

Human Trafficking as a Threat to Human Security: Reflection on the Context of Trafficking in Sri Lankan Women to Middle-East

By Chandanie Watawala

Introduction

Human trafficking takes place in almost all social, political, cultural, economic and legal contexts. In recent years, human trafficking has been identified as a form of modern slavery, as a threat to human security, and as one of the greatest human rights challenges of our time.¹ Some authors even believe that this is one of the greatest human rights challenges of our time since it affects a great number of countries across the world.²

Over the past decades, the number of Sri Lankan women migrating to the Middle-East as domestic workers has rapidly increased. No doubt it brings many possibilities for women while many problems do surface. The positives are the empowerment of women and gender equality while the negative impact is concerning the violations of human rights and causing human security.

Regarding the issue of trafficking in women in Sri Lanka, several studies have so far been conducted (Alkire, Sabina, 2003; CEDAW Committee, 2004; CRC Committee, 2003; ESCAP, 1997; Jayaweera, Swarna, 1999; Priyangika, Nishanthi and Fernando, 2004, etc), but they are mainly focused on the situation itself. They have not dealt with the relationship between this situation and human security. Therefore, this paper tries to explore the problem of trafficking Sri Lankan women to Middle-East in the light of the human security context, in an attempt to examine the problem more comprehensively. Specifically, the paper deals with the following main questions: *In what ways does Sri Lankan socio, economic and political situation affect the migrant women? How are Sri Lankan women being trafficked to the Middle-East? What are*

¹ See Fernando, Danailova, Gergana and Blesser, Patrick, Trainer. December 2006; Dias, Malsiri and Jayasundara, Ramani; Nimalka..May, 1999; Hughes, M, Donna. 2002; Manohar, Sujata..18-22, November, 2002. pg. 2; United Nations: *Economic and Social Council Recommended Principles and Guidelines on Human Rights and Human Trafficking/Report of the United Nations High Commissioner for the Human Rights to the Economic and Social Council*. 1-26 July, 2002

² See Hughes, M. Dona. Eleanor, M and Carlson, M, Oscar. June 2002; Ogata, Sadako. November, 2004; UNESCO. 2004.

the security threats that the Sri Lankan women trafficked to the Middle East face? What are the solutions to the problem of trafficking in Sri Lankan women to Middle-East?

Human Trafficking as a Threat to Human Security

United Nations Protocol on Trafficking in Persons (the so-called Palermo Protocol) was adopted in November 2000 and as of February 2004, 60 countries are State parties to this treaty and 127 are signatories including Sri Lanka.³

Irregular or undocumented migrants are different from the victims of the human trafficking. An irregular or undocumented migrant situation occurs on a voluntary basis and ends at the destination, whereas human trafficking mostly occurs forcefully, both inside and outside the countries concern.

What then is human trafficking? In short, trafficking involves moving men, women, and children from one place to another and placing them in conditions of forced labor. The practice includes forced prostitution, domestic servitude, unsafe agricultural labor, sweatshop labor, construction or restaurant work, and various forms of modern-day slavery. This violation of human rights occurs within nations as well globally.

The concept of human security has a wide usage⁴ and can be found in many recent United Nations documents. However, the term ‘human security’ is most often associated with the 1994 Human Development Report on Human Security.⁵ This can be divided into seven components: economic, food, health, environmental, personal, community and political securities.⁶ These components of human security are inter-dependent and easier to ensure through early prevention of violations. In defining security, it is important that human security not be equated with human development, and it is fitting to point out that human development is broader concepts while human security means simply, that the people should be exercise their choices safely and freely. Of course, there is a link between the two concepts in the sense that the

³ See General Assembly Resolution 55/25 of 15 November 2000. This Protocol entered in to force on 25 December 2003.

⁴ Aikire, Sabina. A Conceptual form Human Security. *Working Paper 2*. 2003. Pg. 12

⁵ Report of the Mini Workshop on Human Security Assessment for Sri Lanka . 20-25, December 2005, Sri Lanka. Organized by the United Nations Centre for Regional Development (UNCRD) and supported by Japan International Cooperation

⁶ UNDP: *Human Development Report, 1994*

progress in one area enhances the chances of progress in the other. Conversely, the failure in one area increases the risk of failure in the other.

In 2004, the Development Report of the UNDP also mentioned the issue of human security. The Report said that human security involves far more than matters of national defense. Similar to the Human Development Report on Human Security, the UNDP Development Report 2004 also divides the term 'human securities' into seven components as mentioned above and emphasizes that non-military threats such as poverty, hunger, disease, and environmental degradation, among others, know no borders and can affect people in all nations.

In its most basic form, human security represents "*freedom from fear and freedom from want*"⁷. This term is people-centered, and not threat-centered. It consists of physical safety, and of economic well-being, social inclusion, and full exercise of human rights. It is a condition that results from an effective political, economic, social, cultural, and natural environment, and not from executing a set of administrative procedures. Therefore, in order to uphold human security effectively, a proactive attitude towards threats, whether they are sudden threats such as an earthquake or tsunami, or the perpetual threats faced by the destitute, is essential.⁸

Traditionally, security threats were assumed to emanate from other States. States were held responsible for ensuring the security of their boundaries, their people, institutions and values. In the Post-Cold War era, it has become increasingly evident that "security" involves far more than matters of national defense. Non-military threats such as poverty, hunger, disease, HIV/ AIDS, environmental degradation as well as military threats such as weapons of mass destruction, nuclear or chemical, equally threaten people across borders. The threats are not limited to a national level, but rather spread to an international level which will be visible in the globalization process as well.⁹

⁷ UNDP Human Development Report. 1994, which is the first time focused on a detailed and systematic approach to human security outlining its new dimensions.

⁸ Aikire, Sabina. A Conceptual form Human Security. *Working Paper 2*. 2003 Pg 3

⁹ Ogatha, Sadako. November, 2004

The former UN Secretary-General Kofi Annan in his presentation brought the same concept in a vivid manner by highlighting the double concepts of ‘*freedom from fear*’ and ‘*freedom from want*’ and recognized that ‘individual sovereignty takes precedence over State sovereignty’.¹⁰

Human security which is people-centered has a close linkage with the lives of the people. It demands to have safety and dignity of people assured and to have livelihood.¹¹ Another factor that must be taken into consideration is the distinct threats which must be identified and dealt with. This is indeed a very critical issue that cannot be ignored.¹² The results of such threats may be sudden, felt in economic collapse. Furthermore, the threats are *pervasive*¹³ in two senses, namely,

- (i) *the threat is large scale*
- (ii) *the threat may come again and again over time; it is not an anomalous event for which strategic preparation is impossible*¹⁴

It is clear that human trafficking is a serious threat to human security, which may cause human rights violations affecting human life and dignity. Further human trafficking is not limited on to one person but many are involved. It has attained a world-wide significance.

Sri Lankan Socio Economic Situation as the Driving Force of Women Migrant Workers

Sri Lanka is an island in the Indian Ocean and a former British colony gained independence in 1948. According to official statistics of the Government issued in 2001, the total population is 19.4 million, 49% female and 51% male¹⁵. Since the discussion is pertaining to migrant women in the post-independent era, the traditional

¹⁰ UNESCO. *Promoting Human Security: Ethical Normative and Educational Frameworks in East Asia*. 2004.

¹¹ Commission on Human Security. *Press Release*. 01.05.2003

¹² Aikire, Sabina. *A Conceptual form Human Security. Working Paper 2*. 2003. Pg. 4

¹³ *Ib id*. Pg. 4

¹⁴ *Ib id*. Pg. 4

¹⁵ Department of Censes of Statistics. *Annual Report (2001)*

patriarchal value system has gained momentum in the discussion. These factors gave the possibility for women to emerge from their cocoons. This was made possible through the changes in the educational system bringing many opportunities made accessible to women. This fact made the Sri Lankan women far above the counterparts in South Asia. Sri Lankan women enjoy higher life expectancy (74 years), higher literacy (almost 90%), and access to economic opportunities.¹⁶

In 1978, an “open economy” policy was introduced and it has had diverse effects in different sectors of society. The rising cost of living has adversely affected low-income groups and the income disparity between the rich and the poor has widened due to the open market policies. This made an opening for women to seek job opportunities in Middle East countries.

In the background of these social and economic changes, Sri Lanka had to live with the ethnic problem for the last three decades. Due to this civil conflict many had to flee the country while some sought relief in overseas employment. The impact of this unending war has seriously affected the political, social and economic life and progress of the country. Defense expenditure allocated in the 2007 Sri Lankan budget is 139.66 billion rupees (equivalent to 1.4 billion US dollars). This is a 46% increase against the expenditure of 2006. The 2007 defense allocation is 23.28% of the total government income¹⁷. Yet, the social cost of the war on all Sri Lankans, including those actively involved, has never been counted. However, recent reports say that more than 64,000 people have been killed, more than 75,000 war widows created, more than 25,000 child soldiers recruited and more than 220,000 people displaced since 1983. Sri Lanka also has the second highest number of ‘disappearances’ in the world, ranking only behind Iraq.¹⁸ This is resulting from the recent spate of abductions, enforced disappearances and extra judicial killings that have become rampant in the ongoing spiral of violence. Apart from man made disasters such as the ethnic conflict, natural disaster also affect the displaced people in the country. On

¹⁶ *Ib. id*

¹⁷ Concluding Observations of the Human Rights Committee – 79th Session. Available at, www.national.mechanisms/observations.committee.sri.lanka.sangam.org. [Accession on March 12th 2007] www.sangam.org

¹⁸ Wickramasinghe, Nira. Sri Lanka: the politics of purity. November, 2006

December 26, 2004, a large-scale tsunami devastated significant parts of the Southern, Northern and Eastern coastal areas of the country, killing, injuring and displacing thousands of persons.

The changing economic, social and political situation has increased both opportunities and pressures for women to migrate. The demand for domestic labor from oil-rich countries in Middle East and East Asia and even Europe drew women from low-income families who were attracted by the relatively high remuneration paid as compared with their local wages or income. These women had all been prompted to consider migration by such factors as financial difficulties, the need to build a house, the desire to provide a good education for their children and the need to pay off debts. Migration therefore looks to be the only solution in overcoming these unfavorable situations and these women come to this conclusion which for them looks logical in their present life situation.

Trafficking in Sri Lankan Women to Middle-East: An Overview of the Situation

Sri Lankan migrant population is estimated to be around 858,000. Of this, amount, 590,420 are women. Seventy eight percent of the placements are in the unskilled category, which includes domestic workers¹⁹. It is possible that the actual figure is more than what is recorded, due to workers leaving the country through illegal and personal contacts and the non-identification of the large numbers who have secured employment prior to the formalization of the registration procedures. This discrepancy in statistics is a serious issue, not only in ascertaining the number of Sri Lankan migrant workers and employment locations, but also in holding the State accountable for the safety and well-being of these workers.

Table 1: Distribution of manpower levels of female migrant workers (Per cent)

Category	2000	2001	2002	2003	2004
Professional	0.03	0.07	0.14	0.10	0.14
Middle level	0.3	0.46	0.47	1.64	0.65
Clerical	0.81	1.11	1.23	1.06	0.55

¹⁹ Sri Lanka Bureau of Foreign Employment. Available at, www.slbef.lk. [Accession on March 10th, 2007]

Skilled	9.91	9.26	11.19	11.90	4.93
Unskilled	7.67	6.28	5.52	9.92	2.44
Housemaids	81.2	82.81	81.45	75.37	91.38

Source: Sri Lanka Bureau of Foreign Employment

It is clear from the above Table 1 that the majority of Sri Lankan who migrate to Middle East are unskilled and house maids. From these categories of workers that one finds most abused, exploited, oppressed, violated, abandoned, and harassed sectors. In the receiving countries they are placed in a social context which is alien, and even hostile, to them. Their vulnerability is also tied intrinsically to their legal status. A migrant worker without legal status is a 'slave' in the host country. In the hope of securing a better life for their families, these workers risk their lives to get jobs which discriminate against them and exploit them. These women suffer humiliation and abuse and are often denied protection under the law. In many instances, these workers return home more destitute than they were when they left because often their denied their wages that were promised to them.

Table 2: Complaints received by the Sri Lanka Bureau of Foreign Employment from migrant workers in the 2000

Nature of Complaint	Number of Complaints From Females	Number of Complaints From Males
Harassment	1337	70
Non payment of Salary	1437	342
Breach of Contract	469	772
Lack of Communication	1596	124
Deaths	49	59
Stranded	33	03
Others	80	182
Total	5801	1552

Source: Sri Lankan Bureau of Foreign Employment

.In the receiving countries many of trafficked women may face harassment of different types. Harassment may come from differing modes. To name some of the difficulties such as debt-bondage, confiscation of passport, physical and psychological abuse, rape, forced abortion, forced prostitution, forced labour, torture, threats of arrest and deportation, and even threats to the victims' families. The victims have no way to communicate with any one regarding their ordeal. They have an another dilemma of non-documentation and without any proper identity papers.

Consequently, it may be difficult for them to seek any help in a crisis situation. They also fear the law enforcing officials namely the police. There is another fear of being deported which hinders them of making any support from the police. Further due to the social stigma and the economic reason the migrant women do not wish to be deported.

There are two such cases that will be cited here as proofs of the above contention.

1. Rizana Naffeek 17 year old migrant woman who was recruited as house-maid in Saudi-Arabia still a school girl and her dream was to have a good house and to help her brothers and sisters to continue their education. However, he found that her masters could not understand her mother tongue and she could not speak or understand English or other Middle-East languages. The task given to her was to look after four-month old baby even though she was without any experience in baby sitting. One day the infant accidentally choked to death when Rizana was feeding the baby. The parents accused Rizana of murder and handed her over to the police. On June 16, 2007, a Dawadami High Court in Saudi Arabia found Rizana guilty of murder of the 4-month old baby, and under the Shariah Law sentenced her to death. She was granted a one-month stay of the execution to enable her to lodge an appeal against the sentence. Analysis of this tragic incident and the proceedings of the trial that followed indicate that the death of the child was certainly accidental and that Rizana was not the cause of it. However, poor Rizana is still awaiting justice from the Shariah Law as well as the invention of the outside world.²⁰

²⁰ Daily News. *News Paper*. July 21, 2007

2 Thangarasa Jeyanthi, aged 20, escaped from her job in Lebanon only after her employer's mother rescued her and took her to the police. Her eyes were swollen shut, she had burn marks on her body and dried blood around her ears. The husband and wife who had employed her had assaulted her on an almost daily basis. They had kicked her, tied her up and denied her food.

*"I never expected to return to Sri Lanka," she said "I always thought only my dead body would come back."*²¹

Among the problems faced by those returning to Sri Lanka, mental depression is very common. Proper counseling or rehabilitation mechanisms for such cases have not been developed. In 1995, the Airport Medical Centre, through which all indisposed migrants are referred to hospitals and family care, recorded 71 cases of insanity, out of which 45 were married women and 26 were unmarried. Women who face violence and harassment often lack the confidence to share their experiences with the community due to the fear of having to face social stigmatization and the fear that their families will break up.

There is a rising death toll among the large number of Sri Lankans, many of them women, who work as domestic workers in the Middle-East. According to official information the bodies of 215 workers were returned to the country during 2002. Among them were 107 women. From January to mid-October 2003, 203 bodies arrived and 131 of them were those of females. During the first two weeks of October 2003 alone, 15 female deaths were recorded.²²

Most cases are simply categorized as "natural deaths". Only a few are listed as suicides, homicides or accidents. These cases are hardly taken up by the Sri Lankan authorities and rarely reach the media. The reason for this is that since Sri Lankan women working abroad are the biggest earners of foreign exchange for the country, there is no desire on the part of any one to portray their fate in a negative light and thereby disrupt what is one of the country's largest foreign exchange earners. In 2002,

²¹ Business Travelers against Human Trafficking. May, 2005. *Sri Lankan Women Face Human Trafficking*. Available at. <http://www.buisnesstravellersagainsthumantrafficking.htm>. [Accession on February 8th, 2007]

²² Sri Lanka Bureau of Foreign Employment. Available at. www.slbef.lk [Accession on February, 2007]

remittances were worth \$US1.1 billion to Sri Lanka in foreign exchange and in 2003, the figure reached \$1.2 billion.²³ The earnings also ease problems of poverty at home by giving jobs to women from the poorer end of society, and as a result the abuses that often happen to them are never properly addressed.

here have been many reports of rape and other forms of physical abuse. Human Rights Watch²⁴ has reported significant and pervasive instances of rape and other forms of assault, including kicking, beating with sticks and pipes, slapping, punching, pulling by the hair and so on. If a woman is told that she will earn a good wage as a domestic servant, but when she arrives she is held against her will in an abusive situation, then this is clearly a case of human trafficking. The Sri Lankan State, along with the governments of Middle-East countries must do much more to ensure that domestic service does not turn into exploitation and slavery.

Solution to the Problem: Possible Mechanisms and Measures

Human trafficking means much more than the organized movement of persons for profit, and it is also very difficult to identify trafficking activities within migration. Therefore, finding solutions is not an easy task and equally difficult to prevent migration especially aimed at trafficking. The tasks concerning solutions do not find easy way out. It is the State that promotes migration for earning foreign exchange and to resolve the unemployment among women. The Government of India and Bangladesh had promulgated preventive rules to arrest such trafficking. This type of legislation is not envisaged in the near future in Sri Lanka.²⁵

Even though Sri Lanka has so far ratified and acceded many international instruments²⁶ regarding the protection of migrant women workers from human trafficking²⁷, including the Palermo Protocol²⁸ and the Convention for the

²³ Central Bank *Annual Report* (2002)

²⁴ Human Rights Watch Based in Washington. Available at, <http://www.humanrightswatch/Washington>. [Accession on December, 30th, 2006]

²⁵ UNIFEM. Available at [http:// humantraffickin/unifem/a portialwomen.peacesecurity](http://humantraffickin/unifem/a_portialwomen.peacesecurity) [Accessed March 6th 2007]

²⁶ All UN conventions are found at <http://www.unhchr.ch/html/intlinst.htm>.

²⁷ Law and Society Trust. Sri Lanka. *Sri Lanka State of Human Rights*. 2005

Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others (1949) trafficking still continues to happen.²⁹ Further, Sri Lanka has the distinction of ratifying many of the United Nations Conventions including that on Women, on Rights of the Child, against Torture, and Protection of the All Migrant Workers and members of their Families.³⁰ Unfortunately most of the migrant receiving - countries have not ratified the same UN Conventions.

On 20th May 2002, UN High Commissioner for Human Rights issued, “*Recommended Principals and Guidelines on Human Rights Human Trafficking*”, which includes eleven guidelines similar to those contained in the human rights standards, as well as a significant number of additional recommendations.³¹ These guidelines and recommendations are very relevant to combat human trafficking and guarantee human security in the country. This recommendation says that, prevention strategies must address the root causes of trafficking.

The Sri Lankan embassies in these countries are also ineffective and do not create a healthy situation to alleviate the sufferings of these migrants. It is due to the silence of these officials and as in the case of Rizana and other trafficked women, were not given the adequate supports not even the legal advice.

In looking for effective remedies the focus should be one of victim-centred approach. These victims do fall prey due to their ignorance and also due to their own ingenuity and do not seek support to eradicate such vices. Quite often there is corruption in the law enforcement agencies who support the perpetrators. The laws in the sending and receiving countries are not adequate enough to combat this issues do not help in the prevent In 1992, CEDAW Committee adopted General Recommendation 19, which confirmed that violence against women constitutes a violation against human rights. It stats three key areas: these are effective legal measures, preventive measures

²⁸ Sri Lanka has signed 15 December 2000

²⁹ This was acceded by Sri Lanka on 15 April 1958

³⁰ Law and Society Trust. Sri Lanka. *Sri Lanka State of Human Rights*. 2005

³¹ See Further, United Nations: *Economic and Social Council Recommended Principals and Guidelines on Human Rights and Human Trafficking/Report of the United Nations High Commissioner for the Human Rights to the Economic and Social Council*. E/2002/68/Add1. Substantive Session, 2002

including education and awareness programmes, and protective measures³². Therefore, State has to obligation to review the established laws to prevent human trafficking, and also to establish a monitoring system to observe the laws pertaining to trafficking of women.

Sri Lanka made some recent progress in its law enforcement efforts. For instances the Constitution of Sri Lanka guarantees gender equality as a fundamental rights.³³ Recently, the Government of Sri Lanka has dedicated human resources to the Foreign Employment Bureau, and the Ministry of Foreign Affairs continued to assign Welfare Officers to Sri Lankan Missions abroad to aid and assist women who are victims of trafficking.

However, the government does not provide centralized training to law enforcement officers, though individual divisions of the Police such as the Anti-Human Smuggling Unit and Women's and Children's Bureau conduct annual anti-trafficking trainings for their staff. The government should improve its data collection system to discourage trafficking prosecutions and convictions from other crimes and institute anti-trafficking training programs for law enforcement officers.

Labor legislation conforms to a great extent to international norms established by International Labor Organization (hereinafter ILO) Conventions. Sri Lanka has ratified 40 major ILO Conventions and withdrawn from 9 ILO Conventions³⁴. Most labor laws are based on these international standards. Several receiving countries have developed good practices to meet this need, such as signing Memorandum of Understanding (MOU) between countries of origin and receiving countries, to ensure protection and benefits for migrant workers. MOUs may include agreement to use authorized employment agencies, use employment contracts detailing terms and conditions, extend protection under domestic laws to migrant workers, provide

³² General Recommendation 19(9), 11th Session, 1992

³³ Article 12 Sri Lankan Constitution, 1978

³⁴ Sri Lanka: State of Human Rights. *Sri Lanka State of Human Rights*. 2005

effective repatriation measures and take measures against trafficking and related illegal activities³⁵.

More than that, the 1995 Beijing Platform for Action for women encourages States to “take appropriate measures to address the root causes, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labor in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators, through both criminal and civil measures”³⁶

Legal reforms are not enough to eradicate the vicious cycle of human trafficking, which is an issue of the social, economic and political situation of our society. It is necessary to get the community involved in the prevention process, because the people are not aware of the evil consequences of trafficking.³⁷ At the same time there must be homes for rehabilitation and victims be psycho-social support to overcome the trauma.

Conclusion

As mentioned earlier, human traffickers lure victims from their homes with false promises of economic opportunities and better lives. Naturally, less-developed countries with high rates of poverty, violence, and corruption constitute their best recruiting bases.

International and regional cooperation is very important to combat human trafficking and guarantee human security. At the national level, taking legal measures and action to prevent human trafficking and raising awareness of the human trafficking phenomenon, particularly that of women trafficking, are very important.

³⁵ Dias, Malsiri and Jayasundara, Ramani. Good Practices to Prevent Women Migrant Workers from going into Exploitative forms of Labor. *GENPROM Working Paper No. 9*.

³⁶ Beijing Platform for Women in 1995. Available at, <http://humantrafficking/unifem/aportalwomen.peacesecurity>. [Accession on January 5th, 2007]

³⁷ See further, United Nations: *Economic and Social Council Recommended Principals and Guidelines on Human Rights and Human Trafficking/Report of the United Nations High Commissioner for the Human Rights to the Economic and Social Council*. E/2002/68/Add1. Substantive Session, 2002

Sri Lankan State must turn its energies from prohibition and exhortation to effective prevention of human trafficking, such as by amending national laws. In fact, the best protection of human security is a democratic State - open, responsible and effective. But human security is never achieved by States alone, and the human security imperative transcends borders. Human security is achieved in collaborations of States, civil society and media, in partnerships of common purpose.³⁸ The media has an important role to play in increasing public understanding of the trafficking phenomenon by providing accurate information to the state and to civil society. To effectively tackle the issue, cooperation from countries of origin, transit and destination are required. They include,

- To strengthen the international dialogue on human trafficking by exchanging national experiences on development and effective implementation of national plans of action on anti-human trafficking.
- To promote international and regional multi stakeholder partnerships (may be signing MOU between sending and receiving countries), and
- To raise awareness on the threat of human trafficking on human rights and human security (pre-departure)

In the end, the moral responsibility to protect the innocent victims of human trafficking falls not only on the State and its structures but also on civil society at large. Without such a cooperative effort a serious problems of nature cannot be eradicated from our midst. The steps suggested in this paper towards a solution for this problem will hopefully be taken up by those who are interested and concerned, elaborated further and developed into concrete action through creative means at their disposal.

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³⁸ See further Helsinki Process. *Working Paper: report of the track on “human Security”*. Empowering people at Risk: Human security priorities for the 21st century.

International Development Studies Conference
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