



## Implementing Measures to Prevent Human Trafficking in Southeast Asia

General Assembly 3

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## Introduction

Military conflict, territorial disputes, and nuclear proliferation are no longer the only security dangers. Climate change, natural catastrophes, infectious diseases, and international crime are all examples of nonmilitary threats. Human trafficking is one of the most serious of these unconventional security challenges, particularly in Southeast Asia, where natural catastrophes and armed conflicts result in displaced persons and refugees, who are particularly vulnerable to this horrible crime.

Nontraditional security concerns in Southeast Asia and abroad have two distinguishing characteristics: they are transnational and complex. Human trafficking, sometimes known as "modern slavery," affects over 40 million men, women, and children who are caught in a web of forced labour, sexual exploitation, and forced marriage (International Labour Organization and Walk Free Foundation 2017). Human trafficking is becoming one of the world's most lucrative organized crimes, producing more than \$150 billion every year, according to some estimates. According to the Walk Free Foundation's Global Slavery Index 2016, East Asia and the Pacific account for two-thirds of its global victims or 25 million people.

These alarming figures are simply approximations since precise data is difficult to come by because human trafficking is underreported, under detected, and consequently unpunished. Victims are hesitant to seek help for fear of intimidation and retaliation, therefore it remains mostly a covert crime. Victims, not perpetrators, are frequently subjected to physical violence and criminal prosecution as a result of illegal migration.

## Definition of Key Terms

### **Human Smuggling**

Human smuggling is a crime against a country in which a human is illegally transported across a national boundary. Individuals consent to being smuggled. The agreement is reciprocal, and it comes to an end when they arrive at their intended location.

### **Human Trafficking**

Human trafficking is the use of force, fraud, or deceit to recruit, transport, transfer, harbour, or receive individuals to exploit them for profit. This crime, which occurs in every corner of the world, can affect men, women, and children of all ages and from all sorts of backgrounds. To deceive and compel their victims, traffickers frequently resort to violence, sham employment agencies, and false promises of education and work possibilities.

## Victim

A victim of human trafficking is someone who is coerced or lied to and then relocated (from their home) in order to be misused for sexual purposes (rape, pornography, prostitution), cheap labour, or body parts, among other reasons.

## General Overview

### Nature of the problem

Human trafficking is defined by the United Nations Office on Drugs and Crime (UNODC) in their Protocol to Prevent, Suppress and Punish Trafficking in Persons document as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” This is not to be confused with human smuggling, which entails the unlawful transportation of a person across a national boundary, in which persons choose to be smuggled and the transaction is mutual, ending when the person reaches their chosen location. Organ harvesting, slavery or forced labour, and sexual exploitation all fall under the

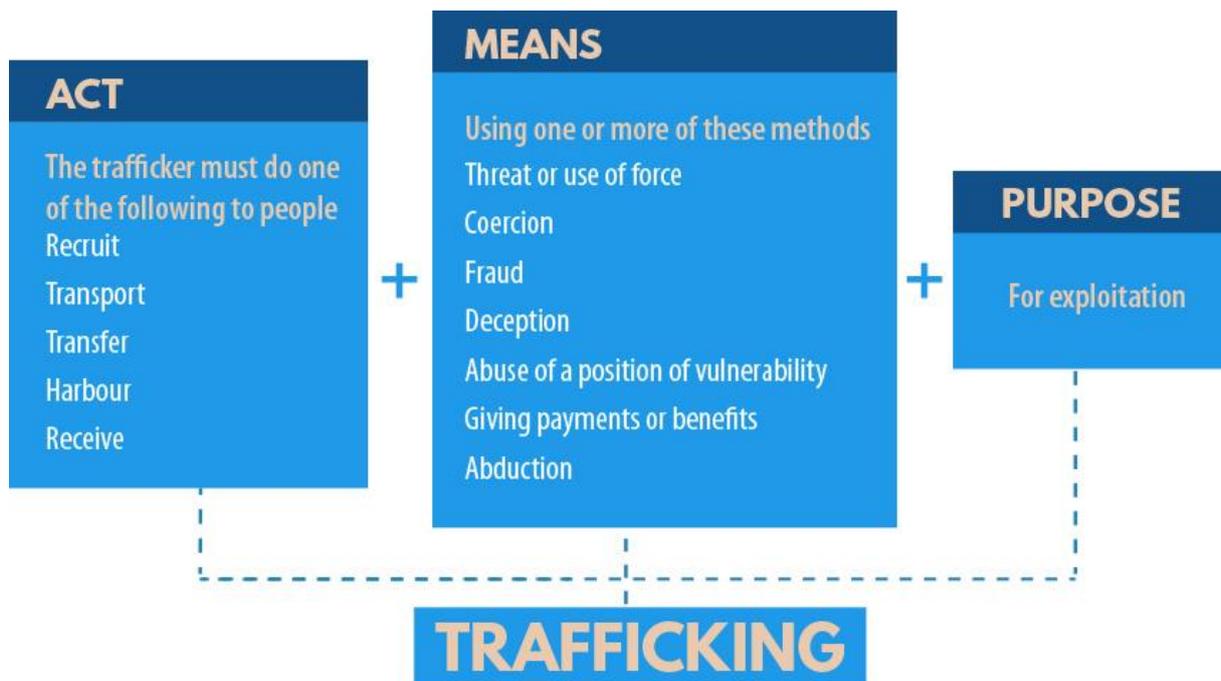


#### 1. Different forms of human trafficking

definition of human trafficking. According to a report by the International Labour Organization (ILO) based on national surveys, 20.9 million individuals were being held against their will in various forms of forced labour around the world as recently as 2012. Women made up 55 percent of the labourers, while men made up 45 percent.

In 2005, annual revenues from industries that specialize in forced labour averaged 44.3 billion dollars.

Human trafficking is made up of three main components: the act, the means, and the purpose. Traffickers utilize physical and sexual assault, extortion, emotional manipulation, and the removal of official papers to keep their victims under control. Exploitation can occur in the victim's native country, during migration, or in another country.



## 2. The components of human trafficking

Human trafficking is usually considered to be interregional in Southeast Asia, with labourers being recruited from countries within the region and eventually working within the region. Southeast Asian victims have also been discovered in a variety of other nations across the world. Human trafficking in Southeast Asia comprises of forced sexual labour and forced labour, which can lead to mixed forms of human trafficking in several Southeast Asian countries. Sexual exploitation is the most common kind of trafficking in Thailand and Malaysia, whilst forced labour is more common in Indonesia, however, both forms of sexual and forced labour can be encountered. In the region, it is believed that 10,000 employees are tricked or abducted into forced labour each year.

## Causes

Human trafficking is mostly caused by universal issues such as poverty and globalization in Southeast Asia. Poverty is not the core of human trafficking; other factors, such as a desire for upward mobility and knowledge of the wealth that can be earned by working in urban areas, are what ultimately draw impoverished people to human traffickers. The region's industrialization in the mid-twentieth century

created a stark divide between expanding and stagnating economies. Poor migrants seeking upward mobility and individuals wishing to flee war-torn nations were attracted by the industrialization of developing economies like Thailand and Singapore. These migrants were an underutilized resource in developing countries that had exhausted their supply of low-cost labour from within their borders. Human traffickers thrive in an environment where there is a high supply of migrant workers looking for work and strong demand from an economy looking for cheap labour. The market for forced labour is nevertheless viable in the new millennium; class differences and the economies' demand for unskilled labour keep traffickers in the market.

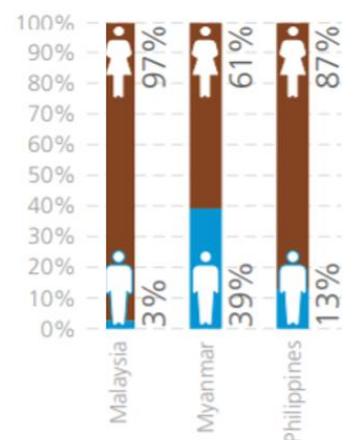
In the mid-twentieth century, the sex industry arose in Southeast Asia as a method for women to earn extra money for struggling migrants and locals attempting to support their families or themselves. Growing tourism and military bases that dotted the region during major conflicts are to blame for the industry's rise throughout the region. Initially, sex industries served military personnel on leave from bases, but as military bases faded, the sector shifted its focus to expanding tourism. The sex industry grew unabated due to a lack of official involvement due to potential harm to the tourism market. Even though the sector is now despised, there is still a sizable underground market that requires the services of traffickers.

### Source countries

When it comes to forced labour and sexual exploitation, the Philippines is both a source and a transit country. Thailand is one of the world's largest suppliers of forced labour, both in Southeast Asia and globally. The majority of forced labourers are from Southeast Asian countries such as Myanmar, Malaysia, Laos, Vietnam, and Cambodia. Migrants freely enter Thailand, where they may be forced to work or sold into the country's sex industry.

Laos has been identified as a source of men, women, and children for the sex slave and forced labour industries. Many Lao migrants travel to Thailand or are dispatched to China through a transit nation. The majority of Lao migrants are channelled into low-wage industries. 70 percent of migrants from Laos are female and many of them are recruited as domestic workers. Domestic workers in Thailand are not covered by labour laws, putting migrant Lao women in danger.

Due to high levels of unemployment and poverty, Cambodia is a migrant source country. This leaves natives with few options and significant danger of becoming victims of human trafficking. In many Southeast Asian countries, many Cambodian women are trafficked into the sexual or labour industries, while men are trafficked into the fishing, agricultural, and construction industries.



3. Detected victims of trafficking, selected areas, by sex, 2012-2014

One of the reasons Myanmar is regarded a source nation is because of its history of military rule. The regime's poor economic management and human rights violations placed the population of the country at risk of human trafficking. Labour exploitation affects men, women, and children in Thailand, China, Pakistan, South Korea, and Macau. In Thailand, children are trafficked to be forced into begging, while young girls are trafficked to China to serve as sex slaves.

### Destination countries

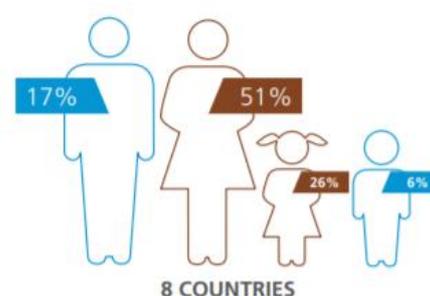
In addition to being a source country, the Philippines is also a destination country. Thailand's growing economy attracts migrant workers from a variety of countries. Thailand's economy also heavily relies on migrant workers because it is strongly labour-intensive, with major sectors being construction, fishing and commercial agriculture.

Cambodia is a popular destination for women who are trafficked into the sex trade. Cambodia has one of the highest levels of demand in the region for child prostitution and sex tourism. Females are trafficked from Cambodian and Vietnamese villages to large cities, where they are sold or sexually exploited.

Vietnam is a popular destination for children who have been exposed to child labour and forced sexual labour. Children from rural sections of the country are transported to large cities, where they are pushed into the sex trade, begging business, and industrial sectors through threats and debt slavery. Due to the high demand for child sex tourism in Vietnam, traffickers are eager to recruit minors into the activity.

### Victims

The majority of victims who are now working under forced labour conditions do so because they were either misled about job prospects or were enslaved or compelled to work against their will. Even though victims include girls, women, boys, and men, the majority of victims are women, according to a policy brief on human trafficking in Southeast Asia. Women are more likely to be targeted by traffickers since they are looking for work in a part of the world where they have few options. Human trafficking frequently targets unskilled and uneducated women.



Source: UNODC elaboration of national data.

4. Detected victims of trafficking in East Asia and the Pacific, by age and sex, 2014



## Major Parties Involved

### **UNODC**

UNODC works with Member States to improve the capacity and skills of law enforcement authorities to effectively identify and combat human trafficking operations by:

- improving standards for identifying and supporting victims,
- strengthening policy and legislative frameworks,
- improving capacities in identification, investigation, case preparation, and prosecution,
- increasing the availability of data and information about the nature and scope of human trafficking in the region,
- improving bilateral, regional, and international cooperation.

### **Walk Free Foundation**

Walk Free is a global human rights organization dedicated to ending modern slavery in all of its forms in our lifetime.

Their multinational team includes statisticians, criminologists, lawyers, and international development professionals who aim to establish and agitate for widespread systemic change to address slavery's core causes.

### **International Labour Organization (ILO)**

The ILO came up with the ILO Protocol on Forced Labour, which is legally binding and intends to boost global efforts to eliminate forced labour, human trafficking, and slavery-like practices. Governments now have the chance to adopt the Protocol and implement new anti-corruption measures at the national and regional levels.

### **The Philippines**

Because the Philippines was the first ASEAN (Association of Southeast Asian Nations) member state to implement anti-trafficking legislation, it has fairly strong anti-trafficking laws (particularly after amendments to pertinent pieces of legislation have been updated to enhance anti-trafficking efforts). Although the prosecution rate is higher than that of other ASEAN countries, the overall number of convictions remains low.

The Philippines' government completely complies with the minimal criteria for trafficking elimination. The government continues to make significant and persistent efforts, including bettering the coordination of services for returning Filipino migrant workers who had been victims of trafficking overseas; prosecuting and punishing traffickers, including an official complicit in sex trafficking and labour traffickers; enhancing aid to survivors who offer testimony; expanding the use of prosecution processes that limit the possibility for future harm to trafficking victims.



Despite meeting the basic requirements, the government did not actively investigate and punish officials allegedly implicated in trafficking offences, consistently prosecute fraudulent recruiters and other labour traffickers, or improve support for specialized protection and aid programs for minor victims of cyber-facilitated sex trafficking. Community reintegration programs for survivors, such as trauma-informed therapy, job training, and placement, were also inadequate.

### Thailand

Thailand's anti-trafficking legislation and policy are more evolved and have been in place for far longer than those of most other Southeast Asian nations, owing to the country's lengthy history of interference in the sex industry.

The government has been fast to respond to the issues of sex trafficking and the health repercussions linked with it, owing to the HIV/AIDS epidemic of the 1990s.

Thailand has also been a leader in women's rights due to the prominence of NGO backing. Thailand is home to several prominent international anti-trafficking groups, including the Global Alliance Against Trafficking in Women (GAATW). Despite this history, the government has not been as effective in tackling the difficulties related to labour trafficking, and its sex trafficking regulations still have room for improvement.

### Indonesia

Given that labour trafficking has been the most prevalent kind of exploitation in Indonesia, one would expect the government to be a leader in the battle against it. This is not the case, though. The country has opted to concentrate its efforts on combating sex trafficking, only recently recognizing labour trafficking as a crime. The government has also failed to guarantee that its present legislation is implemented across its large, disjointed countryside. While the government has achieved significant progress in the battle against human trafficking, there are still areas that need to be addressed, and the existing policy's general bias has to be reversed.

## Timeline of Key Events

1921	International Convention for the Suppression of the Traffic in Women and Children
1990s	ASEAN (Association of Southeast Asian Nations) identifies trafficking in persons as a threat to economic, political and societal stability
November 15 <sup>th</sup> 2000	Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo)



	Protocol), supplementing the United Nations Convention against Transnational Organized Crime
2002	Bali Process
September 29 <sup>th</sup> 2003	12. United Nations Convention against Transnational Organized Crime
2004	Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) Memorandum of Understanding on cooperation against trafficking in persons in the Greater Mekong Sub-region
November 18 <sup>th</sup> 2012	ASEAN Human Rights Declaration
November 21 <sup>st</sup> 2015	ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP)

## Previous attempts to resolve the issue

The "Palermo Protocol," which provided the first legal definition of human trafficking, was adopted by the United Nations in 2000. Since then, hundreds of anti-trafficking NGOs have emerged, dozens of nations have approved anti-human-trafficking legislation, and ordinary citizens are significantly more aware of the crime than they were twenty-two years ago.

The UN Convention against Transnational Organized Crime and the "Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children", also known as the Palermo Protocol, both regarding human trafficking as a transnational crime. The Palermo Protocol divides the crime into three parts: the act of recruiting, transporting, transferring, harbouring, and receiving people; the means—the use of force and other forms of coercion, such as abduction and deception; and the purpose—prostitution, forced labour, slavery, and organ removal.

The protection of borders through restricting the flow of illicit migration is at the basis of anti-trafficking regimes. Article 11 of the Palermo Protocol, for example, mandates that states tighten border controls to prevent and identify human trafficking, as well as implement legislation prohibiting the use of commercial carriers for human trafficking. Securing states against human trafficking also entails assisting them in combating other related crimes such as smuggling, prostitution, organ trafficking, and money laundering.

The ASEAN Charter, ASEAN Human Rights Declaration, and ASEAN Declaration against Trafficking in Persons, Particularly Women and Children (the "ASEAN Trafficking Declaration") laid the framework for a regional strategy to combating



human trafficking in Southeast Asia. The ASEAN Trafficking Declaration, however, has no legal force and cannot bind member countries. As a result, the ASEAN nations adopted the legally binding ACTIP (ASEAN Convention Against Trafficking in Persons, Especially Women and Children) on November 22, 2015. This agreement adds to the international framework for combating human trafficking.

At the subregional level, the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) adheres to the Palermo Protocol framework and has resulted in several bilateral agreements aimed at fostering greater collaboration among states in the Greater Mekong region. COMMIT is a high-level policy dialogue in the Greater Mekong Sub-region (China, Cambodia, Laos, Vietnam, Thailand and Myanmar) in which all countries recognize that they cannot successfully combat human trafficking on their own. However, the periodic issues between the partners, the fear of taking risks and personal and political factors sometimes get in the way of the cooperation between the partner countries.

The Bali Process, which was established in 2002 as a framework for interaction among Asia-Pacific countries, has expanded beyond Southeast Asia. Its mission is to promote awareness and strengthen capability in the fight against people smuggling, trafficking, and transnational crime. Because human trafficking is transnational, both international and regional regimes urge nations to share information, coordinate policies and efforts to ban trafficking acts, give mutual legal help, protect victims, and prosecute perpetrators.

However, human trafficking continues to exist across the world due to exploiters' ongoing ability to make big profits with little risk by exploiting a worldwide sub-class of underprivileged and vulnerable individuals. This situation is the result of three fundamental flaws.

First, there is still a definitional debate about whether human trafficking is slavery or the process of enslaving someone. The phrase has been specified in a transnational organized crime document and denotes mobility. Policymakers, on the other hand, argue that the victim's movement has no bearing on the crime, just the slave-like exploitation. It goes without saying that if you don't know what the offence is, dealing with it can be difficult.

Second, there has always been a data gap in the anti-trafficking campaign. Without any basis in the study, inflated figures of victims have been tossed about from the start. As a result, policymakers and contributors have lost faith in the organization.

Although there has been a trend in the last years toward collecting correct data, the global scarcity of solid research remains a major impediment to mobilizing adequate resources to combat the crime.



This resource gap is the third shortfall. Inadequate resources continue to impede anti-trafficking initiatives, and activists will continue to fight a gallant but losing battle until this issue is addressed.

## Possible Solutions

To effectively implement anti-trafficking legislation, the battle against human trafficking requires better national criminal justice systems, and these efforts must be part of a broader, multitrack approach that targets the socioeconomic and political dimensions of trafficking. Because of the complexity of the problem, it cannot be solved by a single player, such as the government, or by focusing on a single component of it, such as sexual exploitation or forced labour. A more comprehensive, human-centred approach forces us to look into the various factors that contribute to human trafficking, such as poverty, severe exploitation, and political repression. This will necessitate active participation and collaboration between the government, civil society organizations, the commercial sector, and international foundations.

An effective response to human trafficking is transnational, multifaceted and interrelated. This response comprises four parts:

- Delivering expertise
  - help countries draft, develop and review the laws, policies and action plans they need to effectively combat human trafficking.
- Providing the tools
  - supply studies, toolkits and model laws for training, research and policy reform purposes that provide evidence-based and up-to-date knowledge.
- Investing in people
  - train and mentor the people who use these instruments to apprehend, prosecute and convict traffickers and protect and support the victims.
- Building networks
  - form partnerships with international, governmental and non-governmental organizations and support joint investigations into trafficking crimes.

## Appendix/Appendices

- "Protocol to Prevent, Suppress and Punish Trafficking in Persons." *OHCHR*. <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>



"2016 Global Report on Trafficking in Persons." UNODC.  
 < [https://www.unodc.org/documents/data-and-analysis/glotip/2016\\_Global\\_Report\\_on\\_Trafficking\\_in\\_Persons.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf) >.

"ASEAN Convention Against Trafficking in Persons, Especially Women and Children." ASEAN.  
 < <https://www.asean.org/wp-content/uploads/2015/12/ACTIP.pdf> >.

"ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children." ASEAN.  
 < <https://asean.org/wp-content/uploads/2021/01/APA-FINAL.pdf> >.

## Bibliography

"Human-trafficking." United Nations: Office on Drugs and Crime.  
 Web. 18 Dec. 2021.  
 <<https://www.unodc.org/unodc/en/human-trafficking/human-trafficking.html>>

"United Nations Office on Drugs and Crime." *UN Human Trafficking Report Hails East Asia for Strengthening Legislation and Increasing Convictions*.  
 Web. 07 Jan. 2022  
 <<https://www.unodc.org/southeastasiaandpacific/en/2009/02/global-report-on-trafficking-in-persons/story.html> >

"Combatting Human Trafficking in East Asia and beyond." IIAS.  
 Web. 07 Jan. 2022.  
 < <https://www.iias.asia/the-newsletter/article/combating-human-trafficking-east-asia-and-beyond> >

"Fact Sheet: Human Trafficking." *The Administration for Children and Families*.  
 Web. 07 Jan. 2022.  
 < <https://www.acf.hhs.gov/otip/fact-sheet/resource/fshumantrafficking> >.

"Global Estimates of Modern Slavery." *Walk Free*.  
 08 Oct. 2020. Web. 07 Jan. 2022.  
 < <https://www.walkfree.org/projects/global-estimates-of-modern-slavery/> >.

"Human Trafficking in South East Asia - European Court of Auditors"  
 Web. 7 Jan. 2022.  
 <[https://eca.europa.eu/Lists/ECADocuments/SR17\\_9/SR\\_HUMAN\\_TRAFFICKING\\_EN.pdf](https://eca.europa.eu/Lists/ECADocuments/SR17_9/SR_HUMAN_TRAFFICKING_EN.pdf) >.



"Human Trafficking." *The United States Department of Justice*.  
09 Nov. 2018. Web. 07 Jan. 2022.  
< <https://www.justice.gov/humantrafficking> >.

"Imani Lloyd | History 105 - Matthew Unangst - Fall 2017 "  
Web. 7 Jan. 2022.  
< <https://history.libraries.wsu.edu/history105-unangst-fall2017/author/imani-lloyd/> >.

"Protocol to Prevent, Suppress and Punish Trafficking in Persons." *OHCHR*.  
Web. 07 Jan. 2022.  
<<https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx> >.

"Southeast Asian Countries - NIU - Centre for Southeast Asian Studies." *Northern Illinois University*.  
Web. 07 Jan. 2022.  
< <https://www.niu.edu/clas/cseas/resources/countries.shtml> >.

"UN, United Nations, UN Treaties, Treaties." *United Nations*.  
United Nations. Web. 07 Jan. 2022  
<[https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XVIII12&chapter=18&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII12&chapter=18&clang=en) >.

"What Do We Know Human Trafficking Southeast Asia? - OHCHR." *OHCHR*.  
Web. 7 Jan. 2022.  
<[https://www.ohchr.org/Documents/Issues/Trafficking/Dakar\\_Prevention\\_Matt\\_Friedman.pdf](https://www.ohchr.org/Documents/Issues/Trafficking/Dakar_Prevention_Matt_Friedman.pdf) >.

Betz, Diana. "HUMAN TRAFFICKING IN SOUTHEAST ASIA: CAUSES AND POLICY IMPLICATIONS." Thesis. Ed. Michael Malley. Naval Postgraduate School Monterey, CALIFORNIA, 2009.  
*HUMAN TRAFFICKING IN SOUTHEAST ASIA: CAUSES AND POLICY IMPLICATIONS*.  
2009. Web. 7 Jan. 2022.  
< <https://apps.dtic.mil/dtic/tr/fulltext/u2/a501444.pdf> >

"2016 Global Report on Trafficking in Persons." *UNODC*.  
Web. 7 Jan. 2022.  
< [https://www.unodc.org/documents/data-and-analysis/glotip/2016\\_Global\\_Report\\_on\\_Trafficking\\_in\\_Persons.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf) >.

"Human Trafficking in Southeast Asia." *Wikipedia*.



Wikimedia Foundation, 08 Jan. 2021. Web. 07 Jan. 2022.

< [https://en.wikipedia.org/wiki/Human\\_trafficking\\_in\\_Southeast\\_Asia](https://en.wikipedia.org/wiki/Human_trafficking_in_Southeast_Asia) >.

"Our Response to Human Trafficking." *United Nations: Office on Drugs and Crime*.  
Web. 07 Jan. 2022.

< <https://www.unodc.org/unodc/en/human-trafficking/our-response.html> >.

"1921 International Convention for the Suppression of the Traffic in Women and Children." *Together Against Trafficking in Human Beings*.

Web. 15 Feb. 2022.

< [https://ec.europa.eu/anti-trafficking/1921-international-convention-suppression-traffic-women-and-children\\_en](https://ec.europa.eu/anti-trafficking/1921-international-convention-suppression-traffic-women-and-children_en) >.

Asian Development Bank. "Human Trafficking Continues to Haunt Asia." *Asian Development Bank*.

Asian Development Bank, 15 Dec. 2017. Web. 15 Feb. 2022.

< <https://www.adb.org/news/features/human-trafficking-continues-haunt-asia> >.

Kara, Siddharth. "3 Ways Our Anti-trafficking Efforts Fail." *Impacting Our Future*. 31 Mar. 2020.

Web. 15 Feb. 2022.

< <https://www.impactingourfuture.com/global-action-for-children/3-ways-our-anti-trafficking-efforts-fail/#> >.

"The Crime: Defining Human Trafficking." *United Nations: Office on Drugs and Crime*.  
Web. 15 Feb. 2022.

< <https://www.unodc.org/unodc/en/human-trafficking/crime.html> >.

"Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region". *COMMIT*.

Web. 15 Feb. 2022.

< [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms\\_160937.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms_160937.pdf) >.

"Using a Regional Legal Framework to Fight a Global Crime". *ASEAN&ACTIP*.

Web. 15 Feb. 2022.

< <https://globalinitiative.net/wp-content/uploads/2018/01/Using-a-Regional-Legal-Framework-to-Fight-a-Global-Crime-Liberty-Asia-2017.pdf> >.

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