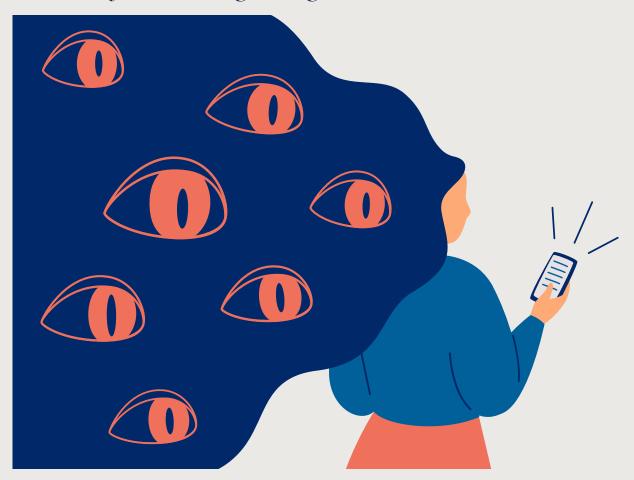








Naming it, fighting it: a multi-level analysis of digital gender-based violence



n order to showcase the breath of gender-based violence (GBV) and its link to gendered inequalities, the Foundation for European Progressive Studies (FEPS) and the Fondation Jean Jaurès have joined forces for this series of publications on the fight to eliminate sexist and sexual violence. Each publication looks into a different angle regarding GBV, recognising the intersection of gender with other discriminations such as sexuality, disability or economic status.

1. Introduction

Twitter users threaten to brutally rape British MP Stella Creasy, film the assault, cut and eat her breasts, and eventually decapitate her, after she has supported a campaign to get a woman portrayed on sterling banknotes. An Italian young man shares chat intimate pictures sent to him by his ex-girlfriend, without her consent, on a WhatsApp. During the COVID-19 pandemic, a group of American women gather on Zoom for a work meeting, and leave in shock when an unsolicited pornographic video is sent to them as they dial in to the virtual event.

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These seemingly disparate stories are all illustrations of digital gender-based violence, a form of abuse experienced by 73 percent of women worldwide according to the UN¹, It starts from an early age, the European Agency of Fundamental Rights has found². In 2014, one in five young women (aged 15 and older) had already reported instances of online sexual harassment across the continent. As life goes on and women choose to contribute to public debates, their exposure to online attacks dramatically increases. In 2018, for example, politically-active women surveyed by Amnesty International in the US and the UK received an abusive tweet every 30 seconds³ – it is hard to think of a more surgical, efficient silencing strategy.

In this article, we consider both the far-reaching impact of this onslaught and its systemic roots. We explain how and why very different manifestations of online misogynistic behaviours are connected to one another, and what this implies for policy and social action within the EU. Finally, we draw on this to propose a set of multi-level recommendations.

Naming digital gender-based violence and its effects

There are a number of reasons why we believe that conceptualising online abuse as a pernicious type of misogynistic violence is a precondition in the search for long-term remedies. In the work we conduct with our think tank GenPol⁴, we use terms such as digital gender-based violence and online abuse of women, and avoid others, like trolling or cyberbullying. Together with other experts and women's rights groups internationally, we choose our language carefully in order to demystify myths that surround the experiences of women and other marginalised groups in the digital space.

A gendered phenomenon

To begin with, the outbreaks that women face on the internet are a clearly gendered phenomenon. The United Nations found that women are altogether 27 times more likely than men to be molested online⁵. Equally, research shows that, whilst men are still attacked on the internet for their opinions, the hateful

content women are bombarded with is overtly motivated by their gender, and of an intensely sexualised nature. For instance, a man is statistically less likely to have explicit images of himself shared electronically without his consent. On the other hand, a 2019 study from the University of Exeter tellingly indicated that about three out of four victims of non-consensual pornography⁶ in the UK were female⁷. Women, significantly more than men, also receive unsolicited pornographic material (so-called cyber-flashing), are lured through technology into unwanted sexual interactions or persecuted by cyber stalkers, and have pictures secretly taken underneath their clothing (a practice known as up-skirting or down-blousing)⁸.

At the same time, women of colour, and those who belong to ethnic, religious and sexual minorities find themselves at the intersection of multiple, vicious assaults. As reported by Amnesty International, black British MP Diane Abbott attracted ten times more online violence than any other female politician in the runup to the 2017 General Election⁹. Christine Hallquist, an openly transgender US nominee for governor in Vermont, quickly became the target of trans-phobic hate and death threats from the day she announced she was running. Comparing databases from differently designed inquiries can hardly lead to definite results, but existing studies seem to indicate that LBTQ women are also more exposed to various forms of internet abuse¹⁰.

'Real' violence

Having established the gendered and intersectional nature of this phenomenon, we should reflect on the importance of characterising it as 'violence'. In fact, the use of words such as cyber-trolling and virtual harassment risks erasing the very real consequences of digital gender-based abuse on both survivors and their communities¹¹.

International research consistently shows that women who are struck online experience symptoms comparable to those of domestic or sexual violence victims. Specifically, a University of Northumbria inquiry based on the experience of over 200 survivors revealed that over 40 percent of online misogyny victims were very 'worried' after the incidents, and 'stress' and 'anxiety' were equally frequently reported¹². Twenty-six



percent of them described what had happened as 'really traumatic' – a response which was mirrored in a second study conducted by Amnesty International and social enterprise Atalanta with tens of survivors¹³. A great number of them spoke, too, of trauma-related symptoms, and of feeling dehumanised and afraid.

Furthermore, online and offline aggressions tend to exist on a continuum¹⁴, in the sense that digital assaults may well jeopardise the physical safety of the people involved in more than one way. This is, for example, the direct effect of doxing (posting someone's details and picture online, say on a dating or pornographic website, so that her mailbox or even doorbell are flooded with undesired approaches). Causing very tangible consequences is also the very purpose of leading an online defamatory crusade to boycott a feminist book or a woman's business, to 'out' a LGBTQAI+ person on social media, or to distribute 'deepfaked' pornographic videos - all increasingly common occurrences worldwide¹⁵. Additionally, data collected in different countries indicate that perpetrators of typically analogue types of abuse, such as domestic violence and stalking, are making an increasingly heavy use of digital tactics¹⁶.

These developments should not come as a surprise. New technologies create opportunities for women and for all, but reflect and even magnify centuries-old misogynistic dynamics. Moreover, there are several, unsettling aspects that are specific to digital abuse. Above all, digital devices provide perpetrators with the option to attack anonymously and in a pack-like way, shattering targets' sense of safety and intimacy. They also make traces of their victimisation nearly impossible to remove from the internet¹⁷, causing both immense pain and often irremediable reputational damage.

Far-reaching ramifications

The use of digital technologies has become for most of us not only a daily habit, but a professional and social necessity, further enhanced by the COVID-19 pandemic. Our increasing reliance on technology and connectivity is yet another reason to take digital gender-based violence seriously and ponder its weighty repercussions in terms of women's human rights, social justice and democratic health¹⁸.

There is clear evidence that digital violence survivors often consider abandoning the online platforms on which they have been attacked, as well as online activism, their job or their industry¹⁹. Even those who decide not to are still forced to waste precious time and energy, which could otherwise be devoted to personal development, work or community service. Those with fewer resources or with a previous experience of trauma may be, of course, more easily discouraged. Critically, these developments threaten to worsen the under-representation of women (and especially of non-white, non-heterosexual, and economically vulnerable ones) in many fields, public conversations and decision-making arenas²⁰. Findings from both Europe and Australia have already highlighted a disturbing reality²¹: young women may feel put off from engaging in politics due to a history or fear of online violence.

We feel strongly that women's participation across all sectors is not simply a prerequisite for a truly inclusive and fair democratic polity. It is also necessary to ensure that gender and intersectional concerns are actually integrated into policymaking at both the political and organisational level. This is why, if not appropriately addressed, digital gender-based violence risks causing both a huge loss of female talent and a strong pushback against women's rights.

Connecting the dots

Reflecting on the pandemic proportions of digital gender-based attacks worldwide also helps us unveil its structural causes, and connect seemingly different manifestations of online abuse to one another.

The big picture: digital violence and the backlash against women's rights

First of all, we deem it crucial to see beyond the simplistic narrative that blames a global, systemic phenomenon exclusively on individual perpetrators. Indeed, digital violence does not happen in a vacuum. It intersects with the general backlash against women's rights that we witnessed in recent years²², as well as with the dramatic impact that the digital revolution has had on how we understand and experience the world.



On the one hand, over the last decade digital technologies have enabled women and other historically oppressed groups to connect, express and voice their grievances, and have brought younger generations to engage with the gender justice cause. The current 'feminist revival', however, should not obscure the backlash against women's rights that is taking place in several parts of the world²³. The EU Fundamental Rights Agency²⁴ has repeatedly warned that gender-motivated violence and discrimination in the continent have reached disquieting levels, and attempts are being made to revitalise sexist legislation and restrict women's reproductive rights and freedom of speech. Feminist groups and initiatives are also under attacks in a number of countries in and outside Europe, while the spaces and resources afforded to civil and social rights groups are shrinking globally²⁵. The bulk of our argument is that the very same technologies that played a pivotal role in promoting 'fourth wave' feminism are contributing to these new manifestations of gender injustice.

To begin with, there is evidence that a number of political actors, including at the highest legislative and executive levels, are involved in an extremely problematic, even violent use of digital devices and especially social media. Starting from the early 2000s, female politicians, journalists, feminist and social justice activists have been aggressively attacked online, with these onslaughts constituting a part of deliberate, well-orchestrated campaigns²⁶. Among the many targets of these operations, were Italy's former President of the Chamber of Deputies Laura Boldrini and minister Cécile Kyenge²⁷, British MPs Jess Phillips, Diane Abbott and Luciana Berger, prominent US figures such as Hillary Clinton, Alexandria Ocasio-Cortez and Ilhan Omar, MEPs Julie Ward and Ana Gomes, Australian Prime Minister Julia Gillard, as well as international activists like Laura Bates, Jessica Valenti and Kübra Gümüşay²⁸ and journalists such as Cathy Newman, Rana Ayyub and Jessikka Aro²⁹. In all of these cases, online rape and death threats, very intense gendered slurs, fake pornographic materials and doxing were used not only to silence critical voices as a way to attract or consolidate support from a growing segment of far-right internet users, who had come to embrace extreme misogynistic (as well as racist, anti-Semitic, Islamophobic and sometimes anti-LGBTQAI+) positions³⁰.

Existing research has connected these developments, and more broadly the surge in far-right and 'men's rights' activism, to the narrative centred around so-called "gender ideology". This made-up term is an intentional misrepresentation of both feminist and 'queer' concerns, and of findings from the field of gender studies and other gender-sensitive bodies of scholarship.³¹ The idea that women's and LGBTQAl+rights causes represent a threat to family life and religious freedom has recently penetrated several conservative European and global political spheres, together with conservative sectors of the electorate. Targeting online proponents of gender equality or giving them vitriolic coverage has thus become a tactic to manipulate citizens' political consent.

The effects of a misogynistic online environment on individual behaviour

Findings from the fields of cyber-psychology help understand how these political trends relate to micro-level behaviours³². Online misogynistic rhetoric, of course, can be seen as strengthening existing gendered beliefs and stereotypes³³. But the peculiar effects of hanging out online on the social identities and perceptions of internet users are also an important part of the picture. The anonymity granted by many internet services, in fact, may translate into substantial impunity or, at least, offers users that illusion³⁴. As different offenders are able to act anonymously and simultaneously across various countries, a mighty combination of power and a sense that this has little to do with 'real' life makes them feel entitled to abuse. In cases of visceral harassment, cyber-psychologists have revealed³⁵, this dissociation mechanism brings many perpetrators to distance themselves from their digital wrongdoings, causing them to de-humanise their victims and stop considering them as real people.

Internet users, then, and especially, even though by no means exclusively, disenfranchised men, become an easy prey for groups that seek to radicalise them for private or political purposes, and prompt them to start engaging in violent behaviours³⁶. Digital arenas become thus a fertile space for the reproduction of die-hard misogynistic ideas³⁷, which contributes to shaping the public discourse, informs the way gender is constructed in society, and increases the



salience of feminist (and anti-feminist) themes in contemporary politics.

Non-consensual pornography is, in particular, a case in point³⁸. Women of all ages and backgrounds (but young and digitally active ones in particular) are victimised as a form of retaliation (hence the popularity of the inaccurate term 'revenge porn', misrepresenting a phenomenon that is infinitely more complex), or for private gains. Despite attempts to criminalise this conduct worldwide, indeed, non-consensual images are still distributed on both smaller, illegal channels, and on mainstream pornographic 'tube' sites, which have supposedly banned this type of material, but often fail to remove them in a timely manner³⁹. The popularity of these explicit videos has turned them into a popular genre, which fills the pockets of profiteers and contributes to normalising violence against women. As a consequence, leaked or fake pornographic videos are also used to smear and silence female political opponents, journalists and feminist campaigners. This perfectly epitomises the vicious cycle that connects different forms of gender-based violence to one another - the violation of women's bodies violation becomes simultaneously a daily occurrence, a political weapon and a source of profit.

A brief note on the tech industry

A thorough analysis of gender and intersectional injustice within the tech industry falls outside the bounds of this paper. However, understanding the complex relationship between technology and gender disparities is key to understanding digital violence.

As experts from the field known as Feminist Technoscience have long pointed out⁴⁰, women (and particularly non-white ones) have historically been excluded from the production of technology, including digital artefacts and information and communication devices. Still today, they remain underrepresented at the top of the digital sector, as well as in the political bodies where critical decisions are made regarding tech and internet regulation. They are, instead, present at the bottom of the ladder, where many of them work in precarious jobs part of the tech industry supply chain, mostly in developing countries⁴¹. Cutting-edge research shows that these engrained

patterns of inequality have important repercussions on the lives of technology users. For instance, gender bias and various forms of racialised and discriminatory beliefs are regularly embedded into the coding of algorithms and other artificial intelligence solutions⁴². Furthermore, as sexism and bigotry are still widespread within the tech industry, digital gender-based violence is less likely to be taken seriously by decision-makers.

A roadmap for action

Making sense of the intricate dynamics that underlie digital gender-based abuse is the first step towards tackling it. As our succinct discussion sought to demonstrate, the multifaceted characteristics of the onslaught we are facing call for long-term thinking, multi-level solutions and cross-sector collaborations. We refer to our 2019 policy paper 'When technology meets misogyny'⁴³ for an exhaustive analysis of good practices and recommendations in this area, but summarise the main tenets of our approach here:

Legislative interventions

We believe that national and international legal reforms are needed to address the many existing legislative loopholes⁴⁴. In several EU member states and many more countries around the world, for example, image-based abuse is not yet criminalised (specific legislation in this area has been adopted in France, Germany, Malta, Ireland, Slovenia, Italy and Romania. The UK, still an EU member at the time, in 2015 has also made it a criminal offence in 2015). We should, however, take into account that several provisions at the state, EU and international level (say, on matters of privacy, stalking, hate crimes, sexual and gender-motivated harassment, and discrimination) can be successfully utilised to address digital abuse. For this to happen, though, it is imperative that legal and law enforcements personnel are trained to recognise the gendered nature of digital abuse, and to effectively apply existing regulations⁴⁵.

Regulating the tech industry and the internet

Among the most urgent legal reforms we need, that are interventions aimed at increasing the accountability of the digital sector⁴⁶. Tech platforms, we find,



must be pushed to adopt more efficient and transparent reporting mechanisms, take down notices, moderation, data policies and internal gender equality commitments. The agency-like news status of social media companies also needs modifying, in order to make them more accountable for the violent or discriminatory contents that are shared on them. More broadly, their use in the context of election campaigns must be carefully regulated, and equal representation within the bodies that make important decisions on this should be ensured.

Educating to prevent

Policing digital gender-based violence is necessary, but an approach excessively focused on criminalisation may be detrimental. Education is, instead, essential to preventing not only online abuse but any type of violence against women and marginalised groups⁴⁷. This is why we see comprehensive sexuality education programmes as a major factor in the elimination of the stereotyped thinking and social norms that cause all violent behaviours⁴⁸. Not only do we recommend that digital gender-based violence are integrated into sexuality education curricula, gender-sensitive training on these issues must also be offered to adults within workplaces⁴⁹, especially for certain categories and organisations (i.e. tech firms, media companies, legal and law enforcement staff or those with educational responsibilities, health providers and policymakers - a solution that has already been experimented with in some member states such as France). Capacity building and coordination of best practices in this area are also vital.

Increasing resources

Women's rights organisations are painfully underfunded, and many need specialised training and funds to best withstand digital attacks. Specific logistic and financial resources should be devolved to support digital violence survivors, as well as the grassroots groups that work with them. Finally, we see cross-sector cooperation between these organisations, lawmakers, and workplaces as another decisive step⁵⁰, together with long-term initiatives aimed at fostering gender justice within the political and economic system.

What about the EU?

Unfortunately, the EU legal system does not currently include any specific legislation on digital gender-based violence. However, we propose that several other tools (legislative provisions, soft law instruments, European Parliament resolutions, European Commission strategies) could be used to address digital abuse. These include:

GDPR

The European Union adopted and implemented the General Data Protection Regulation (GDPR) in 2016. It regulates the collection of personal data from individuals - namely any information, single or aggregated, that can be linked to an identifiable person⁵¹. Aiming to improve people's rights to control, access and dispose of their personal data, the regulation puts users' 'freely given, specific, informed and unambiguous consent' at the core of its system. It also creates an obligation for companies to carefully consider user privacy as central to any technology development. Under GDPR provisions, then, individuals responsible for digital violent acts such as non-consensual pornography, as well as the platforms that distribute violent content, can be all regarded as 'data collectors' in violation of EU law.

E-Commerce Directive

Another relevant piece of legislation is the Directive on e-commerce adopted by the EU in 2000, which aimed at harmonising rules on electronic trade, including on the liability of service providers, and is still in force⁵². The directive contains liability exemptions for online service providers with a neutral role (that is, those that are not considered as 'editors', but simply as 'platforms', such as social media firms). Therefore, these entities are obliged to remove the illegal or violent content that they may host, but only when they become aware of it. Generally speaking, the directive creates a system to flag and remove specific online content, and allows member states to request that a service provider takes down illegal materials. However, its provisions have long been considered obsolete, and not comprehensive enough to address the many challenges that our digitalised societies face, including digital gender-based violence. In particular,



the Directive was conceived in a historical context where 'passive hosts' such as websites and email services were the main sources of online contents. In sharp contrast, today's platforms publish and organise user-generated content through a wide range of algorithmic solutions. Updated legislation should therefore reflect two key points: first, platforms' responsibility as 'active hosts' of the digital materials shared by their users, and second, the need to increase the transparency and accountability of algorithms' own functioning.

The Digital Services Act

In December 2020, the European Commission proposed to the European Parliament and Council the adoption of a Digital Services Act, which once approved would replace the E-commerce Directive⁵³. This new piece of legislation has the ambition of putting the EU at the forefront of an unprecedented effort to regulate the digital sector ensuring that individual freedoms and rights are respected within the digital space.

Once the process of approval is completed, the new Digital Services Act should provide a rulebook for platforms on how to manage content which has been flagged as illegal, abusive or violent. The new document, however, continues to exclude the liability of tech platforms for the content uploaded onto them (the socalled 'good Samaritan rule'), at least up to the point the illegal content has been signalled by anybody⁵⁴. Only this would trigger the host's liability of the host and create an obligation to remove the content or block access to it. On the positive side, the directive will improve the transparency of decision-making regarding take-down procedures of illegal content, including non-consensually shared private images and messages sent as part of a stalking behaviour. Platforms will be required to conduct annual risk assessments, reporting on how they addressed systemic challenges such as the dissemination of abusive materials⁵⁵. Notice and action mechanisms to ensure effective reporting of illegal content will have to be established.

Other relevant directives

Other relevant provisions within the EU framework include the Victims' Rights Directive, Directive on combating the sexual exploitation of children online and

child pornography, and the Directive on preventing and combating trafficking in human beings and protecting its victims. These instruments, unfortunately, lack a focus on the specific implications of violence motivated by gender, and leave some critical gaps in the protection the EU provides on matters of digital gender-based abuse. Altogether, the transnational nature of crimes⁵⁶ falling into the spectrum of digital violence makes more comprehensive legislation on this even more necessary.

Initiatives from the von der Leyen Commission

The von der Leyen Commission has made gender equality one of its priorities. Apart from being the first European Commission College chaired by a woman, for the first time it includes a Commissioner for Equality, Helena Dalli, in a role which seeks to mainstream gender issues at all levels within the Commission's work, crossing over various directorates⁵⁷. At the beginning of last year, the Commission has presented its Gender Equality Strategy 2020-2025 at the beginning of last year, which was welcomed by civil society stakeholders.

Significantly, the new Strategy includes a clear reference to the impact of digital gender-based violence on women's participation in society and on the democratic process as a whole, as well as to the implications for survivors' lives and physical and mental health. In the Strategy, the Commission commits to including mechanisms to remove gender-sensitive content from online platforms as part of the Digital Services Act, and pledges to facilitate the development of a new framework for cooperation between internet platforms. This should take place under the umbrella of the EU Internet Forum, which has already led to the adoption of the EU Code of Conduct on countering illegal hate speech online⁵⁸. Launched in 2016, the Code applies to some of the largest tech companies, which pledged to take voluntary action to review the majority of reported instances of hate speech in less than 24 hours, and remove them when necessary. Importantly, however, at the time of adoption, misogynistic harmful content was not included in the agreement reached with the companies. Furthermore, it remains a self-regulatory tool, marked so far by uneven enforcement and insufficient procedural guarantees. While not without its



faults, the Code is still largely considered a positive first step, which the Commission and various stakeholders are eager to expand and improve to address gender-motivated abuse.

What else could be done?

Together with other women's rights activists across the continent, we welcome the ethos and efforts of the new Commission. Still, we recommend stronger EU engagement on a number of crucial points:

- Filling the data and information gap: while our understanding of digital gender-based violence has much improved in recent years, constant monitoring is needed, together with the regular evaluation of any implemented solutions. We believe the EU should actively promote national and inter-State data and information sharing, and the exchange of legal and technical skills on these issues. Drawing on this, EU and State-level personnel in key decision-making positions also need to be regularly trained.
- Enhancing legal protections: as long recommended by women's rights a groups, a general directive on gender-based violence, containing definitions of the different types of its various forms and explicitly mentioning digital abuse, must be adopted (potentially with its legal basis in art. 83 TFEU on judicial cooperation in criminal matters). At the same time, it is critical that the Istanbul Convention is implemented by all member states and ratified by the EU.
- Regulating digital services in the EU: while the new Digital Services Act would certainly contribute to preventing various forms of abuse, we find that illegal content and behaviours should be defined more accurately in the document, so as to explicitly cover digital gender-based violence. Mechanisms to improve the responsiveness of digital platforms once abuse is reported should also be included, especially considering that, once violent or non-consensually shared contents are repeatedly downloaded and distributed, it becomes nearly impossible to re-

move them from the internet. More broadly, we recommend that the new legislation explicitly addresses the ways in which algorithmic solutions may reproduce and enhance gender bias and other forms of discrimination. Making the 'black box' of algorithms more transparent is a good way to start, but once biases have been identified appropriate interventions must also be promoted.

· Taking the effects of digitalisation on broader democratic processes seriously: voluntary instruments such as the EU Code of Conduct, whilst helpful in terms of promoting accountability (including on gender-sensitive matters), are insufficient to address in a timely and effective fashion the use of violent digital contents for political gains. In particular, the use of digital platforms during election campaigns remains largely under-regulated, and the disproportionately high influence of a small number of tech companies on political processes has hardly been addressed. As noted above, online violence against women and non-white politicians, journalists and activists is an alarming form of digital abuse, and needs to be understood in the wider context of online radicalisation.

We find that the recent European Democracy Action Plan⁵⁹ may provide an encouraging framework for future approaches to the digitalisation of politics. This strategic document, in fact, seeks to guarantee greater transparency regarding political advertising, and includes guidance for political parties and EU Member States in preparation for future European Parliament and national elections. Importantly, the Plan also aims to promote equality at all levels in access to democratic participation. These strategic orientations need urgent and concrete follow-ups, especially in terms of proactive steps to ensure gender balance in decision-making and combat anti-democratic attacks that may dissuade women, LGBTQAI+ persons and minority groups from being politically active.

 Fighting digital gender-based violence during the pandemic: during the COVID-19 outbreak, our reliance on digital devices has signifi-



cantly increased. As millions of women worldwide have connected to the internet to work or study from home, their exposure to digital stalking, sexual harassment and other forms of gender-motivated abuse has increased significantly⁶⁰. In France, for instance, a new trend has involved a type of Snapchat or Telegram account called "ficha" (for "afficher", to ridicule in public). These local accounts repost nude images of young women – sometimes underage -, revealing both their identity and contact information, and directing mobs of sexual abusers against them⁶¹. Similarly, in the UK, traffic on the Revenge Porn Helpline doubled in the week beginning 23rd March 2020. According to Europol, demand for pedo-pornographic online materials has also risen over the last few months⁶².

At the same time, having to both self-isolate and remain digitally connected for even longer than usual can trigger trauma-related symptoms in survivors of digital violence, which the stress caused by the pandemic might even intensify. Tragically, these reactions may jeopardise many women's chances to access vital services, study and work opportunities, and to contribute to public debates and community development.

So, finally, with all this in mind, we recommend that resources from the Next Generation EU recovery fund⁶³ are also allocated to support digital gender-based violence survivors, as well as the organisations that work to address the phenomenon. While funding allocation remains entrusted to Member States, we believe that European institutions could incentivise national governments to integrate these objectives into their national spending plans.



Naming it, fighting it: a multi-level analysis of digital gender-based violence

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