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In 2016, El Salvador made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government approved regulations to facilitate the enforcement of the Special Law Against Trafficking in Persons, including on the referral of criminal child labor cases between law enforcement and social service agencies. The National Council for Children and Adolescents designed a mechanism to monitor the implementation of the National Policy for the Protection of Children and Adolescents. In addition, the Government passed the Educated El Salvador Plan, which aims in part to increase security in schools and improve access to education



for vulnerable groups, including children engaged in child labor. However, children in El Salvador engage in the worst forms of child labor, including in the harvesting of sugarcane and in illicit activities, sometimes as a result of human trafficking. Law enforcement agencies continue to lack sufficient resources to fully enforce child labor laws, and no penalties for child labor violations were issued in 2016.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in El Salvador engage in the worst forms of child labor, including in the harvesting of sugarcane and in illicit activities, sometimes as a result of human trafficking.(1-6) Table 1 provides key indicators on children's work and education in El Salvador.

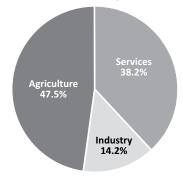
Table 1. Statistics on Children's Work and Education

| Children | Age | Percent |
|-------------------------------|---------|--------------|
| Working (% and population) | 5 to 14 | 5.9 (68,431) |
| Attending School (%) | 5 to 14 | 92.3 |
| Combining Work and School (%) | 7 to 14 | 6.1 |
| Primary Completion Rate (%) | | 104.6 |

Source for primary completion rate: Data from 2014, published by UNESCO Institute for Statistics, 2016.(7)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Encuesta de Hogares de Propósitos Múltiples (EHPM), 2015.(8)

Figure 1. Working Children by Sector, Ages 5-14



Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

| Sector/Industry | Activity |
|-----------------|---|
| Agriculture | Harvesting sugarcane [†] and coffee, [†] and production of cereal grains (2, 3, 9-12) |
| | Cattle-raising† (12) |
| | Fishing,† including harvesting shellfish and mollusks† (2, 3, 5, 10, 13, 14) |
| Industry | Manufacturing fireworks† (2, 3, 11, 13, 15, 16) |
| | Production of baked goods (12) |
| | Construction,† activities unknown (2, 10, 12, 17) |
| Services | Garbage scavenging† and street begging,† performing,† and vending† (2, 3, 11, 13, 16, 18) |
| | Domestic work (2, 3, 11-13, 19) |
| | Selling goods in markets or kiosks and working in restaurants (12) |
| | Repairing motor vehicles† (12, 17, 20) |

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Table 2. Overview of Children's Work by Sector and Activity (cont)

| Sector/Industry | Activity |
|----------------------------|---|
| Categorical Worst Forms of | Commercial sexual exploitation, sometimes as a result of human trafficking (2, 4, 6) |
| Child Labor [‡] | Use by gangs to perform illicit activities, including committing homicides, extortion, and trafficking drugs, sometimes as a result of human trafficking (4-6, 13, 21-23) |
| | Forced begging, domestic work, and street work (2, 5, 6, 11, 23) |

[†] Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

In 2016, El Salvador, like Honduras and Guatemala, continued to be a principal source of the high numbers of unaccompanied children from Central America who were found migrating to the United States. (24, 25) These children often lack economic and educational opportunities and are vulnerable to the worst forms of child labor, including commercial sexual exploitation and recruitment by gangs for illicit activities, such as committing homicides and trafficking drugs. (26-28) Children often emigrate to escape violence, extortion, and forced recruitment by gangs, in addition to seeking economic opportunities and family reunification. Once en route, they become vulnerable to human trafficking and commercial sexual exploitation. (5, 26-29)

Child labor in El Salvador is predominantly male, with boys comprising approximately two-thirds of child laborers ages 5 to 17.(12, 30-32) However, girls comprise the majority of children engaged in domestic service in third-party homes.(2, 12, 19) Children are recruited into gang activity or are threatened by gangs while at school, including through extortion, which may cause children to stop attending school. Children who do not attend school are also more vulnerable to child labor, including its worst forms.(5, 6, 21, 29, 33-37) Although government programs have expanded basic education coverage, gang violence, including the extortion of school children, has hindered efforts to increase school enrollment and decrease dropout rates.(36-40) The Educated El Salvador Plan, passed in 2016, outlines additional government efforts to address this problem.(37)

Multiple reports, including by a third-party monitoring group, indicate that the use of child labor in the sugarcane harvest has declined since 2010.(9, 41, 42) However, research could not find official government statistics on the number of children engaged in the production of sugarcane. The published report of the 2015 Multipurpose Household Survey does not contain information on the number of children working in this sector.(12) The Government does not appear to conduct research on hard-to-reach populations who are engaged in the worst forms of child labor, including in illicit activities.

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

El Salvador has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

| | Convention | Ratification |
|-------------|--|--------------|
| ETOE) | ILO C. 138, Minimum Age | ✓ |
| | ILO C. 182, Worst Forms of Child Labor | ✓ |
| | UN CRC | ✓ |
| | UN CRC Optional Protocol on Armed Conflict | ✓ |
| | UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography | ✓ |
| | Palermo Protocol on Trafficking in Persons | / |
| | | |

The legal framework in El Salvador appears to be sufficient to address and protect children from child labor (Table 4).

[‡] Child labor understood as the worst forms of child labor per se under Article 3(a)-(c) of ILO C. 182.

Table 4. Laws and Regulations on Child Labor

| Standard | Meets International Standards: Yes/No | Age | Legislation |
|---|--|-----------------|--|
| Minimum Age for Work | Yes | 14 | Article 114 of the Labor Code; Article 38 of the Constitution; Article 59 of the Law for the Comprehensive Protection of Children and Adolescents (LEPINA) (43-45) |
| Minimum Age for Hazardous Work | Yes | 18 | Article 105 of the Labor Code; Article 38 of the Constitution; Article 2 of Agreement 241 of 2011 (43, 44, 46) |
| Identification of Hazardous Occupations or Activities Prohibited for Children | Yes | | Article 1 of Agreement 241 of 2011 (46) |
| Prohibition of Forced Labor | Yes | | Articles 3 and 54–55 of the Special Law Against Trafficking in Persons; Article 13 of the Labor Code; Article 56 of LEPINA; Articles 4 and 9 of the Constitution (43-45, 47) |
| Prohibition of Child Trafficking | Yes | | Articles 3 and 54–55 of the Special Law Against Trafficking in Persons; Article 56 of LEPINA (45, 47) |
| Prohibition of Commercial Sexual Exploitation of Children | Yes | | Articles 3 and 54–55 of the Special Law Against Trafficking in Persons; Articles 169–173 of the Penal Code; Article 55 of LEPINA (45, 47, 48) |
| Prohibition of Using Children in Illicit Activities | Yes | | Articles 3 and 54–55 of the Special Law Against Trafficking in Persons; Articles 214 and 345 of the Penal Code; Article 56 of LEPINA (45, 47, 48) |
| Minimum Age for Military Recruitment | | | |
| State Compulsory | Yes | 18 | Article 215 of the Constitution (43) |
| State Voluntary | Yes | 16 | Articles 2 and 6 of the Military Service Law (49) |
| Non-state Compulsory | Yes | | Article 345 of the Penal Code; Article 1 of the Law Prohibiting Gangs and Criminal Organizations; Article 7 of the Constitution (43, 48, 50) |
| Compulsory Education Age | Yes | 18 [‡] | Articles 5, 18, 20, and 22 of the General Education Law; Article 82 of LEPINA; Article 56 of the Constitution (43, 45, 51) |
| Free Public Education | Yes | | Articles 5, 18, 20, and 22 of the General Education Law; Article 82 of LEPINA; Article 56 of the Constitution (43, 45, 51) |

[‡] Age calculated based on available information (45, 51)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

Table 5. Agencies Responsible for Child Labor Law Enforcement

| Organization/Agency | Role |
|--|--|
| Ministry of Labor and Social Welfare (MTPS) | Inspect registered businesses for labor violations, including child labor.(10, 20) Maintain a child labor unit dedicated to child labor law enforcement issues.(52) Refer cases of alleged crimes of the worst forms of child labor to the Office of the Attorney General.(10) |
| Office of the Attorney General (AG) | Enforce criminal laws related to the worst forms of child labor. Maintain the AG's Special Unit on Trafficking in Persons and Related Crimes that consists of 12 prosecutors who investigate human trafficking and related crimes.(6, 10, 11, 47) Refer exploited children to the Salvadoran Institute for the Comprehensive Development of Children and Adolescents (ISNA) for social services.(10) |
| National Civilian Police (PNC) | Enforce criminal laws related to the worst forms of child labor. Maintain the PNC's Special Unit on Trafficking in Persons and Related Crimes that investigates cases of human trafficking, including child trafficking.(10, 20, 47) Maintain a hotline that receives complaints about human trafficking for sexual and labor exploitation.(53) |
| Salvadoran Institute for the Comprehensive Development of Children and Adolescents (ISNA) | Receive referrals from law enforcement agencies on cases of criminal exploitation of children, including for forced labor, human trafficking, and commercial sexual exploitation. Provide child victims with services, including shelter, medical attention, psychological help, and legal advice.(54) |

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Labor Law Enforcement

In 2016, labor law enforcement agencies in El Salvador took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

| Overview of Labor Law Enforcement | 2015 | 2016 |
|--|------------------|-----------------|
| Labor Inspectorate Funding | \$1,862,755 (11) | \$1,912,214 (6) |
| Number of Labor Inspectors | 186 (11) | 183 (6) |
| Inspectorate Authorized to Assess Penalties | Yes (11, 16) | Yes (6) |
| Training for Labor Inspectors | | |
| Initial Training for New Employees | Yes (55) | N/A |
| Training on New Laws Related to Child Labor | Yes (11) | N/A |
| Refresher Courses Provided | Yes (11) | Yes (6) |
| Number of Labor Inspections | 27,241 (56) | 28,446 (57) |
| Number Conducted at Worksite | 27,241 (55, 56) | 28,446 (57) |
| Number Conducted by Desk Reviews | 0 (55) | 0 (6) |
| Number of Child Labor Violations Found | 11 (11) | 8 (6) |
| Number of Child Labor Violations for Which Penalties Were Imposed | 0 (11) | 0 (6) |
| Number of Penalties Imposed that Were Collected | 0 (11) | 0 (6) |
| Routine Inspections Conducted | Yes (11) | Yes (6) |
| Routine Inspections Targeted | Unknown | Unknown* (6) |
| Unannounced Inspections Permitted | Yes (11, 16) | Yes (6) |
| Unannounced Inspections Conducted | Unknown | Yes (6) |
| Complaint Mechanism Exists | Yes (11, 16) | Yes (6) |
| Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services | Yes (11) | Yes (6) |

^{*} The Government does not publish this information.

In 2016, the Ministry of Labor and Social Welfare (MTPS) reported that its level of funding was inadequate and hampered the labor inspectorate's capacity to enforce child labor laws.(6) The number of labor inspectors is insufficient for the size of El Salvador's workforce, which includes more than 2.7 million workers. According to the ILO's recommendation of 1 inspector for every 15,000 workers in industrializing economies, El Salvador should employ roughly 186 inspectors.(58-60) In 2016, the MTPS reported that it conducted 1,008 child labor-specific inspections, through which it found 8 child labor violations. Research did not find information on the sectors or geographical regions in which these inspections were conducted, or on the activities in which these children were engaged.(6)

Reports indicate that the inspection process, which may include complaint-driven and unannounced inspections, can entail multiple visits per site and that the MTPS's process to issue penalties can sometimes take up to 6 months. The Government reports that the Labor Committee of the Legislative Assembly is drafting an updated Labor Procedures Code, which will include provisions to streamline the issuance of penalties. (55, 61) The Salvadoran Institute for the Comprehensive Development of Children and Adolescents (ISNA) reported that in 2016 it assisted 14 children engaged in child labor, including 1 child engaged in dangerous work. (62)

Article 627 of the Labor Code specifies a default fine of no more than \$60 per violation of all labor laws, including child labor laws.(44) Reports indicate that this amount is insufficient to deter labor violations.(6) The Government is currently reviewing national legislation to ensure that monetary penalties for all labor violations are proportionate to the nature of the offense.(55, 61, 63)

Criminal Law Enforcement

In 2016, criminal law enforcement agencies in El Salvador took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

| Overview of Criminal Law Enforcement | 2015 | 2016 |
|---|----------|---------|
| Training for Investigators | | |
| Initial Training for New Employees | Unknown | Unknown |
| Training on New Laws Related to the Worst Forms of Child Labor | Yes (11) | Yes (6) |
| Refresher Courses Provided | Yes (64) | Yes (6) |
| Number of Investigations | 43 (11) | 26 (6) |
| Number of Violations Found | Unknown | 35 (6) |
| Number of Prosecutions Initiated | Unknown | Unknown |
| Number of Convictions | 19 (11) | 6 (6) |
| Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services | Yes (11) | Yes (6) |
| | | |

In 2016, the Office of the Attorney General (AG) provided training on the 2014 Special Law Against Trafficking in Persons to the National Civilian Police (PNC), immigration officials, and child protection officials. The National Council for Children and Adolescents (CONNA) also provided trainings on human trafficking issues to immigration officials and trained 25 officials on child commercial sexual exploitation.(6)

In 2016, the AG reported that 6 defendants were convicted in 26 cases of child commercial sexual exploitation involving 35 female victims, with sentences ranging from 8 to 10 years of imprisonment. (6) Criminal law enforcement agencies in El Salvador have reported that they lack sufficient resources to fully investigate and prosecute crimes, including the worst forms of child labor. (16) In addition, reports indicate that increased coordination between the PNC and the AG is needed to improve the investigation and prosecution of criminal child labor violations. (55) In October 2016, the Government approved regulations to facilitate the enforcement of the Special Law Against Trafficking in Persons and the coordination between the PNC and the AG to improve the investigation and prosecution of criminal child labor violations. The regulations also facilitate the interagency referral of criminal child labor cases between law enforcement agencies and ISNA for social services. (6)

ISNA reported that in 2016 it assisted 40 children engaged in the worst forms of child labor, including 16 victims of human trafficking, 13 victims of commercial sexual exploitation, and 11 victims of forced begging.(62)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

| Coordinating Body | Role & Description |
|---|--|
| National Committee for the Eradication of Child Labor (CNETI) | Determine and implement government efforts to combat child labor, including the Roadmap to Make El Salvador a Country Free of Child Labor and its Worst Forms. Chaired by the MTPS and includes 12 government agencies, along with representatives from labor unions, business associations, and NGOs.(2, 12, 20, 65) Use a Web-based monitoring system that allows government agencies to share and analyze information to coordinate the implementation of the Roadmap.(66-68) |
| National Council Against Trafficking in Persons (CNCTP) | Coordinate government efforts to combat human trafficking and implement the National Policy Against Trafficking in Persons.(69) Led by the Ministry of Justice and Public Security and composed of 11 government agencies.(1, 47, 70) |

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Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor (cont)

| Coordinating Body | Role & Description |
|--|---|
| National Council for Children and Adolescents (CONNA) | Develop policies to protect the rights of children, including those regarding child labor, and implement LEPINA and the National Policy for the Protection of Children and Adolescents (PNPNA).(45, 71, 72) Composed of Departmental and Local Committees for Children's and Adolescents' Rights, ISNA, the Ministry of Public Security and Justice, the AG, the Human Rights Ombudsman, and other agencies. (20) In 2016, provided technical assistance in developing Departmental and Local Committees for Children's and Adolescents' Rights, per LEPINA, and reviewed and created a model to monitor PNPNA implementation.(6, 73) |
| Departmental and Local Committees for Children's and Adolescents' Rights | Implement CONNA's policies, including the PNPNA, at the departmental and municipal levels, as well as receive complaints of child rights violations at the departmental level.(45, 74-76) |

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established policies related to child labor, including its worst forms (Table 9).

Table 9. Key Policies Related to Child Labor[‡]

| · | |
|--|---|
| Policy | Description |
| Roadmap to Make El Salvador a Country Free of Child Labor and its Worst Forms | Serves as the Government's principal policy for eliminating the worst forms of child labor. Aims to eliminate all child labor by 2020, including by reducing poverty, improving education and health, protecting children's rights, and raising awareness on child labor. (1, 12, 77, 78) |
| National Policy for the Protection of Children and Adolescents (PNPNA) (2013–2023) | Sets government policies aimed at guaranteeing children's rights and protecting them from violence and harm, including the worst forms of child labor. Other objectives include improving health services and access to quality education for children, including children with disabilities, and reducing poverty.(12, 72) |
| National Action Plan for the PNPNA (2014–2017) | Sets a framework for implementing the PNPNA for 2014–2017. Aims to address PNPNA objectives, including the prevention of violence, the promotion of access to quality education, and the elimination of child labor by focusing on children's and adolescents' rights, gender equality, and social inclusion.(12, 79, 80) |
| National Policy Against Trafficking in Persons | Defines a comprehensive plan to combat human trafficking of adults and children for labor and commercial sexual exploitation. Aims to improve prevention efforts, victim assistance, prosecution, interagency coordination, training, and anti-corruption efforts. (1, 81, 82) |
| Educated El Salvador Plan† | Outlines six priorities for improving El Salvador's national education system, including increasing security in schools and improving access to education for vulnerable groups, including children engaged in child labor.(37) The Legislative Assembly has yet to fund the plan.(6) |
| Alliance for Prosperity in the Northern Triangle | Aims to create economic growth, increase educational and vocational training opportunities for youth, and reduce violence in Honduras, Guatemala, and El Salvador, in part to reduce the number of unaccompanied minors who leave El Salvador and these countries for the United States and who are vulnerable to human trafficking. Signed by the presidents of each country in 2014.(83-85) |

[†] Policy was approved during the reporting period.

The Government has not included child labor elimination and prevention strategies into the National Youth Policy (2010–2024).(93)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

Table 10. Key Social Programs to Address Child Labor[‡]

| Program | Description |
|--|---|
| USDOL-Funded Projects | USDOL-funded, \$14 million Eliminating Child Labor in El Salvador Through Economic Empowerment and Social Inclusion (2010–2016), \$13 million Youth Pathways—Central America (2015–2019), and Global Research on Child Labor Measurement and Policy Development. Additional information is available on the USDOL Web site. |
| Don't Risk Your Lives Public Awareness Campaign† | CONNA campaign that educates children and their families to the dangers of irregular and unaccompanied migration, including the risks of being trafficked and forced to engage in commercial sexual exploitation. Supported by UNICEF and the IOM.(55, 61, 94) |

[‡] The Government had other policies that may have addressed child labor issues or had an impact on child labor.(6, 86-92)

Table 10. Key Social Programs to Address Child Labor[‡] (cont)

| | - |
|--|--|
| Program | Description |
| Public Awareness Campaigns on Child Labor† | Government public-awareness campaigns implemented by the Ministry of Education (MINED), the MTPS, the Ministry of Health, and CONNA to inform children about the dangers of child labor, including manufacturing and handling fireworks.(13, 16, 95, 96) During the reporting period, the MTPS, with the support of the EU and CARE International, and the Ministries of Governance and Agriculture, each conducted awareness campaigns.(13) |
| Public Awareness Campaign on Dangers of Irregular Migration† | Ministry of Foreign Affairs campaign to raise public awareness about the dangers of irregular migration, including the risk of human trafficking. Conducted through traditional and social media channels.(62) |
| Solidarity Communities Programs† | Government programs that aim to reduce social exclusion and boost household income by increasing access to public services and building human capital. Includes Health and Education Bonus Programs that assist families with cash transfers conditioned on children's school attendance and health checkups.(1, 97) Includes the Temporary Income Support Program (PATI) that provides financial support and vocational training to beneficiaries ages 16 and older.(1, 97) In 2016, program assisted families across 125 municipalities with the highest rates of poverty.(98) |
| School Prevention and Security Plan† | Programs implemented by MINED, the Ministry of Justice and Public Security, and the PNC in schools with high levels of violence. Includes activities such as the provision of psychological help, skills workshops for youth, and increased police patrols.(99, 100) Expanded in 2015–2016 to operate in approximately 1,000 schools.(40) |

[†] Program is funded by the Government of El Salvador.

The Government implements several programs to reduce the worst forms of child labor by assisting poor families and school children; however, research found no evidence that the Government has programs that assist child laborers who may not be living with their families or attending school, such as children engaged in domestic work. Research could also not determine whether the Government's efforts to prevent and eliminate child labor in the production of sugarcane addressed the full scope of the problem.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in El Salvador (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

| Area | Suggested Action | Year(s) Suggested |
|------------------------|---|-------------------|
| Enforcement | Provide sufficient funding and resources to the MTPS and criminal law enforcement agencies to fully enforce child labor laws. | 2010 – 2016 |
| | Ensure that the number of labor inspectors is sufficient to fully enforce child labor laws. | 2014 – 2016 |
| | Publish information on whether routine inspections are targeted to high-risk sectors, as well as on the sectors and geographical regions in which inspections are conducted and on the activities in which children are engaged as a result of inspections. | 2014 – 2016 |
| | Strengthen enforcement of child labor and other laws by streamlining the labor inspection process and the issuance of fines. | 2009 – 2016 |
| | Ensure that penalties are imposed and fines are collected for child labor violations. | 2015 – 2016 |
| | Ensure that monetary penalties for child labor violations are proportionate to the nature and seriousness of the offense. | 2009 – 2016 |
| | Publish information on the number of criminal prosecutions related to the worst forms of child labor. | 2015 – 2016 |
| | Improve coordination between the PNC and the AG in their investigation and prosecution of criminal cases, including by implementing the regulations of the Special Law Against Trafficking in Persons. | 2014 – 2016 |
| Government Policies | Integrate child labor elimination and prevention strategies into the National Youth Policy for 2010–2024. | 2014 – 2016 |
| Social Programs | Collect and publish government statistics on the number of children engaged in the production of sugarcane. | 2016 |
| | Conduct a study on the use of children in illicit activities. | 2009 – 2016 |
| | Improve children's access to education by ensuring that school children are safe in schools. | 2011 – 2016 |
| | Implement programs to address child labor in domestic work and expand programs to combat child labor in the production of sugarcane. | 2014 – 2016 |

[‡] The Government had other social programs that may have included the goal of eliminating or preventing child labor, including its worst forms. (11, 16, 90, 99, 101-107)

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