



POLICY AGAINST SEXUAL EXPLOITATION, ABUSE AND HARASSMENT

Version 3 | 2023

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I. INTRODUCTION

Independent, private and non-profit, Acted respects a strict political and religious impartiality, and operates following principles of neutrality, non-discrimination, transparency, according to its core values: responsibility, impact, enterprising-spirit and inspiration.

Acted is committed to immediate humanitarian relief to support those in urgent need and protect people's dignity, while co-creating longer term opportunities for sustainable growth and fulfilling people's potential. Acted endeavours to respond to humanitarian crises and build resilience; promote inclusive and sustainable growth; co-construct effective governance and support the building of civil society worldwide by investing in people and their potential.

The commitment of Acted is guided by 4 core values:

- **Responsibility:** we ensure the efficient and responsible delivery of humanitarian aid with the means and the resources that have been entrusted to us.
- **Impact:** we are committed to having the most sustainable impact for the communities and the people with whom we engage.
- **Enterprising-spirit:** we are enterprising and engage in our work with a spirit that creates value and overcomes challenges.
- **Inspiration:** we strive to inspire all those around us through our vision, values, approaches, choices, practice, actions and advocacy.

Policy statement

Acted adopts a zero tolerance approach towards sexual exploitation, abuse and harassment. Acted is committed to the prevention of sexual exploitation, abuse and harassment both within the organisation and within the framework of Acted programmes and Acted beneficiary populations.

To this end, Acted's Policy Against Sexual Exploitation, Abuse and Harassment:

- Encourages prevention;
- Promotes detection;
- Sets out a clear investigation procedure;
- Sets out a mechanism of sanctions

This policy is aimed at guiding Acted staff and partners, as defined in article 2 of this policy, and must be considered together with:

- Acted's Code of Conduct;
- Acted's Grievance Policy;
- Acted's Child Protection Policy;
- Acted's Gender Policy ;
- Acted's Conflict of Interest Prevention Policy;
- Acted's Data Protection Policy;
- Acted's Anti-Fraud, Bribery and Corruption Policy;
- Acted's Anti-Terrorism and Anti-money laundering Policy;
- Acted's Environmental and Social Protection Policy;
- Acted's procedures, manuals (e.g. Finance, Logistics, Administration & Human Resources, Security & Safety), handbooks (e.g. Transparency & Compliance, Appraisal, Monitoring & Evaluation) and charters (e.g. Use of Information Systems);

- Code of Conduct for The International Red Cross and Red Crescent Movement and NGOs in Disaster Relief, of which Acted is a signatory;
- U.N. Inter-Agency Standing Committee (IASC) Six core principles relating to Sexual Exploitation, Abuse and Harassment.

II. INTERPRETATION AND APPLICATION

Article 1 – Scope of application

1. The policy applies to all Acted staff and governance members.
2. The provisions of this policy may also be applied to any person employed by an entity that carries out missions for Acted.
3. In particular, this policy applies to implementing partners depending on specific clauses and conditions of the grant agreement, suppliers, sub-grantees, beneficiaries (as victims), stakeholders, consultants, and other associated entities.

Article 2 – Definitions

1. **Sexual exploitation:** Any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Under UN regulations it includes transactional sex, solicitation of transactional sex and exploitative relationship.
2. **Sexual abuse:** The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It includes sexual assault as well as rape. Under UN regulations, all sexual activity with someone under the age of 18 is considered to be sexual abuse, regardless of the age of majority or consent locally. Mistaken belief in the age of a child is not a defence.
For the purposes of this policy, the term “sexual exploitation and abuse” can include, but is not limited to:
 - abuse of power for the purpose of obtaining sexual favours,
 - rape,
 - sexual assault,
 - sexual relations with a minor,
 - paid sexual relations,
 - human trafficking for sexual purposes
3. **Sexual harassment:** “Sexual harassment” is characterized by the repeated imposition of sexist or sexual comments or behaviours on a person that:
 - undermines the person’s dignity,
 - and/or create an intimidating, hostile or offensive environment for the person concerned.

Sexual harassment can be understood as any unwanted conduct of a sexual nature. It can happen to any gender and be physical (e.g., touching), verbal (e.g., offensive comments or phone calls), or non-verbal (e.g., display of offensive materials). It can involve a pattern of behaviour.

Any form of serious pressure with the real or apparent aim of obtaining a sexual act for the benefit of the perpetrator or a third party is considered as sexual harassment.

Sexual harassment includes a large number of prohibited behaviours such as:

- physical assaults of a sexual nature, such as rape or sexual assault, such as kissing, touching, pinching, fondling or any other gesture against the body of another individual without their consent or attempts to commit such acts;
- sexual advances, sexual proposals, sexist comments or comments with sexual connotations such as equivocal gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experiences;
- preferential treatment or promise of preferential treatment in exchange for sexual favours from a person including solicitation only, or explicit request for sexual intercourse in exchange for any reward;
- intimidation, threats or barriers to career progression because of the gender of the person concerned;
- reprisals in response to a sexual harassment alert.

4. **Abuse of power for the purpose of obtaining sexual favours:** The “abuse of power to obtain sexual favours” is characterized by a sexual relationship imposed by force or by a relationship of social or economic dependence or subordination.

Any sexual relationship with a minor will be considered as sexual exploitation or abuse.

Abuse of power to obtain sexual favours also includes rape and sexual assault.

5. **Rape :** “Rape” is defined as any act of sexual penetration, of any kind, committed against another person, whether a minor or an adult, without the person's consent. Sexual penetration includes vaginal, anus or mouth penetration through the penis or any other part of the body, including penetration with an object.
6. **Sexual assault:** “Sexual assault” is defined as any sexual activity with another person who does not consent. It is a violation of bodily integrity and it differs from the notion of rape, especially because it does not necessarily entail penetration.
7. **Sexual relation with a minor:** “Sexual relation” with a minor is defined as sexual penetration (as defined in 5) Rape) or sexual assault (as defined in 6) Sexual assault) against a minor under the age of 18.

Any sexual activity with a child is prohibited. A child is defined as any person under 18 years old, in accordance with the United Nations Convention on the Rights of the Child. Not knowing the person's age is not a valid defense.

8. **Paid sexual relations:** Payment of a sum of money, an offer of employment, the provision of services in exchange for a sexual relationship or sexual favours for both minors and adults.
Solicitation alone is also prohibited.
9. **Human trafficking for sexual purposes :** “Human trafficking of a sexual nature” or procuring is defined 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 of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of sexual exploitation. Sexual exploitation shall include, at a minimum, the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, or servitude.

- 10. Governance:** Under the terms of this policy, the term "governance" refers to any person elected by decision making bodies to participate in the managerial and administrative bodies of Acted and/or one of its sister organisations and/or one of the member organisations of the Acted network. In particular, the members of boards of directors and supervisory boards are Governance members.
- 11. Associated entities:** Under the terms of this policy, "associated entities" are legal persons under private or public law who play an active role in the implementation of the project but are not responsible for managing any budget.
- 12. Implementing partners:** Under the terms of this policy, an "implementing partner" is a partner to whom the implementation of one or more projects or activities has been delegated, and to whom a budget has been allocated for this purpose. In particular, this refers to international NGOs and/or national NGOs and/or public institutions.
- 13. Stakeholders:** Under the terms of this policy, "stakeholders" are individuals or groups, with or without a legal personality, who directly or indirectly, voluntarily, or involuntarily, contribute to, participate in or benefit, in any way, from the actions, programmes and activities of Acted and/or one of its sister organisations and/or one of the member organisations of the Acted network.
- 14. Acted staff:** Under the terms of this policy, the term "Acted staff" refers to any person employed by Acted and/or one of its sister organisations and/or one of the member organisations of the Acted network. The interns of Acted and/or one of its sister organisations and/or one of the member organisations of the Acted network are considered to fall within this category, for the purposes of this policy.
- 15. Beneficiaries:** Under the terms of this policy, the term "beneficiary" refers to any person who benefits, directly or indirectly, from the programmes of Acted.
- 16. Sub-grantee:** Under the term of this policy, a "sub-grantee" is an individual or a group, with or without legal personality, who receives a budget to carry out a project or activity.
- 17. Supplier:** Under the term of this policy, a "supplier" is a third party, individual or group, with or without legal personality, who directly or indirectly provides any type of goods and/or services to Acted and/or one of its sister organisations and/or one of the member organisations of the Acted network, whether for a fee or not.
- 18. Consultant:** Under the term of this policy, a "consultant" is a third party, individual or group, with or without legal personality, who directly or indirectly provides any type of consulting services to Acted and/or one of its sister organisations and/or one of the member organisations of the Acted network, whether for a fee or not.

Article 3 – Information and adherence to the policy

1. This policy is published under the authority of Acted. Acted staff, as well as the other entities referred to in Article 1 of this policy, are required to conduct themselves in accordance with this policy and must therefore be aware and have understood of its provisions and of any changes. When they are unsure of how to proceed, they should seek the advice of a competent person, notably their line manager.
2. Acted staff, as well as the other entities referred to in Article 1 of this policy, who are responsible to negotiate the terms of conditions of employment of any Acted staff, must ensure that staff is aware of and commits to the full respect of this policy.

3. It is the responsibility of Acted staff with managerial responsibilities, as well as the other entities referred to in Article 1 of this policy, to ensure that staff under their supervision comply with this policy; and to take or propose appropriate disciplinary measures as sanction against any violations of its provisions.
4. This policy shall form part of the working conditions of Acted staff and the conditions for the performance of the missions of the other entities referred to in Article 1 of this policy from the moment they certify that they have read it.
5. Acted will review the provisions of this policy at regular intervals.

Article 4 – Purpose of the policy

The purpose of this policy is to:

1. Implement the prevention, reporting and sanction mechanisms necessary to comply with the rules relating to prohibited sexual behaviours and applying to Acted staff as well as other entities referred to in Article 1 of this policy.
2. Define the rules relating to prohibited sexual behaviours that apply to Acted staff as well as other entities referred to in Article 1 of this policy.
3. Inform third parties of the conduct they are entitled to expect from Acted staff as well as other entities referred to in Article 1 of this policy.

III. GENERAL PRINCIPLES

Article 5 – IASC Six Core Principles Relating to Sexual Exploitation and Abuse

Acted staff, as well as the other entities referred to in Article 1 of this policy, must fully adhere to the IASC Six Core principles, the principles are defined as follows:

1. “Sexual exploitation, abuse [and harassment] by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.
3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
4. Any sexual relationship between those providing humanitarian assistance and protection and a person benefitting from such humanitarian assistance and protection that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work.

5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.
6. Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.”

Those core principles are reflected in the present policy in articles 2.4, 2.7, 2.8, 13.3, 18 and 23 respectively.

Article 6 – Neutrality

Acted staff, as well as the other entities referred to in Article 1 of this policy, must fulfil their duties in a neutral and apolitical manner, in accordance with the law, legitimate instructions and ethical rules relating to their roles.

Article 7 – Impartiality

In the context of their professional roles and/or their missions, Acted staff, as well as the other entities referred to in Article 1 of this policy, must act in accordance with the law and exercise their discretionary power in an impartial manner, taking into consideration only relevant circumstances into consideration.

Article 8 – Confidence of stakeholders

Acted staff, as well as the other entities referred to in Article 1 of this policy, have a duty to conduct themselves at all times in a way that reflects and upholds Acted’s values of integrity, impartiality and efficiency and contribute to strengthen the confidence of all stakeholders.

Article 9 – Hierarchical responsibility

Acted staff report to their immediate line manager and/or the head of their functional department, unless otherwise provided for by law.

Article 10 – Confidentiality

Duly considering the stakeholders’ potential right to access information, Acted staff, as well as the other entities referred to in Article 1 of this policy, must process all the information and all the documents acquired during or as part of the exercise of their duties with the necessary confidentiality.

Article 11 – Protection of privacy

All the necessary measures must be taken to ensure that the privacy of Acted staff and of the other entities referred to in Article 1 of this policy, is appropriately respected; as a result, the declarations provided for this policy must remain confidential, unless otherwise provided for by law.

Article 12 – Information held

1. Considering the general framework of international law regarding access to information held by private individuals, Acted staff and the other entities referred to in Article 1 of this policy should disclose information only in respect to the rules and requirements applicable to Acted.
2. Acted staff and the other entities referred to in Article 1 of this policy must take appropriate measures to guarantee the security and confidentiality of the information for which they are responsible or of which they are aware.
3. Acted staff and the other entities referred to in Article 1 of this policy must not seek access to information which would be inappropriate for them to have. Acted staff must not make inappropriate use of the information they may obtain in or as part of the exercise of their duties.
4. In the same way, Acted staff and the other entities referred to in Article 1 of this policy must not retain professional information that may or should be legitimately circulated, or circulate information they know, or have reasonable grounds to believe, is inaccurate or misleading.

Article 13 – Responsibility of line managers

1. Acted staff in charge of supervising or managing other Acted staff must do so in accordance with the policies and objectives of Acted. They are responsible for responding to acts and omissions of staff under their supervision who violate these policies and objectives, and to take due diligence measures expected from a person in their position to prevent such acts or omissions.
2. Acted staff tasked with supervising or managing other Acted staff must take the necessary measures to prevent staff under their supervision from engaging in acts likely to generate sexual exploitation or abuse. These measures may be: to draw attention to and implement the laws and regulations; to ensure adequate training related to sexual exploitation and abuse and to set an example of integrity through their personal conduct.
3. Acted staff in charge of supervising or managing other Acted staff are responsible for creating and maintaining an environment where sexual exploitation, abuse and harassment is not tolerated.

IV. MECHANISMS TO FIGHT SEXUAL EXPLOITATION, ABUSE AND HARASSMENT

Article 14 – Importance of prevention

Fully aware that sexual exploitation, abuse and harassment can be most effectively avoided by creating an organizational culture which rejects and effectively acts upon any form of sexual exploitation and abuse, Acted has developed a Gender Policy to be read in link with this policy. Acted also developed a series of awareness modules and internal trainings aimed at preventing and identifying sexual exploitation, abuse and harassment.

In parallel, Acted has developed a body of legal and practical procedures, notably through its Code of Conduct, its human resources and AME manuals and handbooks notably, re-asserting the need to respect the dignity of individuals.

Article 15 – Prevention and identification mechanism

1. Although, through its international actions. Acted is faced with the most diverse cultures and belief systems Acted fully upholds principles of freedom of speech and of protection of victims of sexual abuse and exploitation. As such, Acted has developed mechanisms that can contribute to prevent sexual exploitation, abuse and harassment such as:
 - Signing of the Code of Conduct by the staff in order to clarify unacceptable behaviour and in particular sexual exploitation, abuse and harassment;
 - The Complaint Response Mechanism (CRM), as a direct communication channel between beneficiaries and Acted, allowing the identification of sensitive complaints notably related to cases of exploitation, abuse and harassment. Information to the beneficiaries of existing remedies (notably through the Complaints and Response Mechanisms - CRM) allowing to sensitize all the stakeholders of a project and to ensure that the field teams maintain a respectful dialogue with the beneficiaries;
 - Information to the beneficiaries of existing remedies (notably through the Complaints and Response Mechanisms - CRM) allowing to sensitize all the stakeholders of a project and to ensure that the field teams maintain a respectful dialogue with the beneficiaries;
 - Implementation of trainings and awareness sessions in order to train and empower the teams, particularly for staff exposed to working with minors or the most vulnerable population;
 - Identify risk factors on an ongoing basis and in particular throughout the project cycle;
 - Put in place evaluation procedures for Acted partners by carrying out due diligence, particularly with regard to their ethical commitments and past behaviours.
2. Acted staff responsible for recruiting, or managing other persons employed by Acted must be careful to prevent the hiring or deployment of individuals who have been previously reported for sexual exploitation, abuse or harassment. Acted reserves the right not to hire an individual if it is made aware of a professional or personal history that suggests that the individual may pose an unacceptable risk to Acted staff or beneficiaries.

Article 16 – Prohibition of all sexual exploitation, abuse and harassment

1. Any direct or indirect participation in sexual exploitation, abuse, or harassment as defined in this policy is prohibited for Acted staff and the other entities mentioned in Article 1 of this policy.
2. Under no circumstances shall Acted staff and the other entities mentioned in Article 1 of this policy, take undue advantage of their professional position for their personal interest or to obtain a favour of a sexual nature.

Article 17 – Action to be taken in case of sexual exploitation, abuse and harassment

1. In the case of sexual exploitation, abuse and harassment committed as part of an employment relationship:
 - If Acted staff believe that they are victim of or witness to any of the conduct set out in Article 2 of this policy, they should report to Acted Transparency Line, in accordance with Article 18 of this policy.

- Cumulatively, staff may choose to intervene with the objective of stopping the said behaviour and protecting the victim if he or she was comfortable doing so.
 - It is advisable to note the day and time as well as details related to the facts and the names of any witnesses.
 - In any case, the Acted Investigation Unit will inform the Human Resources Direction.
2. In the case of sexual exploitation, abuse and/or harassment committed against a beneficiary of Acted's action:
- If sexual exploitation, abuse and/or harassment committed against beneficiaries are observed or suspected by the person signing this Policy, the latter undertakes to report it without delay to the person in charge and/or through Acted Transparency Line in accordance with Article 18 of this policy. Cumulatively, staff may choose to intervene with the objective of stopping the said behaviour and protecting the victim, if he or she was comfortable doing so
 - It is advisable to note the day and time as well as details related to the facts and the names of any witnesses.
 - In any case, the Acted Investigation Unit will inform the Human Resources Direction.
3. In the case of sexual exploitation, abuse and harassment committed against an implementing partner:
- If sexual exploitation and/or abuse committed by any other individual is observed or suspected by Acted staff or by any other entities referred to in Article 1 of this policy, the latter undertakes to report without delay through Acted Transparency Line in accordance with Article 18 of this policy.
 - Cumulatively, staff may choose to intervene with the objective of stopping the said behaviour and protecting the victim if he or she was comfortable doing so. In any case, the Acted Investigation Unit will inform the Human Resources Director.

Article 18 – Obligation to report for Acted staff

1. Acted intends to respond/come up with an answer/bring an (appropriate) response to any allegation of sexual exploitation, abuse, and harassment. To contribute towards this, Acted has designated a focal point via Acted Transparency Line: <https://transparency.acted.org>.
2. Acted staff who considers to be a witness or victim of sexual exploitation, abuse and harassment must report it through the Acted Transparency Line : <https://transparency.acted.org>.
3. Acted staff must report through Acted Transparency Line any suspicions of sexual exploitation, abuse and harassment of which they are aware of in the course of their duties. The investigation of the reported facts is Acted's responsibility, in accordance with the provisions of Article 19 of this policy. If it is not possible to report via the Acted Transparency Line platform, Acted staff should report via transparency@acted.org.
4. Acted must ensure that Acted staff who reports a case as described above on the basis of reasonable suspicions and in good faith does not suffer from any harm as a result.
5. Cases of misuse of alert mechanisms may be subject to sanctions.

Article 19 – Report for the stakeholders

1. Acted wishes to support people who are witnesses or victims of violations of the present policy. To this end Acted intends to facilitate stakeholder reporting for any violation of this policy. Thus, any stakeholder, as defined in the present policy, who is a witness or victim of the violation of the present policy can report to Acted through the Acted Feedback Mechanism or the Acted Transparency Line: <https://transparency.acted.org/>.
2. Acted must ensure that any stakeholder who reports a case as described above on the basis of reasonable suspicions and in good faith does not suffer from any harm as a result.

Article 20 – Acted investigation in case of report by Acted staff

1. In accordance with Article 18 of this policy, Acted staff must report to the Acted Transparency Line, or transparency@acted.org if the platform is not accessible any suspicion of sexual exploitation, abuse and harassment.
2. An e-mail response is sent to the reporter on the platform or by transparency@acted.org upon receipt of the alert. This answer:
 - details the process to be followed in the event of suspicion of sexual exploitation and abuse.
 - requests, where appropriate, to provide further clarification and evaluation of the alert.
3. The management of the alert is done by Acted Investigation Unit with the involvement of Country Direction unless this person is the subject of concern. This evaluation is carried out by Acted Investigation Unit upon receipt of the alert.
4. The investigation process is based on internal procedures in line with *Core Humanitarian Standards*.
5. Acted staff and other entities mentioned in Article 1 of this policy must:
 - cooperate in any investigation conducted by Acted;
 - keep all records of any suspected involvement that may be required for further investigation;
 - preserve the confidentiality of all allegations.

Article 21 – Actes investigation in case of report by a stakeholder

1. In accordance with article 19 of this policy, stakeholders may report through the Acted Feedback Mechanism or Acted Transparency Line any suspicion of sexual exploitation, abuse and harassment.
2. A response via the Acted Feedback Mechanism or directly on the platform will be provided upon receipt of the alert. This response:
 - details the process to be followed in the event of suspicion of sexual exploitation and abuse;
 - requests, where appropriate, to provide further clarification and elevation of the alert.
3. The management of the alert is done by Acted Investigation Unit with the involvement of Country Direction, unless this person is the subject of concern. This evaluation is carried out by the Acted Investigation Unit upon receipt of the alert.
4. The investigation process is based on internal procedures in line with Core Humanitarian Standards.

5. Acted staff and other entities referred to in Article 1 of this policy must:
 - cooperate in any investigation conducted by Acted;
 - keep all records of suspected involvement in such cases that may be required in case of investigation;
 - preserve the confidentiality of all allegations.

Article 22 – Investigating authority

1. The Investigation Unit of the HQ is in charge of investigating all sexual exploitation, abuse and harassment issues within Acted.
2. Acted retains the right to hand over the investigation process to an external entity.

Article 23 – Sanctions against sexual exploitation, abuse and harassment

1. Disciplinary sanction

The violation of the present policy, which constitutes in particular a violation of Acted's Code of Conduct, may result in sanctions ranging from warning to termination of the employment contract for serious misconduct, with no notice and no payment of compensation.

2. Other sanctions

Acted reserves the right to use the full range of contractual sanctions, up to the termination of any contractual relationship, in the event of a breach of this policy by any entity referred to in Article 1.

3. Reporting to competent authorities

Acted has the right to report to the competent prosecution authorities the facts constituting sexual exploitation, abuse, and harassment.

Article 24 – Protection of victims

Acted undertakes to do everything possible, in agreement with the victims of prohibited practices, to protect them, in particular by:

- maintaining all required confidentiality on the handling of reports made in accordance with this policy;
- starting without delay an investigation regarding the facts reported in accordance with this policy;
- offering personalized support to victims of incidents reported in accordance with this policy;
- informing the victim of the action taken in response to the reported incidents in accordance with this policy;
- adapting the present policy, in order to allow a better understanding and adherence of Acted staff to these principles.

V. IMPLEMENTATION OF THE POLICY

Article 25 – Implementation of the policy

The Human Resources Department is responsible for the independent oversight of the Policy Against Sexual Exploitation, Abuse and Harassment and is in charge of its implementation within the organization.

This Policy Against Sexual Exploitation, Abuse and Harassment came into effect after approval by the Board of Acted on March 17th, 2023.

Article 26 – Adherence to the policy

Acted staff certify that they adhere to these principles by signing the Acted Policy Acceptance Form and/or by signing their employment contract.





Policy against sexual exploitation, abuse and harassment

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