

Sexual Exploitation of Children in Mexico
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ECPAT Mexico is a coalition of 2 Mexican NGOs. The group has worked on legal reform in relation to CSEC and trafficking for sexual purposes; incorporated CSEC into the public agenda and raised awareness through the mass media; helped increase membership of the Committee for the Elaboration of a Trafficking Law, composed of representatives from academia, international organisations, NGOs and government agencies; conducted a CSEC situational analysis in the State of Tabasco; participated in the training of Oaxaca prosecutors; and designed and coordinated a child forum on CSEC.



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ECPAT International is a global network of civil society organisations working for the eradication of all forms of sexual exploitation of children. For the past 26 years, ECPAT has acted as the international watchdog, monitoring States' response to sexual exploitation of children, and advocating for robust international measures to protect children from sexual exploitation. ECPAT International currently has 102 network members operating in 93 countries.

Justification for Submission

1. The present submission is an update to review the progress that has been made by the Government of Mexico (GoM) to end sexual exploitation of children (SEC) and assess the level of implementation of the UPR recommendations on children's rights made in 2013. Specific recommendations to end SEC in Mexico will be made.
2. The content of this report is based on ECPAT's and ECPAT Mexico's research for the period 2014-2018.
3. The scope of this report is limited to SEC and its different manifestations, including exploitation of children in prostitution;¹ online child sexual exploitation (hereinafter 'OCSE'); child sexual exploitation materials or abuse materials (hereinafter 'CSEM' or 'CSAM');² trafficking of children for sexual purposes; sexual exploitation of children in the context of travel and tourism³ (hereinafter 'SECTT') and child, early and forced marriage (hereinafter 'CEFM').

Current status and developments of sexual exploitation of children in Mexico

4. Mexico is a presidential federal republic subdivided into 32 federated entities and featuring three distinct levels of government (Federal, State and Municipal). In 2017, its population reached 129 Million inhabitants,⁴ of which 41.6 million are under 18.⁵ The country has a 99% youth literacy rate, and birth registration reaches 95%.⁶
5. Mexico is the world's fifteenth largest economy.⁷ The country has the highest income inequality rate among OECD member States,⁸ resulting in 43.6% of the population living below the poverty line, including 7.6% in a situation of extreme poverty.⁹ Endemic corruption,¹⁰ widespread insecurity,¹¹ discrimination and lack of equal opportunities¹² leave little room for children to be efficiently protected from sexual exploitation.
6. Mexican society is characterised by a strong patriarchal culture that results in high levels of violence against women and children. 66.1% of the women above 15 faced at least one act of violence or discrimination during their lives.¹³ 43.9% of women also suffered aggressions from their husband or partner in a domestic setting, and 53.1% from aggressors outside the domestic setting.¹⁴ A 2015 survey revealed that 63.1% of children aged 1 to 14 had been subjected to violent psychological or physical discipline.¹⁵
7. Mexico is a source, transit and destination country with regard to **child trafficking for sexual exploitation**, and **exploitation of children in prostitution** is prevalent. Updated data on its scope is not available but there could be from 16,000 to 70,000 victims in the country.¹⁶ In 2014, ECPAT Mexico informed that Mexico City, along with the States of Puebla, Morelos, Tlaxcala and Mexico, form a region where practically all the modalities and mechanisms of SEC can be observed.¹⁷ Issues such as widespread corruption, weak enforcement of anti-trafficking legislation and the involvement of organised crime in at least 70% of the cases¹⁸ challenge any fundamental change.¹⁹
8. There is no updated data concerning SECTT, but it remains a significant problem in tourist areas and Northern cities. UNICEF highlighted that the lack of reporting was a key issue, notably due to the fear of repercussions and the feeling that it will result in little action by law enforcement.²⁰ Six stakeholders from the tourism industry based in Mexico are currently members of ECPAT's *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*, along with twenty international stakeholders with operations in the country, five of which became members from 2014 to 2018.²¹

9. 88% of the Mexican population uses a mobile phone and the number of fixed broadband subscriptions increased from around 3,000,000 in 2006 to over 16,000,000 in 2016. 60% of the population now uses the internet, compared to around 20% in 2006.²² This rapid rise increased the risks associated with **OSCE**, notably the production and supply of **CSAM**.
10. The Attorney General's Office (AGO) revealed that over 12,300 internet accounts were distributing CSAM in Mexico; overall, the country ranks as the world's number one distributor of CSAM.²³ In 2015, a counsellor from the National Human Rights Commission (NHRC) stated that Mexico generated 60% of the global production of CSAM.²⁴ The Federal Police informed that CSAM-related crimes were on the rise in Mexico City and in the States of Veracruz, Nuevo León, Mexico, and Jalisco.²⁵
11. **CEFM** remains prevalent in Mexico. It is largely driven by poverty, patriarchal gender norms and the desire to escape family violence.²⁶ In 2017, UNICEF stated that 26% of the girls were married before 18, including 4% before 15.²⁷ According to ECPAT Mexico, 400,954 children aged 12 to 17 were engaged in a union in 2015, including 30,234 aged 12 to 14.²⁸ Only 19% of them were boys, versus 81% of girls.²⁹ The federated entities with the highest rates of CEFM were Chiapas, Guerrero and Mexico City.³⁰ Around 83% of married girls, as well as 92% of girls aged 12 to 17 engaged in informal unions are out of school, compared to only 15% for single girls.³¹
12. During the country's last UPR review in 2013, over 15 recommendations concerning child rights, one recommendation targeted child trafficking, two violence against children and one the need to investigate and prosecute crimes against children. None of them addressed the other manifestations of SEC.

Legislative framework

13. During the country's last UPR in 2013, Iran and Indonesia recommended the GoM to respectively "*set up a comprehensive system to protect children's rights*"³² and to "*continue its efforts to ensure the protection of children's rights*".³³
14. In 2014, the country adopted a **General Law on the Rights of Girls, Boys and Teenagers** (Law on Children's Rights). Its article 47 states that the Federal, State and Municipal authorities must take the necessary measures to prevent and sanction **SEC** and to assist the victims. It also establishes 18 as the minimum age of marriage, although the federal Civil Code still retains 16 for boys and 14 for girls.
15. The 2012 **General Law to Prevent, Sanction and Eradicate the Offences in the area of Human Trafficking and for the Protection and Assistance of the Victims of these Offences** (Anti-Trafficking Law) criminalises all forms of human trafficking and sexual exploitation. Penalties range from five to 30 years in prison depending on gravity of the offence. The law was amended in 2014 to include the non-criminalisation of victims for activities carried out while trafficked.³⁴
16. Article 203 of the Federal Penal Code defines SECTT and punishes its promotion, advertisement, facilitation and organisation with prison sentences from seven to 12 years. Article 203 *bis* criminalises all forms of sexual acts in the context of SECTT and punishes them with prison sentences from 12 to 16 years and the obligation to undergo specialised psychiatric treatment.

17. Article 202 of the federal Penal Code defines **CSAM** and punishes its production, possession, distribution, selling, purchase, lease, exhibition, publication, transmission, importation or exportation for commercial purposes with prison sentences from seven to 12 years. It also includes grooming or soliciting children for the purpose of participating in pornographic performances. No legal provision requires internet service providers to report suspected **CSAM**,³⁵ even though a proposal to that effect was submitted in December 2014.³⁶ Article 202 *bis* punishes mere possession and acquisition of **CSAM** with prison sentences from one to five years and the obligation to undergo specialised psychiatric treatment.
18. Article 4o of the federal Penal Code allows extraterritorial jurisdiction for offences committed by Mexican citizens abroad, but the double criminality requirement can be an obstacle to the prosecution of offenders. The 1975 International Extradition Law, as amended in 1999, lacks a specific reference to the possibility of extraditing individuals for offences covered by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC); but its article 6 allows for extradition provided that the dual criminality requirement is satisfied.
19. States have their own Civil and Penal code, so legislation on children's rights and on human trafficking might not be fully harmonised, resulting in uneven levels of protection. This also affects the effective prosecution of offenders and the protection of the victims of **SEC**. Twenty-eight States adopted an anti-trafficking law, but six of them (Zacatecas, Quintana Roo, Querétaro, Sonora, Nuevo León and Tabasco) face actions of unconstitutionality for interfering with Federal competences or adopting provisions that can potentially violate the human rights of victims. The States of Aguascalientes, Baja California Sur, Campeche, Chihuahua and Morelos still lack a specific anti-trafficking law.³⁷ The Civil and Family Codes of Campeche, Guanajuato, Hidalgo, Nuevo León, Querétaro, Sonora, Tabasco, and Zacatecas raised the age of marriage to 18 years for both girls and boys, but offer judicial authorities the possibility to grant exemptions. The States of Baja California, Chihuahua and Durango still retain the age of 16 for boys and 14 for girls.

Recommendations for the GoM:

- Ensure that all the provisions of the 2012 Anti-Trafficking Law and of the 2014 Law on Children's Rights are incorporated in the legal system of all States; and allow enough funds for their full implementation;
- Amend article 148 of the federal Civil Code, as well as the Civil and Family Codes of all States to raise the age of marriage to 18 years of age for both girls and boys without any exceptions;
- Amend article 202 of the federal Penal Code to include a provision requiring internet service providers to report suspected CSAM to the relevant law enforcement agencies;
- Amend article 4o of the federal Penal Code to remove the dual criminality requirement;
- Amend the International Extradition Law to specifically include SEC-related crimes as extraditable offences and remove the dual criminality requirement.

General measures of implementation

20. In 2002, the GoM set up a specific National Action Plan focused on SEC.³⁸ In 2010, it informed the CRC that it covered all the crimes described in the OPSC.³⁹ However, its content was never disclosed and it appears to have been discontinued.⁴⁰
21. During the country's last UPR in 2013, Iran recommended the GoM to “*set up a comprehensive system to protect children's rights and develop a national strategy to prevent and address all forms of violence*”.⁴¹

22. In August 2017, the GoM adopted a **National Programme for the Comprehensive Protection of Children and Teenagers 2016-2018** (NPC).⁴² Its Strategy 4.7 aims at promoting and strengthening coordination mechanisms to reduce violations of the rights of children and adolescents related to exploitation and trafficking. Apart from its late adoption, the NPC's structure features many shortcomings, as it is merely a list of disarticulated actions to be carried out by several public bodies.
23. During the country's last UPR in 2013, Singapore recommended the GoM to “*continue its policies and efforts to combat human trafficking, especially those of women and children*”.⁴³
24. In April 2014, the GoM adopted a **National Programme to Prevent, Punish and Eradicate Human Trafficking and to Protect and Assist the Victims 2014-2018** (herein after 'NPP'). It aims at generating the conditions for preventing, investigating and prosecuting trafficking while protecting and assisting the victims. It features 16 strategies and 79 lines of action, such as providing anti-trafficking training to 6% of the federal public servants or ensuring that all the 32 States have a special protocol for the assistance of human trafficking victims by 2018.⁴⁴
25. The GoM did not adopt policy measures to prevent, investigate and offer comprehensive assistance to the victims of online offences against children.⁴⁵ In 2017, the country adopted an Action Plan as part of the Global Partnership to End Violence Against Children. Its Action 12 aims at conducting, in cooperation with the private sector, awareness-raising activities on safe internet use in 2018.⁴⁶

Recommendations for the GoM:

- Conduct a comprehensive evaluation of the implementation of the NPC and NPP upon their termination;
- Adopt follow-up NPC and NPP featuring concrete policy measures, mechanisms and objectives, as well as indicators to assess their fulfilment; and allocate sufficient budget for their implementation and evaluation;
- Involve civil society and children representatives in the development of future National Programmes;
- Adopt a specific National Programme to end SEC, or at least integrate all aspects of SEC in the next NPC and NPP;
- Adopt comprehensive policy measures to prevent, investigate and eradicate OCSE and CSAM-related crimes.

Coordination and Evaluation

26. The National System for the Comprehensive Protection of Girls, Boys and Teenagers (SIPINNA), set up in 2015 and chaired by the President of the Republic, aims at coordinating, through State and Municipal SIPINNAs, the action of the different levels of government and participating civil society organisations to guarantee and protect children's rights. However, its capacity to act is limited, as it is under the authority of the Secretariat of the Interior. In addition, the State and Municipal SIPINNAS are incorporated in the structure of the National System for Integral Family Development (DIF), and therefore confined to support missions. MXN 53,697,727 (around USD 2.85 Million) were allocated to its Executive Secretariat under the 2017 and 2018 federal budgets.
27. The Inter-secretarial Commission to Prevent, Sanction and Eradicate the Offences in the Area of Human Trafficking, composed by 15 federal secretariat and agencies, is the federal body responsible for formulating and coordinating the implementation of a State anti-trafficking policy. It is also responsible for the evaluation of the National Programmes, policies and actions carried out in this area; and for providing data on the state of play of human trafficking in the country.

28. The NPC tasks the AGO to ensure the articulation of all services for the immediate attention of victims in cases of trafficking, abuse and sexual exploitation of children and adolescents (Strategy 4.7.2). However, the funds allocated to the AGO for the support of child victims of federal offences and the promotion of their human rights substantially decreased over the last 3 fiscal years (MXN 81,327,925 in 2016, MXN 73,429,471 in 2017 and MXN 26,751,618 in 2018).
29. The NPC gives the Secretariat of the Interior and the National Security Commission the mission of coordinating actions against cybercrimes of greater impact that affect the rights of children and adolescents (Strategy 4.7.6.).

Recommendations for the GoM:

- Establish a dedicated body to coordinate, in cooperation with relevant civil society organisations, the prevention efforts and the fight against SEC;
- Take the appropriate steps to ensure the full independence of the Federal, State and Municipal SIPINNAs to effectively guarantee and protect children's rights;
- Conduct a comprehensive assessment of the current situation of SEC in the country to identify its characteristics, scope and causes in order to adopt a comprehensive and human rights-based response policy;
- Allocate enough funding so the AGO can efficiently coordinate all services for the immediate attention of SEC victims;

Prevention

30. Apart from the National Programmes mentioned above, several actions to prevent human trafficking have been undertaken in Mexico by a wide range of government agencies, NGOs and private stakeholders.⁴⁷ Public preventive campaigns tend to focus on identifying risk situations, self-protection and seeking help from public authorities, but usually don't raise awareness on the violence perpetrated against the victims.⁴⁸
31. In 2007, the NHRC launched its Programme against Human Trafficking to promote the full compliance with existing norms; coordinate with the authorities to ensure that their obligations are met and train public servants; and to conduct awareness-raising activities. In 2016, it launched a campaign to prevent human trafficking within the indigenous community through the distribution of a notebook in 21 indigenous languages and the broadcasting of a radio soap opera.⁴⁹
32. In 2014, the Secretariat of Tourism (ST) launched a Programme for the Prevention of Human Trafficking in the Travel and Tourism Industry. It led to the organisation of 59 awareness-raising workshops attended by 15,336 persons; in addition, 2,319 facilitators were trained to conduct awareness-raising activities, and four training seminars were organised for public servants. 34,400 information kits on the prevention of **SECTT** were also distributed in four tourist cities (Veracruz, Cancún, Oaxaca and Acapulco).⁵⁰
33. The ST developed a National Code of Conduct for the Protection of Children and Teenagers in the Travel and Tourism Industry (NCC). It features guidelines to help travel and tourism companies identifying and acting upon presumed situations of **SECTT**.⁵¹ At least 350 hotels, 12 travel agencies, 4 restaurants and 7 other stakeholders of the tourism industry are certified as compliant with the NCC,⁵² but more than 1.100 pledges to join the NCC were signed by entrepreneurs and representatives from State governments or public institutions.⁵³ However, the implementation of the NCC is reportedly undermined by the lack of effective monitoring and follow-up mechanisms. UNICEF stated that the child rights issue was effectively managed by major hotels, but highlighted the need to involve other stakeholders from the tourism industry to effectively prevent **SECTT**.⁵⁴

34. Parallel initiatives with a specific focus on human trafficking and **SECTT** have also been undertaken by NGOs and stakeholders from the tourism industry. In March 2017, the Citizens Council of Mexico City and the Mexico City Hotel Association launched a campaign to train at least 2,000 hotel staff to spot and report possible signs of trafficking. This initiative also aims at placing 30,000 bottleneck tags with an anti-trafficking hotline number in hotel rooms across Mexico City.⁵⁵
35. Several initiatives were undertaken to promote **child participation**. In 2017, the 10th edition of the Children's Parliament brought together 300 children aged 10 to 12 and resulted in the adoption of a Declaration of Rights. However, this mechanism is regarded more as a communication exercise rather than as a forum that allows children to express their critical opinion. A delegation of children takes part in every session of the SIPINNA,⁵⁶ which adopted guidelines to ensure their effective participation in the conception of the NPC.⁵⁷
36. The federal Cyber Police carries out several prevention campaigns and activities to promote safe online practices and raise awareness among children and their parents about the dangers of the internet.⁵⁸

Recommendations for the GoM:

- Allocate enough funding to raise public awareness about SEC, specifically among vulnerable groups, citizens and visitors;
- Invest in child empowering prevention programmes on SEC to be implemented in both the school system and at the community level;
- Conduct nationwide awareness-rising campaigns on the dangers of the internet for children at the community level; and cooperate with the private sector to block, remove and report online child sexual exploitation and abuse content;
- Conduct campaigns to raise awareness on SECTT and work on securing the adoption of the NCC by the widest possible range of stakeholders from the tourism industry; and establish monitoring mechanisms to ensure its implementation;
- Develop, in cooperation with representatives from the youth, formal mechanisms to ensure that children can systematically express their critical opinion on the issues and policies that affect them.

Protection of the rights of child victims

37. In the country's last UPR review in 2013, the United Kingdom recommended the GoM to *"reinforce its efforts to tackle impunity and corruption nationwide via the creation of a federal anti-corruption institution with the ability to prosecute, and through the allocation of adequate resources to investigate and prosecute crimes against women and children"*.⁵⁹ This recommendation raised a major issue, as human trafficking in Mexico is fuelled by corruption, impunity and complicity of public actors such as police officers, prosecutors, judges⁶⁰ and even some politicians.⁶¹
38. In 2015, a constitutional reform created a National Anticorruption Agency, which was set up in July 2016,⁶² and provided for the creation of 32 Anticorruption Systems at the State level. Nineteen States now comply with these new obligations, while 11 others almost completed the necessary steps to do so. However, most of the necessary legislative work is still pending in Chihuahua and Tlaxcala.⁶³ The federal budget for 2018 allocated MXN 10,400,860,344 (around USD 560,000,000) for the prevention, detection and sanction of administrative offences and acts of corruption.
39. Human trafficking is a federal offence investigated by AGO's and Federal Police's dedicated units when it has a transnational character, when public authorities are involved or when it is linked with organised crime; otherwise it is a common crime. Not all States have dedicated anti-trafficking units, which undermines the investigation and prosecution of non-federal SEC-

related crimes.⁶⁴ The funds allocated to the AGO to prosecute children-related federal crimes slightly decreased in 2018 (MXN 66,104,269 - around USD 3,500,000) after an augmentation from MXN 58,033,234 in 2016 to MXN 68,074,048 in 2017. The GoM is involved in joint law enforcement operations against human trafficking, including SEC-related crimes, with other Central American countries and with the US.

40. The DIF is responsible for protecting and assisting underage victims of human trafficking. However, out of the 316 public agencies and 31 NGO-managed institutions that carry out victims assistance activities, only 59 offer short or long-term shelter and they do not provide adapted services to victims of SEC.⁶⁵ At the State level, they tend to be sent to shelters for vulnerable children and women victims of domestic violence, and the coordination between governmental and non-governmental efforts to provide comprehensive assistance is weak.⁶⁶
41. Free **helplines** have been developed by federal agencies, States and civil society to report human trafficking-related crimes,⁶⁷ but there is no dedicated hotline to report SEC run by the authorities.⁶⁸

Recommendations for the GoM:

- Establish dedicated units in the law enforcement and prosecution offices that address SEC at the Federal level and in all States;
- Ensure that law enforcement agencies have the funds, resources and skills to identify, investigate and respond to SEC and are able to use adapted protocols when dealing with child victims;
- Effectively fight against impunity and corruption by fully enforcing the new anticorruption framework and conducting rigorous investigations and prosecuting officials involved in SEC offences;
- Ensure that enough shelters for children victims of SEC are available, properly funded, staffed by well-trained personnel and able to offer integrated services (psychological, legal, medical, etc.);
- Develop child-friendly reporting and denunciation mechanisms at the Federal and State levels via the New ICTs, as well as dedicated helplines in all States to report SEC cases.

The voice of the victims

42. From 2012 to 2016, 603 women working in the sex industry in Tijuana and Ciudad Juarez were interviewed as part of an academic study led by Mexican and US researchers. Preliminary findings revealed that 3 out of 4 girls trafficked there were married at a young age, generally before 16, and most said that they had been trafficked as underage brides, often by their husbands. In nearly half the cases, the brides were pregnant.⁶⁹
43. As part of a report on CEFM as a manifestation of SEC published in 2016, ECPAT Mexico and EDIAC interviewed 125 adolescents from Mexico City and the States of Mexico and Guerrero; 94% of them were aged 12 to 17, and 6% were above 18. When questioned about who should make the decision when it comes to the marriage of an adolescent, 54% of them answered “parents or family”.⁷⁰ This result underlines the fact that family members are still regarded as a figure of authority by a majority of Mexican children, which undermines their ability to make their own life decisions. Furthermore, 69% of them stated that the youngest person that they knew was engaged in a union was a female, highlighting that CFEM predominantly affects young girls.⁷¹ The study also revealed that 55% of the girls that they knew, were forced to engage in a union with an adult had to relocate, including 12% to another State or country, which makes them more vulnerable.⁷² When asked from whom they received information about early pregnancy, CEFM or gender equality and human rights, 50% replied “from NGOs” and only 9% “from teachers”, even though raising awareness on these topics is viewed as a priority by the public authorities.⁷³

Recommendations for the GoM:

- Train public pregnancy-related care workers to recognise and report on possible cases of human trafficking and sexual exploitation of underage girls;
- Allocate enough resources to conduct nationwide public awareness raising campaigns, in both the school system and at the community level, to make sure that children are aware of their rights; of the negative impacts of early marriages and unions; and of the government's responsibility to protect them from CEFM, SEC or sexual abuse;
- Establish and promote dedicated and child-friendly hotlines and reporting mechanisms so everyone can report cases of CEFM to the relevant authorities;
- Establish specific recovery and assistance mechanisms for victims of CEFM; and make sure to take into account the voice and opinions of former victims while developing these mechanisms.

¹ ECPAT prefers the term 'exploitation of children in prostitution' instead of 'child prostitution' in line with the recently widely adopted Terminology Guidelines. ECPAT International (2016), "*Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, Adopted by the Interagency Working Group in Luxembourg, 28 January 2016*", Bangkok: ECPAT, 29, accessed on 15 January 2018, <http://luxembourgguidelines.org/>.

² ECPAT prefers the term 'child sexual exploitation material' or 'child sexual abuse material' over the often in legal context still used 'child pornography' in line with the recently widely adopted Terminology Guidelines. ECPAT International (2016), "*Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, adopted by the Interagency Working Group in Luxembourg, 28 January 2016*", 39.

³ *Ibid.*, 54.

⁴ Department of Economic and Social Affairs of the United Nations Secretariat (2017), "*World Population Prospects; Key Findings and Advance tables*", 20, accessed on 14 February 2018, https://esa.un.org/unpd/wpp/publications/Files/WPP2017_KeyFindings.pdf

⁵ UNICEF (2017), "*The State of the World's Children 2017: Children in a Digital World*", 175, accessed on 28 February 2018, https://www.unicef.org/publications/files/SOWC_2017_ENG_WEB.pdf

⁶ *Ibid.*, 171-191.

⁷ The World Bank, *GDP (current US\$); All countries and Economies*, accessed on 20 February 2018, <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD>.

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¹⁴ *Ibid.*, 5.

¹⁵ Instituto Nacional de Salud Pública & UNICEF (2015), "*Encuesta Nacional de Niños, Niñas y Mujeres 2015*", 18, accessed on 26 February 2018, https://www.unicef.org/mexico/spanish/UNICEF_ENIM2015.pdf.

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