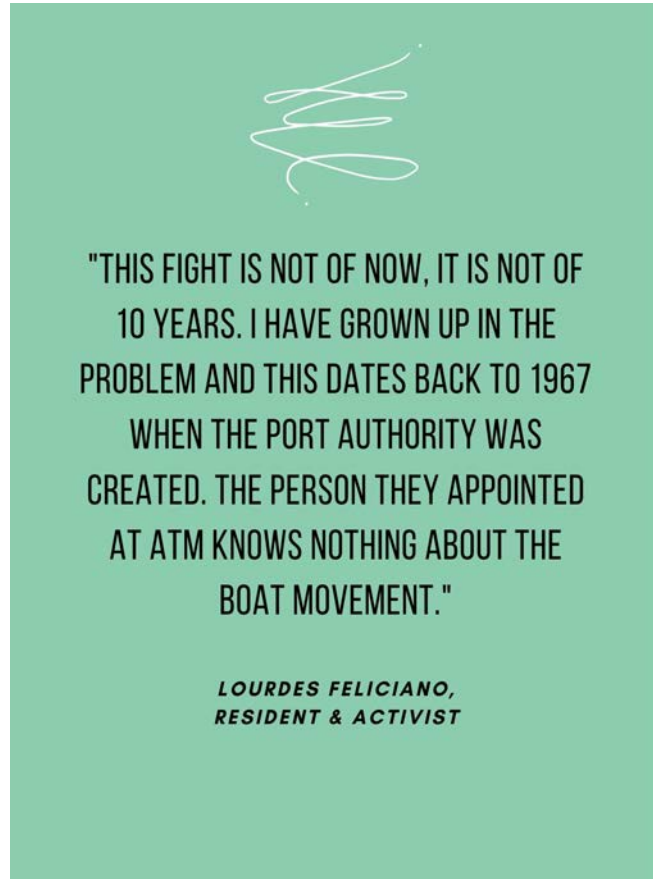
Residents rose up against the ATM again in September 2019 when activists organized protests in both Culebra and Vieques.^{xc^{iv}} The protests sought to bring to light several issues ranging from "difficulty obtaining tickets, hostility from security employees, problems with itineraries, the lack of bathrooms at the terminals, and uncertainty about returning to their homes."^{xc^v} Supporters from all over Puerto Rico attended to show solidarity with the island residents and their struggles against the ATM.^{xc^{vi}} Lourdes Feliciano, a resident and activist, stated in a subsequent news article, ***"I think the message got through. This fight is not of now, it is not of 10 years. I have grown up in the problem and this dates back to 1967 when the Port Authority was created. The person they appointed at ATM knows nothing about the boat movement."***^{xc^{vii}} Despite the successful turnout of the protests, failures in the transportation system persisted.

Tensions between residents and the ATM reached a boiling point two weeks later during a visit by ATM officials, including director Mara Perez, to present a proposed terminal project in Vieques. Ms. Perez was received by frustrated Vieques residents who followed her, demanding her resignation from the ATM.^{xc^{viii}} As Ms. Perez and her colleagues attempted to leave Vieques, demonstrators in kayaks blocked the ferry at the dock, stating, "Mara is going to sleep on the pier."^{xc^{ix}} Demonstrators intended for Ms. Perez to "experience what it's like to be trapped like us every day that we need to do our business and we can't."^c Although Ms. Perez was eventually allowed to leave Vieques, the demonstration marked a turning point in her involvement with Culebra and Vieques.

A week later, in October, Governor Wanda Vazquez Garced announced that Mara Perez, although still serving as director of the ATM, would no longer be involved with affairs related to Culebra and Vieques.^{ci} The governor stated, “I have a commitment with them that she will not be in direct charge of the issues that have to do with Vieques and Culebra, so there will be other officials who will handle that situation.”^{cii} This announcement revealed that Ms. Perez would not be

participating in any upcoming meetings to discuss the transportation issue on the islands.^{ciii} Three weeks later, Ms. Perez announced \$25 million in federal funding allocated to the ATM for the purchase of two more vessels, one passenger ferry and one cargo ferry.^{civ} She also indicated that the contract for the private-public partnership is in its final stages.^{cv}

With Mara Perez out of island affairs, residents brought in a new decade by holding a demonstration in January to protest proposed price increases for ferry tickets. The residents expressed their outrage at the new \$11.25 ticket proposal by “wear[ing] masks in their mouths to protest the lack of information and expression that the government claims to be maintaining at a time when they will hold public hearings to evaluate the increase in maritime transport rates to both islands.”^{cvi} Dolly Camareno elaborated, “we are going to have gags or a handkerchief on our faces saying 'no information, no participation.’”^{cvii} Ismael



Gualaupe, a Vieques resident and activist, questioned the legality of the proposed price hike, “the ATM publishes that they are going to supply the necessary studies to be able to justify the fare increases, but Law 21 of May 31, 1985 establishes very clearly the procedure and the obligation that the ATM has to provide the studies to be in a good position to participate.”^{cviii} As residents and activists continue to hold steadfast in holding the ATM accountable, it remains to be seen how the ATM will properly address the vast problems infecting the maritime transportation system.

Human Rights Implications

By providing inadequate maritime transportation, Puerto Rico has failed to respect, protect, and guarantee multiple human rights. International human rights law affords these rights to Culebra and Vieques residents and imposes corresponding obligations on Puerto Rico.

What Are Human Rights and How Do They Apply?

International human rights law is a vast and complex area of international law that outlines and protects the enjoyment of human rights that are inherent to the human person. International human rights law imposes varying degrees of legal obligations on countries. The source of these legal obligations can range from international treaties to custom to declarations and other so-called “soft law” instruments.^{cxix} There are several international human rights instruments, including human rights treaties, that create binding legal obligations on the United States. As a territory of the United States, these obligations undertaken by the United States under international human rights law are also the obligations of the government of Puerto Rico.^{cx}

By ratifying international human rights treaties, the United States, and therefore Puerto Rico, has assumed obligations and duties under international law to respect, protect and guarantee the applicable human rights outlined in such treaties.^{cxvi} The obligation to *respect* refers to the government’s obligation to refrain from interfering with the enjoyment of human rights. For example, the governments and agents of the United States and Puerto Rico have an obligation to not discriminate on the basis of race or other protected characteristics.^{cxvii} The obligation to *protect* requires the United States and Puerto Rico to adopt measures to prevent private individuals (non-state actors) and groups from violating human rights. This duty also requires governments to investigate and properly punish individuals and non-state actors who interfere with the enjoyment of human rights.^{cxviii} Finally, the obligation to *guarantee* rights obliges the United States and Puerto Rico to take positive actions to facilitate the enjoyment of basic human rights.^{cxix} This includes enacting legislation that ensures the recognition and enjoyment of human rights. The United States, and therefore Puerto Rico, must comply with these obligations with respect to all human rights recognized in all international human rights treaties and instruments that are applicable to the US.

Which Human Rights Apply in this Context?

The United States is a member of two human rights systems: the United Nations (UN) and the Organization of American States (OAS). There are several human rights instruments within these systems that are applicable to the United States and Puerto Rico, and are relevant to the issues at hand. Within the United Nations, and for purposes of the issues addressed in this report,^{cxv} the United States and Puerto Rico must guide their actions by the Universal Declaration of Human Rights (UDHR)^{cxvi} and by two binding treaties: the International Covenant on Civil and Political Rights (ICCPR)^{cxvii} and the Convention on the Elimination of All Forms of Racial Discrimination (CERD).^{cxviii} Within the OAS, the United States and Puerto Rico are subject to human rights

provisions under the OAS Charter and the American Declaration of the Rights and Duties of Man (ADRDM).^{cxix}

Of particular interest for this report, the United States, and therefore Puerto Rico, has an obligation to protect, respect, and guarantee (1) the right to access healthcare,^{cxx} (2) the right to education,^{cxxi} (3) the right to employment and economic development,^{cxxii} (4) the right to live where you choose,^{cxxiii} and (5) the right to access public transportation^{cxxiv} without discrimination.^{cxxv}

Puerto Rico Violates the Human Right to Health by Impeding Resident Access to Healthcare and Medical Services

Puerto Rico has violated the human right to the health of the people in Vieques and Culebra by not guaranteeing access to adequate public health services and medical care for residents in the islands and by failing to provide adequate public transportation systems to seek and receive this healthcare.

Article 25 of the UDHR recognizes that **“everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including... medical care.”**^{cxxvi} Article 5(e)(iv) of CERD stipulates that States’ parties undertake to guarantee non-discrimination in the enjoyment of “the right to public health [and] medical care.”^{cxxvii} Moreover, the American Declaration of the Rights and Duties of Man sets out that “every person has the right to the preservation of his health through sanitary and social measures relating to... medical care.”^{cxxviii} In other words, access to healthcare is a human right, and failure to provide public transportation to ensure timely access to healthcare is a human rights violation.

The United Nations Office of the High Commissioner for Human Rights (OHCHR) states that the right to health is an inclusive right, extending not only to timely and appropriate health care, but also to the underlying determinants of health. It elaborates that, “the right to health contains both freedoms and entitlements[, which include] the right to control one’s health [and] the right to a system of health protection, such as health care and the underlying determinants of health, which provides equality of opportunity for people to enjoy the highest attainable standard of health.”^{cxxix}

The United States is a member of the World Health Organization (WHO). In its constitution, WHO stipulates that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being.^{cxx} Health “is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.”^{cxxxi} The right to health is closely related to and dependent upon the realization of other human rights,^{cxxxi} including the right to public transportation, without discrimination.

Here, Puerto Rico has failed to respect, protect, and guarantee the right to health of people in Culebra and Vieques by maintaining an unreliable public transportation system that limits

residents from having timely access to healthcare providers on the main island and by restricting the availability and adequacy of healthcare options on the islands.



Source: Vieques Municipal Government Facebook Page

Medical services and healthcare options on both islands are extremely limited. The island of Vieques does not have a hospital after its sole hospital was destroyed by Hurricane Maria in 2017.^{cxxxiii} In January 2020, the Federal Emergency Management Agency (FEMA) approved almost \$40 million to rebuild this hospital after a resident suffered a tragedy as a result of inadequate transportation options.^{cxxxiv} Earlier that month, **thirteen year-old Jaideliz Moreno Ventura died in the process of being transported in an air ambulance to the mainland after the healthcare facilities in Vieques proved improperly equipped to treat her.**^{cxxxv} When Jaideliz’s flu-like symptoms worsened and she needed a respirator, her family brought her to a Vieques clinic, which was only equipped with small, manual pump insufficient to provide the oxygen the teen needed to survive.^{cxxxvi} The approval of funding to rebuild the hospital is encouraging, but construction may take years and, in the meantime, residents of Vieques continue to lack access to adequate healthcare.

Although Culebra does have one small functioning hospital,^{cxxxvii} the services it provides to residents are just as limited. Juan Carlos Garavito, a resident of Culebra and a community organizer, said that “it can hardly be called a hospital because it only contains an emergency room and a small clinic.”^{cxxxviii} In addition, the hospital does not offer 24-hour services.^{cxxxix}

There is also a shortage of medical personnel on the islands as a result of the inadequate ferry system^{cxli} and the lack of incentives for individuals to work at the hospital due to the difficulty of navigating the ferries.^{cxlii} Dolly Camareno believes the hospital in Culebra could successfully recruit more personnel if there was a reliable ferry system.^{cxlii} However, the hospital must find people willing to work and live on the island to provide specialized services. As a result, residents seeking these services—including dialysis, surgery, chemotherapy, gynecology and maternity services, developmental therapy for those with learning disabilities, and veterans’ services—must endure the arduous maritime commute to receive attention for these specialized needs. Community member Tomas Feliciano, who traveled constantly with his terminally-ill father to receive cancer treatment on the mainland, explained that, **“there are no specialists on the island and the residents have to go to the main island if they can.”**^{cxliii}

“For me it gets complicated because my son has autism. I take him to therapy and those are services for his growth and development that I cannot get here in Culebra.” - Juan Carlos Garavito^{cxliv}

The lack of available healthcare options on the islands leaves residents wholly dependent on maritime transportation to access medical services on the main island of Puerto Rico. Residents of both Culebra and Vieques with specialized medical needs are particularly vulnerable and must travel to the mainland for services. Mayra Felix, another resident and activist of Culebra, faced severe hardships seeking medical care for both of her children who had health conditions growing up. She described an instance in which **she was returning from the mainland with her son who had just had surgery and they were stranded at the terminal in Ceiba for over seven hours.**^{cxlv} She indicated that this was a regular occurrence for them.^{cxlvi}

A May 2019 letter from Congress addressed to the Acting Administrator of FEMA demonstrates that Ms. Felix’s experiences are common events for island residents, highlighting several other instances of residents enduring harrowing maritime transportation experiences in order to receive specialized care.^{cxlvii} The letter included the story of **a 64 year-old cancer patient who waited 32 hours, sleeping in her car and going to the bathroom on the side of the road, for a spot on a ferry to see her doctor in San Juan.**^{cxlviii} The Democratic lawmakers that authored the letter elaborated that pregnant women must travel to the mainland to deliver their children and that Vieques residents in need of dialysis ““had to travel... three times a week to get treatment”” prior to the establishment of temporary dialysis centers.^{cxlix} The letter also noted that **Vieques residents have an almost 30% higher cancer rate than the rest of Puerto Rico due to military testing activities, making “delays in medical care... especially disturbing.”**^{cl} As noticed by residents, the media, and even the Congress of the United States, island residents face a substantial burden in receiving specialized medical care due to the inadequacies of the maritime transportation system.

RIGHT TO HEALTH

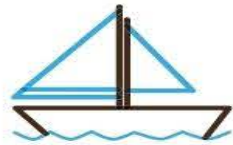
Puerto Rico Violates the Human Right to Health by Impeding Resident Access to Healthcare & Medical Services



MAYRA FELIX

Culebra Resident & Activist

Mayra was returning from the mainland with her son who just had surgery. They were stranded at the terminal in Ceiba for over **seven hours**. She indicated this was a regular occurrence for them.



LETTER TO FEMA

May 2019

The letter included the story of a 64 year-old cancer patient who waited **32 hours**, sleeping in her car and going to the bathroom on the side of the road, for a spot on a ferry to see her doctor in San Juan.



The letter also noted that Vieques residents have an almost **30% higher** cancer rate than the rest of Puerto Rico due to military testing activities, making "delays in medical care . . . especially disturbing."



JAIDELIZ MORENO VENTURA

Thirteen-year-old Vieques resident

In January 2020, Jaideliz died in the process of being transported in air ambulance to the mainland after the healthcare facilities in Vieques were improperly equipped to treat her.



Additionally, the unreliability of the ferry schedule has created barriers to residents seeking medical care on the main island. Since residents are forced to travel to the mainland for most medical needs, last-minute schedule changes and delays make it difficult for residents to arrive at medical appointments on the mainland in a timely manner, if at all. Paul Aquiline explained, ***“if you miss your appointment, you lose it. Then you will have to reschedule. Many times, we are given a new appointment that is weeks or months after our original appointment.”***^{cli} Resident Digna Feliciano agreed, stating ***“it is very hard to make appointments in Puerto Rico. For instance, some doctors on the mainland will see patients until 1:00 p.m. and if there are no ferries before that time, you are completely out of luck.”***^{clii} Elda Carrasquillo, who coordinates health workshops in Vieques, highlighted the lengths residents go to secure access to the mainland for medical services, stating, “[m]ost people who need to go to the [big] island for medical services try to get on the first boat that leaves”^{cliii} in order to secure a spot on the ferry and ensure on-time arrival to appointments.

“[W]HAT IS AFFECTING THE PEOPLE OF VIEQUES IS THAT THEY LEAVE [THE ISLAND ON A FERRY IN THE MORNING] AND THEY DO NOT KNOW WHEN THEY ARE GOING TO RETURN, AND THAT NEEDS TO BE RESOLVED.”

- ISMAEL GUADALUPE, ACTIVIST & SPOKESPERSON FOR RESIDENTS IN VIEQUES, ADDRESSING THE CONCERNS OF THE CONSTANT ITINERARY CHANGES.



The terminal move to Ceiba further restricted residents’ access to medical appointments. Dr. Jorge Fernández Porto, Director of the Senate’s Commission for Community Initiatives, has noted that ***“[the Fajardo terminal had] a network of health services within a reasonable distance of the terminal: hospital, medical laboratories, among others. [...] By moving the terminal from Fajardo to Ceiba you break the link that existed between the terminal and the health services.”***^{cliv} He further elaborated that for those seeking to make medical appointments on the main island, “the whole process has been interrupted” and that residents often incur additional expenses just to return to the terminal in Ceiba from their Fajardo appointments.^{clv} Thus, island residents face immense burdens in accessing the mainland for appointments and in many cases are unable to do so.

Residents also face another major barrier to medical care due to the inadequacy of available emergency transportation. When a person requires urgent services not offered at the hospital of Culebra or in Vieques, they must be transported by plane to the main

island.^{clvi} The islands, however, do not have separate emergency airplanes.^{clvii} Instead, they share

access to one plane, which is stored in Vieques.^{clviii} As such, when the plane is in use, there are no alternative options for emergency transportation. Moreover, many residents have complained about the condition of the emergency plane. Dolly Camareno explained, “it is scary; it only has one paramedic and one stretcher which is not really a stretcher.”^{clix} Others have stated that it is claustrophobic and unsanitary. Community activist Robert Rabin described his experience with the emergency plane, stating that, “[they] **tear the last seat from the tail and there is a half cot of plastic in the most unhygienic conditions you could imagine... Intense noise, super difficult to breathe, uncomfortable to the max.**”^{clx} Thus, the inadequacies of the maritime transportation system have placed residents in a position to endure unsanitary and uncomfortable conditions to receive emergency medical transport, further limiting residents’ access to necessary health services and exposing them to further health risks from these unsafe conditions.



Dolly Camareno talking with IHRC student Monique Israel. Photo credit: Juan Carlos Garavito

The maritime transportation system also affects island residents’ right to health by failing to provide adequate accommodations for persons with disabilities. The ATM ferries and terminals do not comply with the ADA, which prohibits discrimination based on disability.^{clxi} The ADA mandates compliance with non-discriminatory measures for persons with disabilities, such as ensuring accessibility on public transportation.^{clxii} Residents, however, have reported the ferry system as being unaccommodating to people with disabilities. Dolly Camareno, who requires a wheelchair, described a shocking instance in which she fell over in her wheelchair as a result of the terminal conditions.^{clxiii} Dolly Camareno explained that ferry personnel merely helped her upright and proceeded on their way, failing to take any measures to ensure her health and safety.^{clxiv} Tomas Feliciano says “**there is no priority for those in wheelchairs or sick people.**”^{clxv} Thus, even residents with disabilities, who are more vulnerable to the inadequate conditions faced by all those waiting at the terminals, can be turned away if the ferry is full. This is a further

failure by Puerto Rico and the Maritime Transportation Authority to guarantee the right to health.

The government of Puerto Rico has failed to provide an adequate transportation system that allows residents reliable access to the main island, and as such has limited residents' access to medical care and services. Due to the lack of adequate healthcare services on the islands, residents must seek medical services, including specialized and emergency services, from healthcare providers on the main island. Due to inconsistent ferry scheduling, boat breakdowns, and changes to the location of the ferry terminals, residents have an increased burden reaching their medical appointments when using the maritime transportation system, and often are unable to timely arrive at their appointments at all. Development of adequate healthcare options on the islands is also hindered because the maritime transportation system de-incentivizes working on the islands for medical professionals from the main island. Further, the emergency transportation options outside of maritime transport are limited and unsafe, further putting residents at risk. Lastly, the ferries and terminals themselves are not compliant with the ADA and create a further disparate impact on residents with disabilities and their health. Thus, by not providing adequate medical services on the municipal islands and failing to provide a maritime transportation system that gives residents adequate access to medical services on the main island, the government of Puerto Rico is violating its obligation to respect, protect, and guarantee the right to health of the people in Vieques and Culebra.

Puerto Rico's Failure to Provide Adequate Transportation for Island Residents Violates Residents' Human Right to Work and to Pursue their Economic Development

Puerto Rico, in failing to provide adequate transportation to the people of Culebra and Vieques, has also failed to protect and respect their right to work and to pursue their economic development. First, the inadequacies of the maritime transportation system limit the work that is available on the islands. Second, the ongoing issues with cargo ferries limit the availability of goods and therefore burden businesses on the island. Based on the following international human rights law, and the islands' economic dependency on the ferry system, the limitations and burdens placed on island residents as a result of unreliable maritime transportation constitute a violation to the human right to work.

Inadequate and Unreliable Passenger Ferry Services Directly Burden the Availability of Work for Residents of Culebra and Vieques

Puerto Rico has failed to provide an adequate maritime transportation system to Culebra and Vieques in violation of Article 23 of the UDHR and Article XIV of the ADRDM. Under Article 23 of the UDHR and article XIV of the ADRDM, Puerto Rico has the duty to respect, protect, and guarantee the right of its residents to work. Under Article 1 of the ICCPR, Puerto Rico must also guarantee the right to pursue their desired economic development. Furthermore, under the Charter of the Organization of American States, Puerto Rico has a duty to devote its utmost efforts toward ensuring employment opportunities.^{clxvi}

The UN Committee on Economic, Social and Cultural Rights (CESCR), describes the right to work as an individual right belonging to each person, as well as a collective right, which encompasses every type of work.^{clxvii} Further, the Committee has emphasized that the right to work is essential to ensuring other human rights and is to be considered an essential part of human dignity.^{clxviii} Here, the inadequacies on the maritime transportation system have a direct and adverse impact on employment on the islands. The economies of Culebra and Vieques are dependent on tourism and tourism is dependent on the transportation available to visitors. According to 2017 data from the U.S. Census Bureau, the principal economic activities of the islands are service and accommodations, building construction and grounds maintenance, repair, office and administrative support, and transportation services.^{clxix} Culebra has no production industry,^{clxx} and Vieques had less than 6% production occupations in 2017.^{clxxi} There are few specialized businesses or industries on the islands. Neither economy has the stability afforded to economies with substantial manufacturing industries, and a majority of the viable industries on the islands are related to, and dependent on, tourism. Grounds maintenance and support, one of the principal occupations on the islands, refers to hotels, beaches and related facilities, which generate large profits as main tourist attractions.^{clxxii} Similarly, tourism is the main driving factor in the size and scope of the service industry on the islands. Residents of the islands patronize these businesses, but they do not create sufficient revenue for most restaurants to remain open or maintain steady business hours outside of the tourist season.^{clxxiii} Residents also provide transportation services to those who are visiting through rental cars or taxis, and administrative jobs run operations of beaches and accommodations on the islands. In sum, most jobs on the islands depend on having a reliable transportation system that consistently brings tourists as well as goods to the islands in a timely manner.

“[F]or those who are coming to visit Culebra and get stuck in Ceiba due to the schedule changes, their time to enjoy Culebra is going to be limited. The same thing is going to happen on the way back, your ticket is for 4 in the afternoon and you don’t leave until 10 at night. It’s not reasonable for them to visit.”

Jorge Andrades, Culebra Community Member^{clxxiv}

Residents of Culebra have expressed concern about their island’s dependency on tourism in light of these maritime transportation issues. Jorge Andrades is a business owner living in Culebra who spoke in depth at the community forum regarding the dependency of Culebra on tourism and, in turn, the maritime transportation system. He explained that ***“businesses in Culebra are not profitable unless people are visiting the island.”***^{clxxv} Additionally, Mr. Andrades added that if the poor functioning of the ferry system limits tourists’ access to the island, there is a direct effect on the economy.^{clxxvi} Another Culebra resident, Mr. Aquilina, also addressed the importance of tourism for the success of the Culebran economy, explaining that ***“[t]he island relies on tourism and they need people to be able to get to Culebra.”***^{clxxvii} Tomas Ayala Feliciano, a fisherman from Culebra, further emphasized the severity of this reliance, explaining that ***“all of the money we***

have is from the people who come to visit.^{clxxviii} The correlation between the availability of tourists and the maritime transportation system was further explained by Mr. Feliciano, who asserted that *“one change in the schedule, so a ferry doesn’t leave [from Ceiba to Culebra] at 9 in the morning, means that 90 percent of the people in Culebra won’t have any income for the day.”*^{clxxix}



Culebra community member talking to IHRC students. Photo credit: Juan Carlos Garavito

In addition, concerns over the state of the ferry system have been expressed by tourists themselves. In a Facebook page entitled “Vieques Culebra Ferry Watch,” potential island tourists must frequently post on the page to obtain information and seek advice on traveling to the islands in light of persistent ferry issues.^{clxxx} Thus, any inadequacy of the maritime transportation system has an adverse impact on the availability of tourists and the viability of island businesses.

Moreover, the unreliable and inconsistent ferry system creates an infeasible daily commute that leaves many residents of Culebra and Vieques unable to work on the main island. It is risky and impracticable for residents to seek employment on the main island due to the unpredictable commute created by the ferry system. The present state of the ferry system leaves those who wish to travel to the main island in fear that they will be unable to arrive home the same day.^{clxxxi}

"ONE CHANGE IN THE SCHEDULE, SO
A FERRY DOESN'T LEAVE FROM
CEIBA TO CULEBRA AT NINE IN THE
MORNING MEANS..."

**"90% OF THE
PEOPLE IN CULEBRA
WON'T HAVE ANY
INCOME FOR THE
DAY"**

*- Tomas Ayala Feliciano, a fisherman from
Culebra*

**"ALL OF THE MONEY WE HAVE IS
FROM PEOPLE (TOURISTS) WHO
COME TO VISIT."**

- Mr. Feliciano, in explaining the correlation between
the availability of tourists and the maritime.
transportation system.

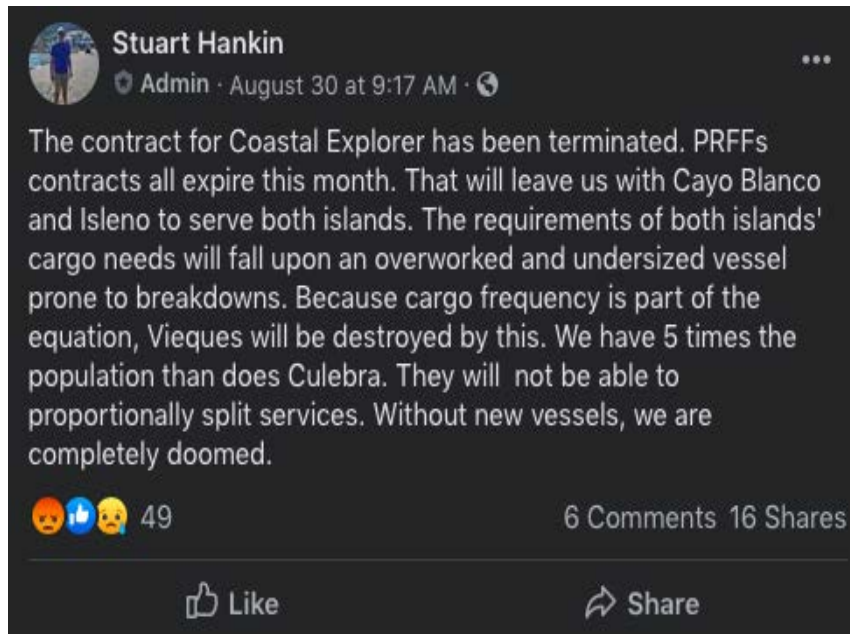
Ismael Guadalupe, an activist and spokesperson for the residents in Vieques, addressed this issue in a letter that he wrote to the governor concerning the constant itinerary changes in the ferry system.^{clxxxii} Mr. Guadalupe emphasized the importance of having a secure schedule, and noted, ***“[w]hat is affecting the people of Vieques is that they leave [the island on a ferry in the morning] and they do not know when they are going to return, and that needs to be resolved.”***^{clxxxiii} The residents of Culebra and Vieques are unable to work on the main island without the stability of a consistent and reliable ferry schedule.

Based on the severity with which these two islands depend on the arrival of tourists in order to sustain their jobs and economy, Puerto Rico has an obligation to ensure that tourists are able to freely move to and from the islands via an adequate maritime transportation system. Puerto Rico has an additional duty to protect the residents of these islands against unemployment.^{clxxxiv} If there is a substantial decrease in the number of tourists who visit the islands of Culebra and Vieques, unemployment on the islands will increase. The ongoing state of Puerto Rico’s maritime transportation system hinders the availability of jobs, limits opportunities for economic development, and threatens increases in unemployment for the people of Culebra and Vieques, in violation of their human right to work.

The Inadequate and Unreliable Cargo System Directly Impacts the Availability of Goods and the Cost of Living, which has Negative Implications for the Economies of Culebra and Vieques

In addition to the impact on work availability and business viability caused by disruptions in the passenger ferry system, the inadequate cargo system also creates adverse consequences for the availability of goods on the islands, further increasing the cost of living and burdening the economy. Puerto Rico fails to manage and provide a reliable cargo transportation and delivery system in violation of the right to economic development of people in Vieques and Culebra.

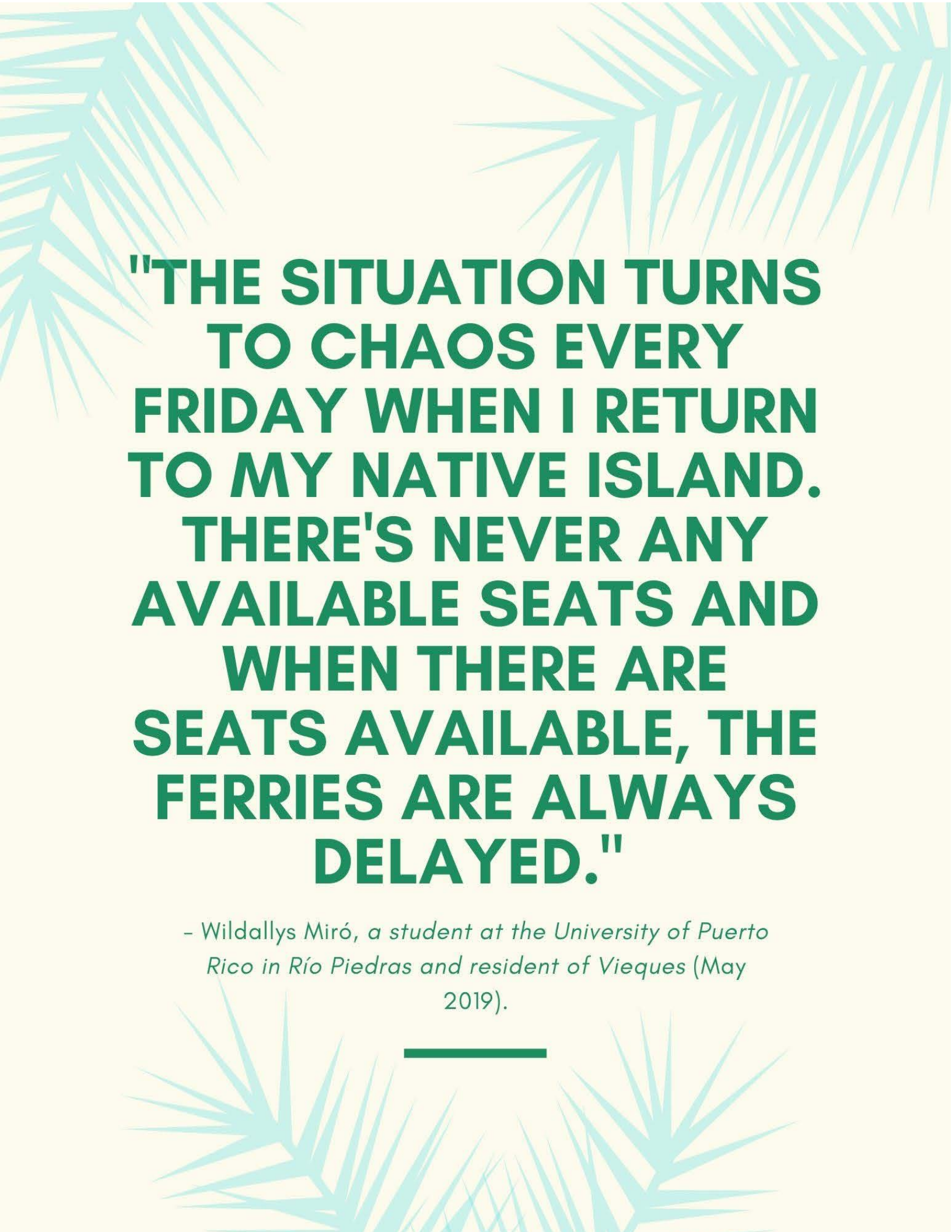
The unreliability and the unpredictability of the maritime transportation system, with no alternative delivery methods, contribute to high living costs on the islands. The municipal islands depend on the ATM’s cargo system for the delivery of goods to their stores, businesses, and restaurants.^{clxxxv} Constant breakdowns and delays in cargo ships have proven to be problematic for business owners on the island.^{clxxxvi} A delivery truck driver spoke about this constant problem in a Puerto Rican news article, recalling a day in which the only cargo ship available to both Culebra and Vieques was out of service for maintenance. According to this anonymous source, ***“no tickets were being sold because they did not know if there was going to be a boat.”***^{clxxxvii}



The inability of the ATM to continuously maintain a functioning fleet of cargo ferries places a tremendous burden on businesses in Vieques and Culebra. In May of 2019, the only two cargo ships that provide commercial truck transportation services had mechanical damage and broke down at the beginning of the weekend.^{clxxxviii} The Mayor of Culebra, William Solis, explained that the ATM provided limited information about ship breakdowns.^{clxxxix} The ATM told Mayor Solis that one of the ships would “supposedly” be back in service after 30 days due to the major repairs needed and it was unknown whether the second ship would be repaired by the beginning of the following week.^{cx} Due to this “collapse” of the cargo system, the ATM was forced to rent a barge from FEMA until the cargo ships were repaired.^{cxci}

This reliance on federal backup in an emergency was not an isolated event for the ATM. The May 2019 cargo collapse was precipitated by a similar crisis just two months prior. **In March, both cargo ships broke down, creating a shortage of food, gasoline, and other supplies on both islands.**^{cxcii} The situation was so severe that gas stations on both islands ran out of gasoline and any gasoline and diesel left was reserved for use by government officials and emergency vehicles.^{cxci} José Morales, owner of a supermarket in Vieques, described the situation as “alarming.”^{cxci} Mr. Morales had three delivery trucks stranded at the Ceiba terminal where they were unable to board a cargo ship and he feared that the perishable goods would expire by the time the trucks reached Vieques.^{cxcv}

The collapse devastated island businesses. Less than three restaurants in Culebra were able to open and others were unable to operate without deliveries.^{cxvii} The mayor of Vieques, Victor Emeric, compared the state of the municipal islands to that after Hurricane Maria, stating that **“People were in despair. Items like bread, fresh milk, and meat will be very scarce soon if this is not resolved.”**^{cxvii}



**"THE SITUATION TURNS
TO CHAOS EVERY
FRIDAY WHEN I RETURN
TO MY NATIVE ISLAND.
THERE'S NEVER ANY
AVAILABLE SEATS AND
WHEN THERE ARE
SEATS AVAILABLE, THE
FERRIES ARE ALWAYS
DELAYED."**

- Wildallys Miró, a student at the University of Puerto Rico in Río Piedras and resident of Vieques (May 2019).

A member of the Puerto Rico House of Representatives, Carlos Mendez Nunez stated, “each week, one of these vessels suffers mechanical damage and there is no way to replace it with another of similar tonnage and capacity. ***The residents of Vieques and Culebra deserve optimal service, on time and of quality, and this recurring situation is none of the above.*** We expect proactive action from the Maritime Transport Authority. Less than that is unacceptable.”^{cxcviii}



Cargo ferry in Vieques. Source: Google images.

As a result of this collapse and supply shortage caused by it, then-governor Ricardo Rosselló **activated the National Guard to provide transportation of essential supplies to Vieques and Culebra.**^{cxcix} Rosselló anticipated that the maritime transportation system would have to rely on National Guard ships for three to four weeks to deal with the cargo ship emergency, a service that was estimated to cost the government \$7,000 per boat daily.^{cc} In his press conference announcing the activation of the National Guard, the former governor acknowledged that ATM ships “have not been properly maintained for decades.”^{cci} In October 2019, Governor Wanda Vázquez Garced signed Executive Order 2019-054, once again activating the National Guard after the ATM’s cargo ships broke down.^{ccii} **This Executive Order marked the third time in 2019 that the Puerto Rican government called in the National Guard to salvage the ATM’s mismanaged and broken cargo transportation system.**



**ECONOMIES OF CULEBRA
AND VIEQUES AND THE
AVAILABILITY OF GOODS
ARE NEGATIVELY
IMPACTED**



**INADEQUATE AND UNRELIABLE
CARGO SYSTEMS DIRECTLY IMPACTS
THE AVAILABILITY OF GOODS & THE
COST OF LIVING**

In March, both cargo ships broke down, creating a shortage of food, gasoline, and other supplies on both islands.



The residents of Vieques and Culebra deserve optimal service, on time and of quality, and this recurring situation in none of the above.

As a result of this collapse and supply shortage caused by it, then-governor Ricardo Rosselló activated the National Guard to provide transportation of essential supplies to Vieques and Culebra.

Each time the cargo system collapses, the economies and the residents of Culebra and Vieques suffer. Hector Díaz, the owner of the only supermarket in Culebra, sent out an SOS to the local newspaper *Primera Hora* when the collapse in May took place. Mr. Díaz had concerns that the island would not be able to accommodate the large number of tourists who were visiting during the weekend that this collapse took place.^{cciii} Moreover, Mr. Díaz feared that the residents would not have access to necessities. He stated that he believed they could manage until Monday, one of the two days he relies on receiving deliveries, but, “by Monday I have to resupply my store with perishables, vegetables, infants’ milk, and medicines.”^{cciv} As Mr. Diaz is the sole owner of the only supermarket in Culebra, as well as the only supplier of WIC-eligible supplies (from the Special Supplemental Nutrition Program for Women, Infants, and Children) there, he is completely dependent on the maritime transportation system to maintain his business and provide essential food and supplies to Culebra residents. The constant and systematic failures of the maritime transportation system render Mr. Diaz, as well as other business owners like him, unable to maintain consistent business functions, which in turn directly impacts owners’ ability to work and develop their businesses.

Furthermore, when the cargo system is out of service, it often requires the business owners to travel to the main island themselves to purchase goods. In doing so, they usually close their restaurant or store for the day while they travel. Although prices for goods on the main island are more affordable, these businesses lose revenue for the day and any savings from purchasing the goods on the mainland are offset by the cost of transporting those goods. Mr. Andrades addressed the impact of the cargo system on the cost of goods in Culebra, explaining that the ATM does not guarantee the arrival of cargo ferries to Culebra at a certain time, as sometimes the cargo ship does not arrive.^{ccv} When the cargo ferry does not come to the islands, there are increased costs for businesses.^{ccvi}

Mr. Andrades also emphasized that if the ATM increases the costs for using the cargo service, the cost of living on the islands will go up even further.^{ccvii} Digna Feliciano expressed similar concerns over any rise in ferry costs. She explained that as a result, “our cost of living is going to rise even more. For example, a bottle of bleach can be found on the main island ‘2 for \$5.00,’ in Culebra you are going to pay \$3.50.”^{ccviii} Mrs. Feliciano also explained the negative consequences of prolonged delays in cargo ferry departures and arrivals, “the later they leave, the higher the costs are, and the higher our prices will be.”^{ccix}

In sum, the economies of Culebra and Vieques are directly impacted when the cargo ferries fail to deliver goods as scheduled and as needed. Restaurants, cafes, and grocery stores rely on delivery of produce, food, and other goods in order to operate and earn revenue. The ATM’s failure to provide a maritime transportation system that ensures prompt delivery of these goods directly interferes with business owners’ operations and creates supply shortages and emergencies for island residents. Additionally, there are increased costs for businesses, and in turn, higher prices to consumers when goods have to be purchased from the big island directly. The economies of Culebra and Vieques, as a whole, are negatively impacted when businesses are unable to maintain low operation costs and accommodate visiting tourists. In failing to provide a maritime transportation service that adequately and reliably delivers cargo to the businesses of

Culebra and Vieques, Puerto Rico has failed to respect, protect, and guarantee the human rights of Culebrans and Viequenses to work and to pursue economic development.

Puerto Rico is Violating the Human Right to Accessible Public Education

Puerto Rico fails to provide adequate maritime transportation services to residents of Culebra and Vieques in violation of Article 26 of the UDHR, Article 24 of the ICCPR, and Article XII of the ADRDM that guarantee the right to education.

Puerto Rico has an obligation to respect, protect, and guarantee the human right to education. Within the United Nations system, the UDHR recognizes the right to education as a fundamental human right.^{ccx} It provides that at least elementary and fundamental education shall be free, that technical and professional school “be made generally available,” and that higher education “shall be equally accessible to all on the basis of merit.”^{ccxi} General Comment No. 13 from the CESCR states that availability, accessibility, acceptability, and adaptability are included elements of primary, secondary, and higher education.^{ccxii}

Additionally, Article 24 of the ICCPR obligates Puerto Rico to provide children with measures of protection that ensure their enjoyment of the rights enumerated in the Convention.^{ccxiii} General Comment No. 17 from the UN Human Rights Committee explains that those measures of protection, “although intended primarily to ensure that children fully enjoy the other rights enunciated in the Covenant, may also be economic, social and cultural.”^{ccxiv} In respect to cultural measures of protection, States must take every possible measure to provide a level of education that enables children to enjoy the rights recognized by the ICCPR.^{ccxv}

Within the OAS, Article XII of the ADRDM recognizes the right to education as a fundamental human right.^{ccxvi} Article XII states that the right to education includes the right to an education that prepares each person “to attain a decent life, to raise his standard of living, and to be a useful member of society.”^{ccxvii} Further, the ADRDM recognizes the right to equality of opportunity in obtaining an education, in light of individual talent, merits, and desire to utilize state or community resources.^{ccxviii}

The inadequacies in maritime transportation that residents of Vieques and Culebra face constitute a violation of their human right to education for several reasons. The unavailability of higher education on these small islands forces students to attend university on the main island of Puerto Rico, but the unreliability of the ferry system makes doing so while residing on the islands substantially difficult, if not virtually impossible. Further, the quantity of teachers on the islands is greatly affected by the unreliability of the ferries. Additionally, island students are discriminated against in their access to education, with students with disabilities facing additional discrimination, as a result of the inadequate ferry system.

Inadequate Maritime Transportation Leaves Higher Education Unavailable to Students of the Islands, Rendering Public Education on the Islands Unacceptable and Unadaptable

The lack of reliable public transportation violates municipal island students' right to available, acceptable, and adaptable education. General Comment No. 13 explains that educational institutions and programs must be available in sufficient quantity.^{ccxix} The form and substance of education, which includes teaching methods and curricula, must be acceptable.^{ccxx} Acceptable education is "relevant, culturally appropriate, and of good quality."^{ccxxi} Education must also be adaptable, meaning it is flexible enough to adapt to changing needs of communities and "respond to the needs of students within their diverse social and cultural settings."^{ccxxii}

"Many students lose interest [in school] because of the sacrifices they have to make every day to travel to the island." - Paul Alquilina, Culebra resident.

The inadequacies of the Puerto Rico ferry system constitute a violation of the human right to available higher education. The inability of the transport system to run a reliable ferry schedule that ensures punctual arrival on the mainland is a barrier to students in Culebra and Vieques who wish to pursue higher education. With no higher education institutions available on either island,^{ccxxiii} the mainland of Puerto Rico provides the only options for attending a college, university or professional school.^{ccxxiv} Mr. Alquilina noted that the ferry schedule requires students to leave very early and return very late, resulting in extremely long days for students, up to 12-15 hours, and that students spend large portions of their day waiting for transportation and traveling.^{ccxxv} US Congresswoman Jennifer González Colón, the Resident Commissioner of Puerto Rico, echoed similar concerns for students in Vieques, stating ***"[y]ou have to put yourself in the shoes of the students from Vieques who are going to study in Fajardo and the big island, who don't know if that day they will get to their exam or their class, because they don't know if the boat is going to leave or not."***^{ccxxvi}

Furthermore, failures of the maritime transportation system have an impact on students' ability to attend classes. Digna Feliciano expressed that the ferry system causes attendance issues for students, and ***"there are some that have had to withdraw [from classes] because they're an hour late."***^{ccxxvii} Dolly Camareno explained that many students were forced to withdraw from attending university in Fajardo after the relocation of the mainland ferry terminal from Fajardo to Ceiba.^{ccxxviii} This resulted in the added difficulty of traveling from the terminal in Ceiba to Fajardo, in addition to battling the maritime transportation system.^{ccxxix} Thus, as Ms. Camareno further revealed, the students who choose to continue their education often move to the main island to do so.^{ccxxx}



"YOU HAVE TO PUT YOURSELF IN THE SHOES OF STUDENTS FROM VIEQUES WHO ARE GOING TO STUDY IN FAJARDO AND THE BIG ISLAND, WHO DON'T KNOW IF THAT DAY THEY WILL GET TO THEIR EXAM OR THEIR CLASS, BECAUSE THEY DON'T KNOW IF THE BOAT IS GOING TO LEAVE OR NOT."

- US Congresswoman Jennifer González Colón,
Resident Commissioner of Puerto Rico, expressing
concerns for students in Vieques

These detrimental effects on students indicate that higher education is largely unavailable to students of Culebra and Vieques. The overall quantity of available education options diminished when the ferry terminal was moved to Ceiba because the additional travel conditions made it infeasible to attend school in Fajardo. This move effectively rendered education institutions in Fajardo unavailable to municipal island students, forcing them to travel even longer distances and times to receive adequate education. Thus, the government of Puerto Rico has failed to ensure the availability of higher education on the islands of Culebra and Vieques, in violation of its obligation to guarantee the right to education.

Furthermore, **the inadequacies of the maritime transportation system also constitute a violation of the right to education for children attending primary and secondary schools on the municipal islands.** The quantity of teachers on the islands is greatly affected by the unreliability of the ferries. As Ms. Camareno indicated, ***the municipal islands “don't have enough teachers in school.”***^{ccxxxix} Due to the unpredictability and unreliability of the current ferry system, Ms. Camareno noted that residents from the islands are unable to attend school in the mainland to become teachers, and those who do receive such education and training on the main island end up migrating and do not return to Culebra and Vieques, resulting in a shortage of teachers on these islands.^{ccxxxix} This problem was highlighted by Luz Rivera Cantwell, leader of *Fundación de Culebra*, in a news story in September 2019 when she noted that ***“students go to school for an hour, an hour and a half, a day” because the only high school in Culebra was missing five teachers and was therefore unable to offer students five of their six classes.***^{ccxxxiii} According to an October 2019 news article, despite the Department of Education offering monetary incentives for teachers to live and work in Culebra, several candidates for the open teaching positions withdrew their applications and the island continued to lack 80% of its high school teachers.^{ccxxxiv}

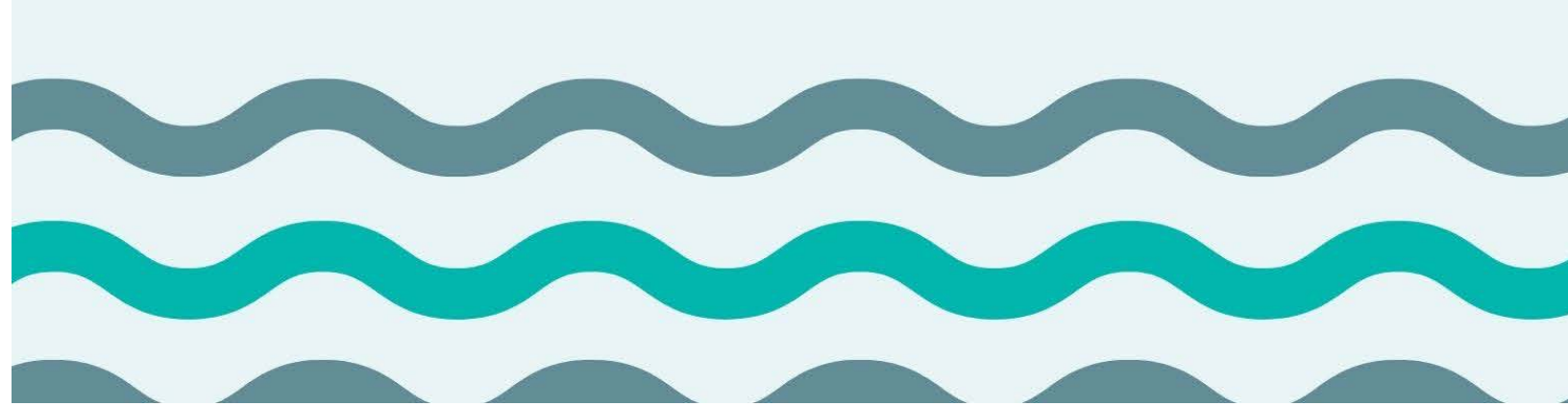
Additionally, Culebra community member Juan Carlos Garavito noted that schools on the islands face immense difficulties in finding substitute teachers because they cannot rely on the ferry system to reach the islands.^{ccxxxv} This is a problem that has been acknowledged by the government of Puerto Rico. In a March 2019 news article, the Secretary of the Department of Education called on residents, specifically of Vieques and Culebra, with a bachelor's degree to apply to become substitute teachers on the islands.^{ccxxxvi} The Department of Education considered applicants from the municipal islands particularly desirable due to their ability to reach island schools “without inconvenience.”^{ccxxxvii}



THE MUNICIPAL ISLANDS "DON'T HAVE ENOUGH
TEACHERS IN SCHOOL."

"STUDENTS GO TO
SCHOOL FOR AN
HOUR, AN HOUR
AND A HALF A DAY"

- Dolly Camereno, explaining that the only high school in Culebra was missing five teachers and was therefore unable to offer students five of their six classes.



Moreover, the quality of public school teachers and curriculum is impacted by the public transportation problem. According to a report by the Puerto Rico Department of Education on its plan for ensuring Highly Qualified Teachers in schools, **Culebra and Vieques have the highest percentages of non-highly qualified teachers in nearly every core subject.**^{ccxxxviii} Due to the lack of teachers on the islands, teachers often teach multiple subjects.^{ccxxxix} Municipal island teachers are unable to obtain professional development training because “traveling to the main island makes it all the more difficult.”^{ccxli} Mr. Alquilina expressed that his sister-in-law, who is a teacher, has indicated how the transportation problem affects students’ access to field trips, as **“it is very difficult for teachers to schedule a field trip.”**^{ccxlii} Changes in ferry scheduling and sudden delays and cancellations make it difficult for teachers to plan such trips^{ccxlii}, and thus students in Culebra and Vieques have limited opportunities for experiential learning through field trips.

These deficiencies in public education indicate that education in Culebra and Vieques is unacceptable and unadaptable, in violation of Puerto Rico’s duty to ensure the human right to education. Since there are a lack of qualified teachers on the islands, the quality of curricula and teaching methods is compromised. Additionally, due to the teachers’ inability to obtain professional development training, the curriculum can further lack quality and relevancy, and thus cannot adapt to the changing needs of the community. This demonstrates that Puerto Rico has failed its duty to ensure that education is both “relevant, culturally appropriate, and of good quality”^{ccxlili} and flexible enough to adapt to the changing needs of the municipal island communities. Therefore, public education on the municipal islands is unacceptable and unadaptable, indicating that Puerto Rico has violated its obligation to respect, protect, and guarantee the human right to education.

Inadequate Maritime Transportation is Discriminatory Against Students of the Islands Seeking Higher Education and Creates Inaccessible Public Schools

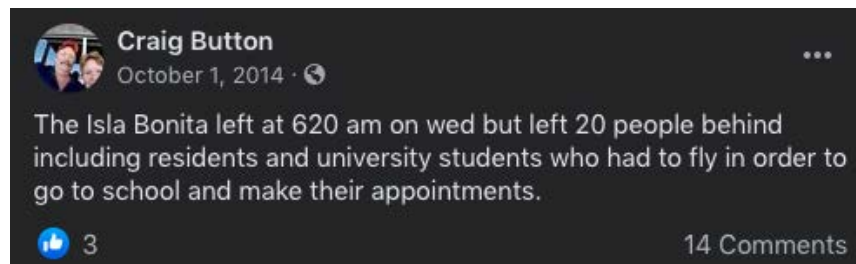
The current inadequacies of the Puerto Rico ferry system constitute a violation of the human right to accessible higher education, free from discrimination. Educational institutions and programs must be accessible to all persons, in law and in fact, without discrimination.^{ccxliv} The UN Committee on Economic, Cultural and Social Rights, in its General Comment No. 13, elaborates that “[s]harp disparities in spending policies that result in differing qualities of education for persons residing in different geographic locations may constitute discrimination.”^{ccxlv} The UN Special Rapporteur on the Right to Education’s 2017 Annual Report has also stated that equity in education requires States to ensure that personal or social circumstances do not impede access to education.^{ccxlii} The report noted that there is a “critical need” for protecting the right to education of rural communities in particular and States must take measures to ensure that the quality of rural education is comparable to that of urban populations.^{ccxlvi} Institutions must be both physically accessible, through “attendance at some reasonably convenient geographic location” or by modern technological means.^{ccxlviii}

Furthermore, CERD recognizes the obligation Puerto Rico has to respect, protect and guarantee the rights of individuals to receive an education free of discrimination.^{ccxlix} The General

Recommendation No. 29 of CERD provides that States must ensure that education systems, both public and private, do not discriminate and that they be inclusive for children of all communities.^{ccli} General Recommendation No. 32 from the same Committee explains that discrimination under the UN Convention not only includes purposeful discrimination, but actions and measures that are discriminatory in effect.^{ccli} Further, the Committee emphasized that “unequal treatment of persons whose situations are objectively the same” constitutes discrimination in effect.^{cclii}

The inadequacies of the maritime transportation system result in a discriminatory impact against students of the municipal islands pursuing a higher education. For example, as previously noted, relocating the mainland terminal to Ceiba created an even more inconvenient route for students traveling to universities on the mainland, which detrimentally impacts municipal island students’ ability to attend those universities.^{ccliii} Additionally, residents have expressed concerns over additional financial and emotional costs incurred as a result of failures in the ferry system and their deterrent effect on students. Paul Alquilina stated that **students are further discouraged from pursuing higher education because they often are forced to pay for lodging on the main island when ferry services back to their home island are delayed until the following morning.**^{ccliv} Culebra resident Tomas Ayala Feliciano also stated that if students had a ferry system that was implemented according to their needs, “students possibly would not have to be investing a large amount of money in lodging.”^{cclv}

Both Mr. Ayala Feliciano and Mr. Alquilina suggested that **students from the islands also face emotional hardships because long days and canceled ferries impact their ability to be with their families.**^{cclvi} Mr. Alquilina noted that the inconsistency of ferry service may also leave students unable to reach their families on the islands in an emergency.^{cclvii} This concern was also expressed by Wildallys Miró, a student at the University of Puerto Rico in Río Piedras and resident of Vieques, who stated in a May 2019 news article that, **“the situation turns to chaos every Friday when I return to my native island. There’s never any available seats and even when there are seats available, the ferries are always delayed.”**^{cclviii} Miró further explained that she often endures delayed schedules, broken down ferries, not having priority over tourists and uncertainty when traveling to see her family every week in Vieques.^{cclix}



The inability of the ATM to run a consistent and convenient ferry schedule severely limits the accessibility of higher education on the islands. Due to the unreliability of ferry service, frequent delays, and relocation of the terminal, none of the education institutions on the mainland are in a “reasonably convenient”^{cclx} location for the students who choose to make sacrifices to attend.

Thus, higher education is not physically accessible to municipal island residents. Furthermore, the additional costs imposed on students in response to ferry delays and cancellations are discriminatory against students as residents of the municipal islands. These expenses, both physical and emotional, are only incurred as a result of a student's status as a Culebra or Vieques resident due to their inability to freely travel back to their homes. Students of the mainland would not have to incur these types of costs in pursuance of an education. Since many residents cannot afford the many inconveniences they may encounter in pursuing an education, they are effectively excluded from higher education based on their status as residents of rural communities. Thus, Puerto Rico has failed to provide available, accessible, and nondiscriminatory education to municipal island residents, in violation of its obligation to respect, protect, and guarantee the right to education.

Moreover, **education on the islands is even further inaccessible to students with disabilities.** Students with disabilities experience substantial impacts on their education because of the transportation system. Community member Juan Carlos Garavito affirmed there are no options for students who require Special Education, such as classroom or occupational therapists, in Culebra.^{cclxi} Mr. Garavito expressed that his seven-year-old son, who is autistic, is in need of specialists in school.^{cclxii} Due to the fact that there are none on the island, his son must attend primary school on the mainland.^{cclxiii} He noted that his son will continue to be geographically limited in his educational pursuits because schools on the municipal islands are not equipped to meet his needs.^{cclxiv} For students that require these resources, special assistance programs and public schools on the islands are effectively unavailable to them. Therefore, not all children on the island communities are included in education, and the ferry system creates an education system that is discriminatory in effect.

In sum, due to inadequacies in the maritime transportation system, both higher education and general public education are inaccessible to students from the municipal islands. Students pursuing a higher education incur additional costs and difficulties in traveling as a result of their residence on the islands. Further, students in public schools on the islands are unable to receive an education that is comparable in quality to that of the mainland. These deficiencies in education are imposed on the basis of students' status as residents of the municipal islands, and thus are discriminatory in effect, particularly as it pertains to students with disabilities. Due to the fact that the ferry system is the root cause of these deficiencies in education and therefore the discrimination, Puerto Rico has violated the human right to education by failing to provide adequate public transportation services to the municipal islands.

Puerto Rico is Violating the Human Right to Freedom of Movement and to Choose One's Residence

"They defended the islands, they grew up here, and they don't want to leave."
Juan Carlos Garavito, Culebra community member

Residents of Culebra and Vieques have an internationally recognized right to choose these islands as their place of residence, and Puerto Rico has a corresponding duty to respect, protect, and guarantee that right.

Article 5(d)(i) of CERD guarantees “the right to freedom of movement and residence.”^{cclxv} Additionally, Article 12 of the ICCPR states that “everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.”^{cclxvi} Further, the UDHR recognizes that “everyone has the right to freedom of movement and residence within the borders of each state.”^{cclxvii} The UN Human Rights Committee, in General Comment 27, has interpreted article 12 to mean that persons are entitled to move and, more relevantly, to establish themselves in a place of their choice.^{cclxviii} The Committee further elaborated that, “the State party must ensure that the rights guaranteed in article 12 are protected not only from public but also from private interference.”^{cclxix}

Residents of Culebra and Vieques who openly criticize the transportation problems in their islands are often told via social media posts that they are free to move off the islands if they are unhappy with the current conditions. However, as the above human rights instruments stipulate, the right to freedom of movement and freedom to choose one’s residence is fundamental to the autonomy of a person. The ability for residents to move to the mainland should not be used as an excuse to justify the failures of the ATM. The residents have the right to choose the municipal islands as their place of residence, free from inadequate transportation. Juan Carlos Garavito indicated that most of the residents were born on these islands, and “they defended the islands, they grew up here, and they don’t want to leave.”^{cclxx} Culebra and Vieques residents have a human right to choose the islands as their place of residence and to continue to reside there, and Puerto Rico has a corresponding obligation to respect, protect, and guarantee the rights of municipal island residents to live in the place they so choose and to provide adequate transportation that ensures their enjoyment of all their human rights.

Puerto Rico is Violating the Human Right to Access to Public Transportation Without Discrimination

Ultimately, Puerto Rico has failed to provide adequate maritime transportation services to residents of Culebra and Vieques in violation of Article 5(f) of CERD that guarantees the human right to access to public transportation free from discrimination.

Within the UN system, Article 5(f) of CERD recognizes that States parties “undertake to [...] guarantee the right of everyone, without distinction [...] [to have] access to any place or service intended for use by the general public, such as transport...”^{cclxxi} In views adopted by the UN Human Rights Committee in Communication No. 1160/2003, the Committee recognized that “‘residence’ may be a ‘status’ that prohibits discrimination.”^{cclxxii} It further elaborated that discrimination may also result from similar treatment of dissimilar situations, if the results of such treatment “exclusively or disproportionately affect” persons of those statuses mentioned in the treaty.^{cclxxiii}

Moreover, CERD recognizes the right to not be discriminated against, and Article 1 further explains that the term “racial discrimination’ shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”^{cclxxiv} General Recommendation No. XIV from the Committee on the Elimination of Racial Discrimination explains that “[n]on-discrimination, together with equality before the law and equal protection of the law without any discrimination, constitutes a basic principle in the protection of human rights.”^{cclxxv} Article 7 of the UDHR also recognizes the right to equal protection against any discrimination.^{cclxxvi} Similarly, Article 2.1 of ICCPR guarantees the enjoyment of all human rights without discrimination^{cclxxvii} and Article 26 recognizes that “[a]ll persons are equal before the law and are entitled without any discrimination to the equal protection of the law.”^{cclxxviii}

Here, Puerto Rico has failed to respect, protect, and guarantee the island residents’ right of access to public transportation without discrimination by inadequately addressing the failures of the maritime transportation system that disparately impact certain communities on the islands. The residents of the municipal islands of Culebra and Vieques are discriminated against because of their origin and socioeconomic status as residents. These discriminations are further manifested in the ATM’s treatment of residents compared to tourists, for example. Paul Aquiline, a local resident and businessman, explains ***“during the week versus the weekend, the treatment from the ATM towards the residents of Culebra is very different from its treatment of tourists coming to visit the island.”***^{cclxxix}



In order to accommodate the needs of tourists traveling to the islands, the ATM will often arbitrarily change ferry schedules with little notice, thus impacting the local residents because these weekends increase the uncertainty and unreliability of the ATM's services. Digna Feliciano, a local Culebra community activist, shared her deep disappointment in ATM treatment of residents. She states, **"They forgot we are the reason they are there."**^{cclxxx} This favorable treatment to tourists, such as last-minute scheduling changes, indicates that the government of Puerto Rico is violating its obligation to respect, protect, and guarantee the right to access public transportation without discrimination.

The maritime transportation system also discriminates against island residents through its ticket pricing policies and the ticket selling process. The ferry price from Ceiba to Vieques or Culebra is \$2.00 or \$2.25 each way, respectively. While these prices may seem reasonable to a tourist who takes a weekend trip to Culebra or Vieques, this can be costly to a resident who lives on the island. Some residents have a much lower socioeconomic background than most tourists and if the residents need to travel to school, access medical treatment or other essential needs, these frequent ticket purchases can create large expenses for residents, amounting to approximately \$1,000 per year.

Jorge Andrades, a Culebra resident, explained that online ticket sales are an issue. When a resident will attempt to purchase a ticket at the ferry terminal, they are often told that tickets are sold out. However, a resident can purchase a ticket at the online portal, at double the price.^{cclxxxii} Mr. Andrades stated, "the government is allowing a trick to favor someone else."^{cclxxxii} The ATM's ticket pricing and sales have a distinct impact on the residents of Culebra and Vieques because they cannot afford ATM's tickets. Therefore, Puerto Rico is violating its obligation to respect, protect, and guarantee the rights of residents to access public transportation free from discrimination.



Conclusion

Puerto Rico's management of the public maritime transportation system for people in Culebra and Vieques is incompatible with its international human rights obligations. Maritime transportation is the only viable option for persons and essential goods and services to move between the main island of Puerto Rico and the municipal islands. But the system is riddled with failures and inadequacies, leaving vulnerable populations without the possibility of fully enjoying their human rights to health, education, public transportation, freedom of movement, work, and economic development. The residents of Culebra and Vieques have a human right to an adequate transportation system that allows them to fulfill their enjoyment of all fundamental human rights afforded to them under international human rights law, without discrimination. Unreliable schedules, changes in destinations, cancelled passenger and cargo ferry trips, and unmaintained, out-of-service vessels create a transportation system that fails to meet the needs of residents. Puerto Rico must afford the residents of Culebra and Vieques a level of service that respects their basic human rights.

Recommendations

To address and remedy the human rights violations highlighted in this report, the government of Puerto Rico should adopt the following measures:

- 1) Maintain adequate schedules of passenger and cargo ferries that are adapted to the individual needs of each island, as well as strict adherence to these schedules, in consultation with the people of Culebra and Vieques. Adequate scheduling includes scheduling ferries at times and in numbers that are appropriate for the specific needs of both Vieques and Culebra. This also includes scheduling appropriate distribution of cargo and passenger ships for each island. The ATM must also comply with Article 4-A of its Charter, which obligates the ATM to post schedules in a conspicuous location and to disclose changes at least two weeks in advance.^{cclxxxiii}
- 2) Adopt and enforce fair ticket pricing and ensure availability and priority for residents and businesses of the islands, in consultation with the people of Culebra and Vieques. Article 4(a)(6) of ATM charter authorizes the ATM to set special rates for residents of the municipal islands.^{cclxxxiv}
- 3) Create and maintain a protocol for vessel maintenance, including preventative maintenance, to ensure full and continuous use of the available fleet of ships, as well as acquire additional ferry vessels as needed to meet transportation needs of Culebra and Vieques
- 4) Improve conditions at all terminals, including bathroom and shelter accessibility, compliance with ADA standards, and ensuring safety for all passengers awaiting ferries. This includes adequate, safe, and comfortable restrooms and waiting areas that are available at all hours of ferry operations and free from safety hazards, such as flooding.
- 5) Maintain ATM compliance with reporting to the Legislative Assembly and Governor of Puerto Rico, as required by Article 8 of the ATM Charter, and ensure these are publicly available to the people of Culebra and Vieques.^{cclxxxv}
- 6) Provide or improve training of ferry and terminal staff to ensure safety in all ferry operations and for all ferry passengers and crew members. This includes training ferry staff in customer service, passenger safety, and emergency preparedness, as is required in Article 4(b)(17) of the ATM Charter.^{cclxxxvi} This also includes training on applicable dispositions of the Americans with Disabilities Act and of relevant international human rights norms highlighted in this report.
- 7) Ensure adequate access to healthcare for Vieques and Culebra residents, including sufficient emergency medical transport and adequate health care centers on both municipal islands.
- 8) Ensure access to public education for Vieques and Culebra residents, including education that is accessible, acceptable, available, and adaptable, and provide access to special education for students with disabilities on the islands.

- 9) Adopt necessary measures to assist in promoting the economic development of the islands, in consultation with residents of Culebra and Vieques, and ensure that employment opportunities and businesses are not negatively affected due to the inadequacy of the maritime transportation system.
- 10) Ensure that the use and management of the maritime transportation system adequately protects the people of Culebra and Vieques from the health risks posed by the COVID-19 pandemic, in consultation with residents and businesses in Culebra and Vieques.

APPENDIX 1: TALKING POINTS

HOW TO FRAME THE ATM FERRY PROBLEMS AS HUMAN RIGHTS VIOLATIONS

This document is meant to be used as a guide on how to frame the ATM ferry problems as human rights violations when discussing these issues with government officials and the press.

The government of Puerto Rico has several obligations to you under human rights law

The United States has ratified several international and regional human rights treaties within the United Nations and the Organization of American States. As a territory of the U.S., these international human rights treaties create legal obligations on the government of Puerto Rico.

The government of Puerto Rico violates your human rights when they fail to provide you with adequate maritime transportation

Puerto Rico has an obligation to protect, respect, and guarantee the following internationally recognized human rights: 1) access to healthcare services, 2) access to education, 3) opportunities for employment and economic development, 4) freedom of movement, and 5) access to public transportation without discrimination. Residents of Culebra and Vieques are unable to fully enjoy these human rights due to their dependence on an inadequate maritime transportation system. Compliance with these human rights requires that these residents have access to adequate public transportation.

APPLICABLE HUMAN RIGHTS

1. You have the right to access public transport without discrimination

Two United Nations treaties, the Convention on the Elimination of Racial Discrimination (CERD) and the International Covenant on Civil and Political Rights (ICCPR), recognize the right to have "access to any place or service intended for use by the general public, such as transport [without discrimination on the basis of one's residence]", and guarantee the enjoyment of all human rights without discrimination by recognizing that "[a]ll persons are equal before the law and are entitled without any discrimination to the equal protection of the law." The government of Puerto Rico violates this right by showing favorable treatment to tourists through last-minute scheduling changes, and by implementing an inadequate ticketing process that does not prioritize residents.

2. You have the right to access medical care

The Universal Declaration of Human Rights recognizes that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including [...] medical care." The UN Convention on the Elimination of Racial Discrimination also recognizes "the right to public health [and] medical care." Access to healthcare is a human right that the government violates when there is a failure to provide public transportation to obtain medical care. The inconsistent ferry scheduling, boat breakdowns, and changes to the location of the ferry terminals have meant that residents are often unable to arrive on time to their medical appointments or seek medical care. The development of adequate healthcare options on the islands is also hindered because the maritime transportation system de-incentivizes working on the islands for medical professionals from the main island.

3. You have the right to work and to develop the islands' economies

The right to work and to pursue one's desired economic development is another right recognized in the Universal Declaration on Human Rights, the American Declaration of the Rights and Duties of Man, the International Covenant on Civil and Political Rights, and the Charter of the Organization of American States. The inadequacies of the maritime transportation system limit the availability of work on the islands.

People who live on the islands often cannot get to work on the mainland on time due to ferry departure delays, and people on the mainland often cannot provide essential goods and services to the islands for fear of being unable to return to the mainland on time. The economies of Culebra and Vieques are also negatively impacted when the cargo ferries fail to deliver goods as scheduled or as needed.

4. You have the right to go to school

The Universal Declaration on Human Rights and the American Declaration on the Rights and Duties of Man recognize that access to public education is a fundamental human right. The UN Human Rights Committee has stated that governments must take every possible measure to provide all children with an adequate level of education. Due to the lack of higher education on these islands, students are forced to attend university on the main island of Puerto Rico. But the unreliability of the ferry system makes doing so while residing on the islands substantially difficult, if not virtually impossible. This also leads to a low quantity of teachers able to work on the islands. Additionally, island students with disabilities face additional problems accessing needed services and education as a result of the inadequate ferry system.

5. You have the right to choose where you want to live

The Universal Declaration on Human Rights, as well as the UN Convention on the Elimination of Racial Discrimination and the International Covenant on Civil and Political Rights, recognize “the right to freedom of movement” and “to choose [one’s] residence.” Culebra and Vieques residents have a human right to choose the islands as their place of residence and to continue to reside there, and Puerto Rico must provide adequate transportation that ensures their enjoyment of this human right.

The Autoridad de Transporte Marítimo is required to provide you with adequate maritime transportation

The ATM’s purpose under the ATM ACT is “to control, administer, operate and maintain the maritime transportation service and related assets in Puerto Rico” and its mission is “to provide an efficient, agile and reliable maritime transportation service for the residents of Puerto Rico and the Municipal Islands, that combined with other transportation options, helps facilitate socio-economic development and the quality of life of the citizens.” The ATM should be operating to this standard as stated in its mission.

Recommendations for the government of Puerto Rico and the Maritime Transportation Authority

To achieve compliance with the human rights of their residents and the ATM ACT, the government of Puerto Rico and the ATM need to:

1. Maintain and enforce adequate schedules of passenger and cargo ferries that are adapted to the individual needs of each island, providing two-weeks notice of any changes.
2. Adopt and enforce fair ticket pricing and ensure availability and priority for residents.
3. Create and maintain a protocol for vessel maintenance, including preventative maintenance, to ensure full and continuous use of the available fleet of ships.
4. Improve conditions at all terminals, including bathroom and shelter accessibility, compliance with ADA standards, and ensuring safety for all passengers awaiting ferries.
5. Provide training of ferry and terminal staff regarding applicable dispositions of the Americans with Disabilities Act and relevant international human rights norms.
6. Ensure adequate access to healthcare for island residents, including sufficient emergency medical transport and adequate health care centers.
7. Ensure access to public education for island residents, including access to special education for students with disabilities on the islands.
8. Adopt measures to assist in promoting the economic development of the islands.
9. Ensure that the use and management of the maritime transportation system adequately protects the islands’ residents from the health risks posed by the COVID-19 pandemic.
10. Implement these recommendations in consultation with local residents and businesses.

APPENDIX 2: KNOW YOUR HUMAN RIGHTS

As a resident of Puerto Rico, YOU have rights under international human rights law that the government must respect, protect, and guarantee.

WHAT ARE SOME OF YOUR PROTECTED RIGHTS?	WHAT DOES THIS MEAN?
<p>YOU HAVE A RIGHT TO ACCESS PUBLIC TRANSPORTATION FREE FROM DISCRIMINATION</p>	<p>When Culebra and Vieques residents do not have reliable access to public transportation due to their status as island residents, this right has been violated. Example of a violation of this right: Tourists and visitors get preferential treatment over island residents when purchasing tickets.</p>
<p>YOU HAVE A RIGHT TO ACCESS MEDICAL CARE</p>	<p>When residents do not have access to hospitals, doctors, clinics, specialized medicine, and other healthcare services because the maritime transportation system is inadequate, this right has been violated. Example of a violation of this right: Island residents often miss doctors' appointments due to ferry delays.</p>
<p>YOU HAVE A RIGHT TO EMPLOYMENT & ECONOMIC DEVELOPMENT</p>	<p>When the availability of work is limited and the economy is weakened due to the inadequacy of the maritime transportation system, this right has been violated. Example of a violation of this right: Businesses often fail to receive shipments of goods to sell.</p>
<p>YOU HAVE A RIGHT TO EDUCATION</p>	<p>When residents do not have access to primary, secondary, professional, and technical education institutions because the maritime transportation system is inadequate, this right has been violated. Example of a violation of this right: Children often lack access to qualified teachers on the islands, and university students often miss classes on the main island.</p>
<p>YOU HAVE A RIGHT TO CHOOSE YOUR RESIDENCE</p>	<p>You have the right to live in Culebra or Vieques, if you so choose. Any proposed solution to the maritime transportation system problem that suggests island residents move to the mainland is not compatible with international human rights standards. Example of a violation of this right: Island residents are often told they should move to the main land if they want to enjoy these human rights.</p>

Index of Abbreviated Words

1. ACS: American Community Survey
 2. ADA: Americans with Disabilities Act
 3. ADRDM: American Declaration of the Rights and Duties of Man
 4. ATM: Autoridad de Transporte Marítimo / Maritime Transportation Authority
 5. CERD: Convention on the Elimination of All Forms of Racial Discrimination
 6. ICESCR: International Covenant on Economic, Social, and Cultural Rights
 7. DoN: Department of the Navy
 8. DTOP: Departamento de Transportación y Obras Públicas / Dept. of Transportation and Public Works
 9. EPA: Environmental Protection Agency
 10. FEMA: Federal Emergency Management Agency
 11. ICCPR: International Covenant on Civil and Political Rights
 12. IHRC: International Human Rights Clinic (Santa Clara Law)
 13. NACLA: North American Congress on Latin America
 14. NBC: National Broadcasting Company
 15. OAS/OEA: Organization of American States /Organización de los Estados Americanos
 16. OHCHR: United Nations Office of the High Commissioner for Human Rights
 17. PPP: Public-Private Partnership
 18. PRFF: Puerto Rico Fast Ferries
 19. UDHR: Universal Declaration of Human Rights
 20. UN: United Nations
 21. WHO: World Health Organization
 22. WIC: Special Supplemental Nutrition Program for Woman, Infants and Children
 23. WOLA: Washington Office on Latin America
-

ENDNOTES

- ⁱ El Nuevo Día, [“Residentes de Vieques Convocan Protesta Durante Reunion de Directora de ATM”](#) (29 September 2019).
- ⁱⁱ IHRC Interview with Juan Carlos Garavito, Culebra Community Member, (via email) (received 13 September 2019).
- ⁱⁱⁱ Britannica, [Vieques Island](#) (10 January 2019).
- ^{iv} Britannica, [Culebra Island](#) (6 April 2009).
- ^v United States Census Bureau, [ACS Demographic and Housing Estimates](#) (2018).
- ^{vi} Britannica, [Vieques Island](#).
- ^{vii} United States Census Bureau, [ACS Demographic and Housing Estimates](#) (2018).
- ^{viii} Britannica, [Culebra Island](#) (6 April 2009).
- ^{ix} Oyster, [A Guide to Vieques and Culebra: Puerto Rico’s Most Popular Islands](#) (17 August 2017).
- ^x United States Census Bureau, [ACS Demographic and Housing Estimates](#) (2018).
- ^{xi} *Id.*
- ^{xii} United States Census Bureau, [Household and Families](#) (2018).
- ^{xiii} *Id.*
- ^{xiv} United States Census Bureau, [QuickFacts Culebra Municipio, Puerto Rico](#).
- ^{xv} *Id.*
- ^{xvi} United States Census Bureau, [QuickFacts Vieques Municipio, Puerto Rico; Culebra Municipio, Puerto Rico](#).
- ^{xvii} United States Census Bureau, [Occupation by Sex for the Civilian Employed Population 16 years and Over](#) (2018).
- ^{xviii} *Id.*
- ^{xix} *Id.*
- ^{xx} Islands of Puerto Rico, [Culebra Puerto Rico Flights Guide](#) (2019).
- ^{xxi} Porferry.com, [Itinerario y boletos para Vieques y Culebra](#) (2020).
- ^{xxii} Puerto Rico Public-Private Partnerships Authority, [Desirability and Convenience Study for the Puerto Rico Maritime Transportation Services Project](#) (April 2018).
- ^{xxiii} Occidental College, [Vieques: The Power of People’s Protest](#) (2004).
- ^{xxiv} Navy History and Heritage Command, [Vieques, Puerto Rico Naval Training Range](#) (17 December 2001).
- ^{xxv} George Withers, Washington Office on Latin America, [Vieques, a Target in the Sun](#) (May 2013).
- ^{xxvi} *Id.*
- ^{xxvii} *Id.*
- ^{xxviii} *Id.*
- ^{xxix} Navy History and Heritage Command, [Vieques, Puerto Rico Naval Training Range](#) (17 December 2001).
- ^{xxx} *Id.*
- ^{xxxi} North American Congress on Latin America (NACLA), [Fish, Wildlife, and Bombs: The Struggle to Clean Up Vieques](#) (1 September 2009).
- ^{xxxii} CNN, [Island residents sue U.S., saying military made them sick](#) (1 February 2010).
- ^{xxxiii} José Trías Monge, [Historia constitucional de Puerto Rico, Volume 5](#) (2005).
- ^{xxxiv} Occidental College, [Vieques: The Power of People’s Protest](#) (2004).
- ^{xxxv} Navy History and Heritage Command, [Vieques, Puerto Rico Naval Training Range](#) (17 December 2001).
- ^{xxxvi} *Id.*
- ^{xxxvii} *Id.*
- ^{xxxviii} The Atlantic, [Puerto Rico’s Invisible Health Crisis](#) (3 September 2016).
- ^{xxxix} NACLA, [Fish, Wildlife, and Bombs: The Struggle to Clean Up Vieques](#) (1 September 2009).
- ^{xl} *Id.*
- ^{xli} IHRC interview with Juan Carlos Garavito, Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- ^{xlii} NBC News, [The Puerto Rican island of Vieques still has no hospital. Democrats demand answers from FEMA](#) (16 May 2019).
- ^{xliii} Puerto Rico Department of Education, [Directory](#).
- ^{xliv} The Washington Post, [On Beyond San Juan The Puerto Rican Out Islands Of Culebra Vieques](#) (2 October 1988).
- ^{xlv} *Id.*

-
- xlvi Primera Hora, [Ya en funciones la Guardia Nacional en Vieques y Culebra](#) (6 March 2019).
- xlvii Puerto Rico And The Island Municipalities Maritime Transport Authority, [2012-2013 Adopted Budget](#).
- xlviii *Id.*
- xlix Puerto Rico Public-Private Partnerships Authority, *Desirability and Convenience Study for the Puerto Rico Maritime Transportation Services Project* (April 2018).
- l Porferry, [Itinerario y boletos para Vieques y Culebra](#) (2020).
- li El Nuevo Día, [El terminal de lanchas de Ceiba operará en otro edificio en Roosevelt Roads](#) (4 June 2019).
- lii *Id.*
- liii El Nuevo Día, [ATM no tiene permisos de EPA para construir en el terminal de lanchas en Ceiba](#) (19 March 2019).
- liv Primera Hora, [Viequenses se preparan para marchar por un mejor servicio de lanchas](#) (2 September 2019).
- lv *Id.*
- lvi Puerto Rico Public-Private Partnerships Authority, *Desirability and Convenience Study for the Puerto Rico Maritime Transportation Services Project* (April 2018).
- lvii Puerto Rico Public-Private Partnerships Authority, *Desirability and Convenience Study for the Puerto Rico Maritime Transportation Services Project* (April 2018).
- lviii Primera Hora, [ATM extendería contrato a Puerto Rico Fast Ferries por \\$10 millones](#) (27 August 2019).
- lix Porferry, [Itinerary](#) (2020).
- lx Puerto Rico Maritime Transport Authority, [2018 Annual Agency Profile](#) (2018).
- lxi Puerto Rico Department of Transportation, [Statewide Transportation Improvement Project: Fiscal years 2019-2022](#) (4 March 2019).
- lxii Puerto Rico Public Private Partnerships Authority, [Request for Qualifications for the Puerto Rico Maritime Transportation Services Project](#) (June 2018).
- lxiii El Nuevo Día, [Seleccionan a la empresa que operaría lanchas de Vieques y Culebra](#) (17 February 2020).
- lxiv *Id.*
- lxv El Nuevo Día, [Residentes de Vieques y Culebra se Tirarán a la calle para Exigir Mejor Servicio de las Lanchas](#) (13 September 2019).
- lxvi IHRC Interview with Dolly Camareno, Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- lxvii *Id.*
- lxviii El Nuevo Día, [Residentes de Vieques y Culebra se Tirarán a la calle para Exigir Mejor Servicio de las Lanchas](#) (13 September 2019).
- lxix IHRC Interview with Luis Gonzales, Tourist, Ceiba, Puerto Rico (11 October 2019).
- lxx El Nuevo Día, [Problemas de transporte trastocan la vida de los residentes de Culebra](#) (12 January 2019).
- lxxi El Nuevo Día, [Problemas de transporte trastocan la vida de los residentes de Culebra](#) (12 January 2019).
- lxxii Primera Hora, [Directora de ATM acepta que fue un “error” mudar terminal de lanchas a Ceiba](#) (2 October 2019).
- lxxiii El Nuevo Día, [Problemas de transporte trastocan la vida de los residentes de Culebra](#) (12 January 2019).
- lxxiv *Id.*
- lxxv IHRC Interview with Dolly Camareno, Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- lxxvi *Id.*
- lxxvii *Id.*
- lxxviii *Id.*
- lxxix El Nuevo Día, [Muere un hombre mientras esperaba por una lancha en Ceiba](#) (4 September 2019).
- lxxx Oficina de Gerencia y Presupuesto de Puerto Rico, [Ley de la Autoridad de Transporte Marítimo de Puerto Rico y las Islas Municipio](#) Art. 4-A (1 January 2000).
- lxxxi Noticel, [Ayudante en ATM tampoco sabe hacer itinerarios de lanchas](#) (15 October 2019).
- lxxxii Telemundo, [Denuncian ferry a Vieques y Culebra está fuera de servicio](#) (20 August 2019).
- lxxxiii Facebook, [Vieques Culebra Ferry Watch](#) public group page [date accessed: 26 November 2019].
- lxxxiv IHRC interview with Digna Feliciano, community advocate, Culebra, Puerto Rico (12 October 2019).
- lxxxv IHRC interview with Paul Aquiline, Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- lxxxvi IHRC Interview with Digna Feliciano, community advocate, Culebra, Puerto Rico (12 October 2019).
- lxxxvii El Nuevo Día, [Solo dos de las 12 lanchas a Vieques y Culebra funcionan](#) (22 September 2019).
- lxxxviii Telemundo, [Denuncian ferry a Vieques y Culebra está fuera de servicio](#) (20 August 2019).
- lxxxix El Vocero, [Renuncia el director de ATM](#) (20 February 2019).
- xc NotiCentro, [Directora de ATM atiende quejas de los comerciantes de Culebra](#) (15 May 2019).

-
- ^{xc}i Peoples Dispatch, [Puerto Ricans demand adequate water transportation services](#) (8 June 2019).
- ^{xcii} El Nuevo Día, [Manifestantes llevan reclamos sobre lanchas para Vieques y Culebra a La Fortaleza y al Capitolio](#) (5 June 2019).
- ^{xciii} News Click, [Puerto Ricans Demand Adequate Water Transportation Services](#) (8 June 2019).
- ^{xciv} Noticel, [Cientos marchan en las islas municipio contra ATM](#) (14 September 2019).
- ^{xcv} Latinx Today, [Alcaldesa San Juan apoya protesta en islas-municipios de Vieques y Culebra](#) (14 September 2019).
- ^{xcvi} Noticel, [Cientos marchan en las islas municipio contra ATM](#) (14 September 2019).
- ^{xcvii} *Id.*
- ^{xcviii} Primera Hora, [Protesta impide salida de directora de ATM de Vieques](#) (30 September 2019).
- ^{xcix} El Calce, ["Mara va a dormir en el muelle"...Viequenses intentan paralizar salida del ferry en protesta](#) (30 September 2019).
- ^c Primera Hora, [Protesta impide salida de directora de ATM de Vieques](#) (30 September 2019).
- ^{ci} Noticel, [Fuera Mara Pérez de los asuntos de Vieques y Culebra pero no de la ATM](#)" (7 October 2019).
- ^{cii} *Id.*
- ^{ciii} *Id.*
- ^{civ} El Vocero, [Dos nuevas embarcaciones para Vieques y Culebra](#) (29 October 2019).
- ^{cv} El Nuevo Día, [Seleccionan a la empresa que operaría lanchas de Vieques y Culebra](#) (17 February 2020).
- ^{cvi} El Nuevo Día, [Residentes de Vieques y Culebra protestarán hoy ante posible alza tarifaria de transporte](#) (21 January 2020).
- ^{cvii} *Id.*
- ^{cviii} *Id.*
- ^{cix} United Nations Human Rights Office of the High Commissioner, [International Human Rights Law](#).
- ^{cx} United States Department of State, [Memorandum for Governors of American Samoa, Guam, Northern Mariana Islands, Puerto Rico, U.S. Virgin Islands](#) (U.S. Human Rights Treaty Reports) (20 January 2010).
- ^{cx}i United Nations Human Rights Office of the High Commissioner, [International Human Rights Law](#).
- ^{cxii} *Id.*
- ^{cxiii} *Id.*
- ^{cxiv} *Id.*
- ^{cxv} The United States has also ratified several other United Nations international human rights instruments, such as the Convention Against Torture, and two protocols to the Convention on the Rights of the Child.
- ^{cxvi} Universal Declaration of Human Rights (adopted 10 December 1948). Although the UDHR is not a treaty, much of its content creates binding legal obligations by virtue of customary international law.
- ^{cxvii} International Covenant on Civil and Political Rights (adopted 16 December, entered into force 23 March 1976), OHCHR (ICCPR).
- ^{cxviii} Convention on the Elimination of All Forms of Racial Discrimination (adopted 21 December 1965, entered into force 4 January 1969), OHCHR (CERD).
- ^{cxix} American Declaration of the Rights and Duties of Man (adopted 2 May 1948), O.A.S. (American Declaration). The United States is bound by the American Declaration by virtue of having ratified the OAS Charter, its Statute and Regulations. "Pursuant to the Charter, all member States undertake to uphold the fundamental rights of the individual. In the case of countries not party to the Convention, the rights concerned are those set forth in the American Declaration, which constitutes a source of international obligation." IACHR, [Report No. 121/18](#), case 10.573 *Jose Isabel Salas Galindo and Others* (United States), 5 October 2018, p 60.
- ^{cxx} CERD, Art. 5(e)(iv); UDHR, Art. 25; American Declaration, Art. XI
- ^{cxxi} UDHR, Art. 26.
- ^{cxxii} UDHR, Art. 23.; ICCPR, Art. I, Sec. I, Cl. I.
- ^{cxxiii} UDHR, Art. 25.; American Declaration, Art. XI.
- ^{cxxiv} CERD, Art. 5(f).
- ^{cxxv} CERD, Art. 1, Art. 2; UDHR, Art. 7.
- ^{cxxvi} UDHR, Art. 25.
- ^{cxxvii} CERD, Art. 5(e)(iv).
- ^{cxxviii} American Declaration, Art. XI
- ^{cxxix} United Nations' Office of the High Commissioner for Human Rights, [Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health](#).

-
- ^{cxxx} WHO, [Constitution of the World Health Organization](#).
- ^{cxxxi} *Id.*
- ^{cxxxii} UN Committee on Economic, Social, and Cultural Rights (CESCR), [General Comment No. 14: The Right to the Highest Attainable Standard of Health \(Art. 12\)](#) (11 August 2000).
- ^{cxxxiii} NBC News, [The Puerto Rican island of Vieques still has no hospital. Democrats demand answers from FEMA](#) (16 May 2019).
- ^{cxxxiv} NBC News, [FEMA approves funds to rebuild hospital in Puerto Rico after teen's death](#) (21 January 2020).
- ^{cxxxv} NBC News, [Teen's death in Puerto Rico blamed on lack of proper medical facilities since hurricane](#) (15 January 2020).
- ^{cxxxvi} *Id.*
- ^{cxxxvii} IHRC interview with Juan Carlos Garavito, Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- ^{cxxxviii} *Id.*
- ^{cxxxix} IHRC interview with Dolly Camareno, Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- ^{cxl} *Id.*
- ^{cxli} *Id.*
- ^{cxlii} *Id.*
- ^{cxliii} IHRC interview with Tomas Ayala Feliciano, Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- ^{cxliv} IHRC interview with Juan Carlos Garavito, Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- ^{cxlv} IHRC interview with Mayra Felix Rivera, Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- ^{cxlvi} *Id.*
- ^{cxlvii} Congress of the United States, [Letter to FEMA Acting Administrator Peter T. Gaynor](#) (15 May 2019).
- ^{cxlviii} *Id.*
- ^{cxlix} *Id.*
- ^{cl} *Id.*
- ^{cli} IHRC interview with Paul Aquiline, Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- ^{clii} IHRC interview with Digna Feliciano, Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- ^{cliii} NBC News, [The Puerto Rican island of Vieques still has no hospital. Democrats demand answers from FEMA](#) (16 May 2019).
- ^{cliv} Claridad, [Culebra y Vieques: La salud, los ancianos y las lanchas](#) (12 January 2019).
- ^{clv} *Id.*
- ^{clvi} IHRC interview with Juan Carlos Garavito, Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- ^{clvii} *Id.*
- ^{clviii} *Id.*
- ^{clix} IHRC interview with Dolly Camareno, Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- ^{clx} Robert Rabin, Facebook Post.
- ^{clxi} The Americans with Disabilities Act of 1990, 42 U.S.C. § 12101
- ^{clxii} *Id.*
- ^{clxiii} IHRC interview with Dolly Camareno, Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- ^{clxiv} *Id.*
- ^{clxv} IHRC interview with Tomas Ayala Feliciano, Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- ^{clxvi} The Charter of the Organization of American States (adopted 30 April 1948, entered into force 30 April 1948) (OAS Charter) Ch. VII, Art. 34(g).
- ^{clxvii} UN Committee on Economic, Social and Cultural Rights (CESCR), [General Comment No. 18: The Right to Work \(Art. 6 of the Covenant\)](#), 6 February 2006, E/C.12/GC/18 [accessed 6 November 2019].
- ^{clxviii} *Id.*
- ^{clxix} Data USA, [Culebra, PR](#) (Employment by Occupations).; Data USA, [Vieques, PR](#) (Employment by Industries).
- ^{clxx} Data USA, [Culebra, PR](#) (Employment by Occupations).
- ^{clxxi} Data USA, [Vieques, PR](#) (Employment by Industries).
- ^{clxxii} IHRC Interview with Paul Alquilina Culebra Community Member, Culebra, Puerto Rico (12 October 2019) [1:05:52].
- ^{clxxiii} IHRC Interview with Tomas Ayala Feliciano Culebra Community Member, Culebra, Puerto Rico (12 October 2019) [52:20].

-
- clxxiv IHRC Interview with Jorge Andrades Culebra Community Member, Culebra, Puerto Rico (12 October 2019) [18:50].
- clxxv *Id.* at 17:40.
- clxxvi *Id.*
- clxxvii IHRC Interview with Paul Alquilina Culebra Community Member, Culebra, Puerto Rico (12 October 2019) [1:05:52].
- clxxviii IHRC Interview with Tomas Ayala Feliciano Culebra Community Member, Culebra, Puerto Rico (12 October 2019) [52:20].
- clxxix *Id.*
- clxxx Facebook, [Vieques Culebra Ferry Watch](#) public group page [date accessed: 26 November 2019].
- clxxxi Telemundo Puerto Rico, [Entre Enfrentamientos Reciben a Gobernadora en Vieques](#) (20 November 2019).
- clxxxii *Id.*
- clxxxiii *Id.*
- clxxxiv UDHR Art. 23.
- clxxxv Primera Hora, [Nuevo Colapso en la Transportación de carga Hacia Vieques y Culebra](#) (4 May 2019).
- clxxxvi *Id.*; Primera Hora, [Camioneros se Sienten Atropellados por la ATM](#) (02 September 2019).
- clxxxvii Primera Hora, [Camioneros se Sienten Atropellados por la ATM](#) (02 September 2019).
- clxxxviii Primera Hora, [Nuevo Colapso en la Transportación de carga Hacia Vieques y Culebra](#) (4 May 2019).
- clxxxix *Id.*
- cxc *Id.*
- cxci *Id.*
- cxcii Primera Hora, [Ya en funciones la Guardia Nacional en Vieques y Culebra](#) (6 March 2019).
- cxciiii Primera Hora, [Se Nos Va la Vida' con el Problema de Lanchas a Vieques y Culebra](#) (March 5, 2019).
- cxciiv *Id.*
- cxci v *Id.*
- cxci vi *Id.*
- cxci vii *Id.*
- cxci viii Foro Noticioso, [El Presidente de la Cámara pide Acción inmediata ante Crisis en la Transportación de Carga a Vieques y Culebra](#) (6 October 2019).
- cxci ix Primera Hora, [Ya en funciones la Guardia Nacional en Vieques y Culebra](#) (6 March 2019).
- cc *Id.*
- cci *Id.*
- ccii El Nuevo Día, [Wanda Vázquez Garced activa a la Guardia Nacional para atender el transporte a Vieques y Culebra](#) (6 October 2019).
- cciii Primera Hora, [Nuevo Colapso en la Transportación de carga Hacia Vieques y Culebra](#) (4 May 2019).
- cciv *Id.*
- ccv IHRC Interview with Jorge Andrades Culebra Community Member, Culebra, Puerto Rico (12 October 2019) [19:48].
- ccvi *Id.*
- ccvii *Id.*
- ccviii IHRC Interview with Digna Feliciano Culebra Community Member, Culebra, Puerto Rico (12 October 2019) [1:15:52].
- ccix *Id.*
- ccx UDHR, Art. 26
- ccxi *Id.*
- ccxii CESCR, *IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS*, General Comment No. 13, The right to education (article 13 of the Covenant), Views of 8 December 1999.
- ccxiii ICCPR, Art. 24.1
- ccxiv OHCHR, [CCPR General Comment No. 17: Article 24 \(Rights of the Child\)](#) (adopted on 7 April 1989).
- ccxv *Id.*
- ccxvi ADRDM, Art. XII
- ccxvii *Id.*
- ccxviii *Id.*

-
- ccxix CESCR, *IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS*, General Comment No. 13, The right to education (article 13 of the Covenant), Views of 8 December 1999.
- ccxx *Id.*
- ccxxi *Id.*
- ccxxii *Id.*
- ccxxiii Puerto Rico Department of Education, *Revised HQT Plan* (2008).
- ccxxiv IHRC Interview with Paul Alquilina Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- ccxxv *Id.*
- ccxxvi El Vocero, [Hay que ponerse en los zapatos de los vecinos de Vieques y Culebra](#) (10 July 2019).
- ccxxvii IHRC Interview with Digna Feliciano Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- ccxxviii IHRC Interview with Dolly Camareno Culebra Community Activist, Culebra, Puerto Rico (12 October 2019).
- ccxxix *Id.*
- ccxxx *Id.*
- ccxxxi *Id.*
- ccxxxii *Id.*
- ccxxxiii Primera Hora, [Denuncian falta de maestros en Culebra que afectaría la graduación de cuarto año](#) (26 September 2019).
- ccxxxiv Primera Hora, [Educación busca maestros para atender “situación crítica” en Culebra](#) (2 October 2019).
- ccxxxv IHRC Interview with Juan Carlos Garavito Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- ccxxxvi NotiUno, [Departamento de Educación busca reclutar 200 maestros sustitutos](#) (26 March 2019).
- ccxxxvii *Id.*
- ccxxxviii Puerto Rico Department of Education, *Revised HQT Plan* (2008).
- ccxxxix *Id.*
- ccxl *Id.*
- ccxli IHRC Interview with Paul Alquilina Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- ccxlii *Id.*
- ccxliiii CESCR, *IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS*, General Comment No. 13, The right to education (article 13 of the Covenant), Views of 8 December 1999.
- ccxliv *Id.*
- ccxlv *Id.*
- ccxlvi United Nations Special Rapporteur on the Right to Education, *Report of the Special Rapporteur on the right to education, A/72/496*, Views of 29 September 2017.
- ccxlvii *Id.*
- ccxlviii CESCR, *IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS*, General Comment No. 13, The right to education (article 13 of the Covenant), Views of 8 December 1999.
- cclix CERD, Art. 5(e)(v)
- cccl CERD, General Recommendation No. 29 on article 1, paragraph 1 of the Convention (Descent), Views of 2002.
- cccli CERD, [General Recommendation No. 32](#), Views of 24 September 2009, CERD/C/GC/32.
- ccclii *Id.*
- cccliii IHRC Interview with Dolly Camareno Culebra Community Activist, Culebra, Puerto Rico (12 October 2019).
- cccliv IHRC Interview with Paul Alquilina Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- ccclv IHRC Interview with Tomas Ayala Feliciano Culebra Community Member, Culebra, Puerto Rico (12 October 2019)
- ccclvi *Id.*
- ccclvii IHRC Interview with Paul Alquilina Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- ccclviii Primera Hora, [ATM investiga traqueteo con reventa de boletos para Vieques y Culebra](#) (14 May 2019).
- ccclix *Id.*
- ccclx CESCR, *IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS*, General Comment No. 13, The right to education (article 13 of the Covenant), Views of 8 December 1999.
- ccclxi IHRC Interview with Juan Carlos Garavito Culebra Community Member, Culebra, Puerto Rico (12 October 2019).
- ccclxii *Id.*
- ccclxiii *Id.*
- ccclxiv *Id.*
- ccclxv CERD, Art. 5(d)(i)

-
- cclxxvi ICCPR, Art. 12
- cclxxvii UDHR, Art. 13.1
- cclxxviii OHCHR, [CCPR General Comment No. 27: Article 12 \(Freedom of Movement\)](#) (adopted on 2 November 1999).
- cclxxix *Id.*
- cclxxx IHRC Interview with Juan Carlos Garavito, Culebra Community Member, (via email) (received 13 September 2019).
- cclxxxi CERD, Art. 5(f).
- cclxxxii Human Rights Committee, [CCPR Communication No. 1160/2003](#), Views of 39 July 2004, CCPR/C/81/D/1160/2003.
- cclxxxiii *Id.*
- cclxxxiv CERD, Art. 1.
- cclxxxv Committee on Elimination of Racial Discrimination, General Recommendation No. XIV on article 1, paragraph 1 of the Convention, Views of 1993.
- cclxxxvi UDHR, Art. 7
- cclxxxvii ICCPR, Art. 2.1
- cclxxxviii ICCPR, Art. 26
- cclxxxix IHRC Interview with Paul Aquiliue, Businessman, Culebra, Puerto Rico (October 12, 2019).
- cclxxxx IHRC Interview with Digna Feliciano, community advocate, Culebra, Puerto Rico (12 October 2019).
- cclxxxxi IHRC Interview with Jorge Andrades, Businessman, Culebra, Puerto Rico (12 October 2019).
- cclxxxxii *Id.*
- cclxxxxiii Oficina de Gerencia y Presupuesto de Puerto Rico, [Ley Orgánica](#), Art. 4-A (1 January 2000).
- cclxxxxiv *Id.*
- cclxxxxv *Id.*
- cclxxxxvi *Id.*