COUNTRY PROFILE: ZIMBABME



SUMMARY TABLE: ZIMBABWE			
FORMAL INSTITUTIONAL CONTEXT	 Though the current Constitution includes provisions for nondiscrimination on the basis of sex, Subsection 23(3) effectively claws back the protection by allowing customary law to supersede the Constitution in matters of personal law. A new Constitution is being drafted under the Global Political Agreement. A recently published draft has been accepted by at least some women's organizations as offering redress for historical inequality and protecting women's rights. However, the consultation and drafting processes has been ongoing since 2008, and the election call has been repeatedly pushed back. 		
REPRESENTATION	 Zimbabwe has the lowest representation of women in Southern Africa with 13% of parliamentary seats held by women. The Vice President and one of the deputy Prime Ministers are women. Women's organizations are lobbying to have a 50% quota for women's representation included in the new Constitution. 		
ECONOMY	 Real GDP growth has fluctuated in recent years: from 9% in 2010 to 4% in 2012. It is predicted to rise in 2013 to 6%. Extreme inflation in 2008 led to the rejection of the national currency in favour of South African Rand and US Dollar. Zimbabwe is subject to international sanctions (US, UK, EU, Canada, Norway, Switzerland, and Australia) 		
EDUCATION	 Zimbabwe has the highest literacy rate in Africa: 95% of men and 89% of women are literate. The overall gender parity ratio for enrolment is 0.93; however, it declines at upper levels. There is evidence that the economic crisis has led to increased dropout rates, particularly for girls and rural students. 		
LABOUR FORCE	 Unemployment is very high with some estimates finding 57% of women and 31% of men are unemployed. 83% of women's employment is categorized as vulnerable, compared to 66% of men's. Only 17% of women over 65 receive a pension, compared to 40% of men. Only 8% of the population has a health care plan. Women have sole access to parental leave. Maternity leave benefits are solely covered by employers at present, though discussions are underway to shift the responsibility to the government. 		
AGRICULTURE AND LAND TENURE	 69% of the population lives in rural areas; 70% make a living from agriculture. Women have benefited less than men from land reform: womenheaded households represent 18% of beneficiaries from the Model A1 program for landless people; 12% of Model A2 beneficiaries for commercial farms are women. 75% of women have received training in agriculture; 59% have accessed extension services. 		

FAMILY	•	Most laws around division of property and inheritance are
		gender-neutral; however, they are also superseded for many
		women who are subject to customary African laws.
	•	80% of rural marriages are unregistered unions, subject to few
		legislative regulations or protections.
	•	Fathers are sole legal guardians of children in all unions.
	•	Male homosexuality is illegal in Zimbabwe.
POVERTY, INCOME INEQUALITY & FOOD SECURITY	•	Zimbabwe is ranked 173 out of 187 countries on the Human
		Development Index.
	•	Women head 45% of households, 72% of which are below the
		poverty line.
	•	Following structural changes in the agricultural sector, food
		insecurity increased exponentially. Dependence on food aid has
		decreased in recent years; 1.6 million people relied on food aid in
		2012, down from 7 million in 2009.
HEALTH	•	The maternal mortality rate is 960 out of 100,000 births.
	•	41% of 19 year olds have had a live birth.
	•	1.1 million Zimbabweans have HIV/AIDS, 61% of whom are women.
		Transmission rate was 15% in 2009, compared to 27% in 2001.
GENDER-BASED VIOLENCE	•	The Domestic Violence Act was enacted in 2006. In 2008, a
		gender-based violence strategy received targeted allocation in
		the national budget, though implementation has been slow.
	•	30% of Zimbabwean women have experienced physical violence
		and 22% have experienced sexual violence, most often
		perpetrated by a current or former partner.
	•	There are reports that an intimidation campaign of torture and
		rape of opposition supporters occurred during the 2008 election.
		A code of conduct for political parties established by the Organ of
		National Healing, Reconciliation and Integration may be in place for the next election.
	_	Zimbabwe's agricultural sector, and consequent food security, is
CLIMATE CHANGE	•	at considerable risk due to climate change related shifts in
		weather patterns.
	•	The Government of Zimbabwe is currently working on an
		overarching climate change policy.
	•	Zimbabwe has a vibrant and active civil society.
CIVIL SOCIETY AND WOMEN'S MOVEMENTS	•	The sector is currently engaging with the Government as part of
	-	the new Constitution development process.
	•	Long standing women's organizations and new coalitions are
	-	working to integrate their concerns into the new Constitution to
		institutionalize women's rights and gender equality in Zimbabwe.
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INTRODUCTION

Women in Zimbabwe are under-represented and under-protected in the labour force and face barriers to land ownership and resource control, particularly for those in rural areas bound by customary laws. Economic and political crises of recent years have had a heightened impact on women, who are overrepresented among the poor, have culturally restricted access to resources and opportunities, and are vulnerable to violence, in the home, the community and in the political arena.

Zimbabwe (population 12.6 million¹) has been ruled by an authoritarian government since independence in 1980. In 2008, after highly contentious elections, mediation resulted in the Global Political Agreement and a coalition government between Robert Mugabe's Zanu PF and the Movement for Democratic Change (MDC). The Inclusive Government is hoped to bring in economic stability, equality and national reconciliation². A new Constitution is being drafted; input from women's movements and civil society organizations could result in more progressive gender equality provisions and protection of women's rights. However, these reforms will have to compete with persistent patriarchal norms and practices, and opposition from customary leaders who have considerable authority under the current dualistic system of personal law.

FORMAL INSTITUTIONAL CONTEXT

The current Constitution does not adequately protect women's rights and gender equality. Though Section 23 prohibits discrimination, including on the basis of sex, it also includes a claw back provision (subsection 3) that allows customary law and practices to supersede constitutional provisions of rights. For instance, the legal age for marriage is 18 years, but as the Customary Marriage Act merely requires the consent of a guardian and does not specify an age, there is little to prevent the marriage of girls younger than 18. Critics are also concerned that the Constitution makes no explicit reference to women's equal rights³.

A national Gender Policy was instituted in 2004 for the purpose of mainstreaming a gender perspective in policymaking and programming across the national government⁴. The policy Implementation Strategy delineates responsibilities, including quarterly reports, for "gender focal persons" in government agencies and ministries, centrally and at the community level⁵. As well, senior officials have received training in gender budgeting⁶. The Ministry of Women's Affairs, Gender and Community Development was established in 2005. Among other duties, the Ministry is responsible for the Women's Development Fund to assist women in income generating projects. The Fund was allocated US\$1 million in the 2010 Budget⁷. The effectiveness of the Ministry is undermined by resource constraints and lack of authority⁸.

Under the Global Political Agreement, a new constitution is to be drafted and voted on in a referendum before the next national elections, expected to take place in 2013. Local and regional civil society organizations and women's movements have put significant pressure on leaders to include more progressive gender equality provisions in the new constitution⁹. The Constitutional Parliamentary Committee overseeing the constitutional reform process set guidelines for gender balance in the thematic committees¹⁰. The drafting process included a national women's consultative conference in 2009, organized by the Ministry of Women's Affairs, Gender and Community Development. The recommendations of the conference, such as equal representation and the prohibition of discrimination on the basis of customary law, have been incorporated into the draft Constitution¹¹.

Recently, a review by the Zimbabwe Women Lawyers Association found that the draft Constitution incorporates most of the women's movement's demands and provides a "solid legal framework for the protection and promotion of women's fundamental rights and freedoms". It would also create a Gender Commission with oversight over gender equality issues, as a subsidiary of the Zimbabwe Human Rights Commission (ZHRC)¹². Though the ZHRC was established in 2007, legislation for the Commission has yet to be enacted. The new Constitution is expected to also address this gap in Zimbabwe's human rights institutional infrastructure¹³.

REPRESENTATION

Currently, the country is ranked 88th globally and last in Southern Africa for women's representation in government¹⁴. Though both Zanu PF and the MDC claim to have quotas for women in politics (30% and 50% respectively), neither have been effectively applied¹⁵. Zimbabwean women's participation is limited by lack of resources, ongoing political violence and male-biased internal party systems. With no quota requirement for women's participation, the predominately male leadership and member-base of political parties are able to maintain a status quo of male participation¹⁶.

Only two women participated in the negotiations for the Global Political Agreement in 2008¹⁷. As of November 2012, women represent 28/210 (13%) seats in Parliament, 23/91 (25%) seats in the Senate, and 12/57 (21%) Cabinet positions¹⁸. Zimbabwe's coalition government has had a female vice-president (Zanu PF) since 2005 and a female deputy Prime Minister (MDC) since 2009¹⁹. Out of 217 Chiefs, only six are women. Women's representation among Chiefs is unevenly distributed across the country: four are from Matebeleland and two from Mutoko²⁰.

ECONOMY

Zimbabwe's economy contracted from 1998-2008, as a result of a highly unstable political situation characterized by repression of opposition and disorganized,

undemocratic agriculture sector reforms that led to the collapse of the commercial subsector. In 2009, to address out-of-control inflation, which peaked at 11.2 million per cent in 2008²¹, the government adopted the South African Rand, the Botswana Pula and the US dollar²². The country's economy has continued to fluctuate: real GDP growth fell from 9% in 2010 to a projected 4% in 2012. It is expected to improve in 2013, with a projected growth rate of 6%.

Challenges to economic stability and growth include limited capital sources, policies for the indigenization of foreign-owned sectors of the economy, inadequate infrastructure, and uncertainties surrounding the coalition government and pending national elections²³.

Responding to human rights violations and political violence by the Government of Zimbabwe, the U.S. and EU have imposed economic sanctions on Zimbabwe since 2002²⁴. Canada introduced sanctions in 2008²⁵. The UN High Commissioner for Human Rights warned in May 2012 that these sanctions, which target individual members of the Government, are also deterring investment in the country and have had a highly negative impact on Zimbabweans' health and welfare. In particular, she noted that the maternal mortality rate had increased by 40% since 2005²⁶. The EU has stated that, following a "credible referendum on a new constitution", it will suspend its sanctions²⁷.

Services contribute slightly more than half of the national GDP (55%); the rest is composed of agriculture (20%) and industry (25%)²⁸. The informal economy represents 60% of GNI, well above the sub-Saharan average of 42%²⁹.

EDUCATION

Despite a primary education system that is neither free nor compulsory, Zimbabwe has the highest literacy rate in Africa³⁰. The UN Statistics Division finds that 95% of men and 89% of women are literate³¹. Importantly, literacy rates are high in both urban and rural settings; the 2010–2011 Zimbabwe Demographics and Health Survey found that 98% of urban women and 91% of rural women are literate³².

Gender ratio for overall school enrolment is 0.93 in favour of boys³³. However, numbers decrease with level of education: 78% of men and 70% of women have attended secondary school. Furthermore, only 59% of rural women have secondary school, compared to 86% of urban women³⁴. Only 7% of the population has completed tertiary education, 41% of whom are female³⁵. Affirmative action policies have been introduced to increase women's enrolment in tertiary programs. The target of 50% enrolment has been met for teachers' college, but continues to be around 30% for technical and vocational training³⁶.

There is evidence that education levels declined as a result of the 2008 economic crisis. Zimbabwe has a high rate of education at the primary level; however, this

status has deteriorated recently. Whereas 5% of the overall population over 5 years has no education³⁷, 10-15% of children have never attended school³⁸. In 2009, only 20% of children passed the Grade 7 exams, a significant decrease from 46% in 2003. An increasing number of children are forced to drop out, particularly girls and students in rural areas³⁹.

An important barrier to girls' education is the prevalence of sexual harassment and assault by male students and teachers. 16% of unmarried women who experienced physical violence, and 2% of women who experienced sexual violence before the age of 15, blame a teacher⁴⁰. In 2000, the Ministry of Education introduced a statutory instrument that prohibits intimate relationships between students and teachers. However, it is still common practice for parents to marry their child to their assailant⁴¹.

LABOUR FORCE

Estimates of unemployment find that 57% of women and 31% of men are unemployed. Women's labour force participation rate (83%) is somewhat lower than men's (90%)⁴². Women tend to be employed in more vulnerable occupational categories; 83% of employed women are own-account or contributing family member workers, compared to 66% of men⁴³. 13% of women in agriculture and 3% of women in non-agricultural employment do not receive any pay for their work⁴⁴.

The Government recently established an economic policy framework which mainstreams gender into key sectors including mining, manufacturing, tourism and agriculture. Officials argue that delays in its progress are due to lack of resources, in part resulting from international sanctions on Zimbabwe⁴⁵.

According to the Zimbabwe Demographic and Health Survey, the majority of women have a say in how their earnings are spent (62%) with one third deciding on their own. However, 63% do not own a house and 64% do not own land, jointly or individually⁴⁶.

Access to pensions is limited, with only 17% of women over 65 years receiving benefits (compared to 40% of men). 68% of those not eligible for pension are in rural areas. Only 8% of Zimbabweans are members of a medical plan (8% women; 9% men)⁴⁷. The Labour Act provides for 98 days of maternity leave, but no leave for fathers⁴⁸. At present, women are eligible for three maternity leave periods from the same employer and may not claim benefits twice within two years. The government has indicated that it is planning to reform the system to relieve employers of the duty to pay benefits⁴⁹.

AGRICULTURE AND LAND TENURE

Close to 70% of Zimbabweans live in rural areas and make a living in agriculture⁵⁰. Agricultural occupations tend to be low paid, representing 42% of women and 52% of men in the lowest income quintile. Further, 60% of women in agriculture are seasonally employed⁵¹. Although women are involved in most value chains, in general, they are culturally barred from participating in trading components of the agribusiness industry⁵².

After independence, resettlement programs were implemented to redress racial imbalances in land ownership. However, unequal land distribution, insecure tenure and unsustainable land use practices continue to plague the country⁵³. Furthermore, due to shortages in fuel and inputs, underinvestment in infrastructure, lack of credit and weak support services, only about half of the reallocated land is being cultivated⁵⁴. With rising unemployment, male family members are increasingly moving away from rural areas to find work, increasing the number of female-headed households requiring legal and substantive access to land and resources⁵⁵.

The Fast Track Land Reform Programme launched in 2000 aims to redistribute land in a more systematic and equitable manner⁵⁶. In 2003, the Presidential Land Review (Utete) Commission found that women have not benefited equally from the programme: women-headed households constituted 18% of beneficiaries under the Model A1 program for landless people. Under the Model A2 program to create small-and medium-scale indigenous commercial farms, women constitute only 12% of beneficiaries. Despite giving more points to women at the start of the process, lack of credit and asset ownership, as well as patriarchal attitudes have limited the number of successful Model A2 applications by women⁵⁷. Lack of information is also an important barrier for women – though 75% of women in agriculture had received some form of formal training, most had low understanding of land rights and land reform programs. 59% of women, mostly in monogamous marriages, have accessed extension services⁵⁸.

Rural district councils, often advised by local Chiefs or headmen, distribute permits to communal land. These councils have tended to favour war veterans and members of the ruling party. Since the Utete Commission, both husband and wife must be named on a land permit⁵⁹, but under Section 23(3) of the Constitution, customary laws on inheritance can take precedence over constitutional rights, leaving widows without protection⁶⁰. Though the Matrimonial Causes Act of 1985 allows for equitable division of property and assets in the case of divorce, the onus is on women to prove their contribution to the marital home in court in order to claim their due⁶¹.

FAMILY

Zimbabwean women were considered legal minors until the Legal Age of Majority Act was passed in 1982, allowing them to own property. However, Section 23(3) of the Constitution is still used to argue that customary laws, which do not give women such rights, have precedence over the Legal Age Act⁶².

There are three types of marriages in Zimbabwe: civil marriages, governed by the Marriage Act; registered customary marriages, which include polygamous marriages (11% of married women are in polygamous marriages⁶³); and unregistered customary law unions⁶⁴. The Marriage Act (5:11) specifies a minimum age of marriage of 16 years for women and 18 years for men⁶⁵. The median age of first marriage is 19.7 years for women and 24.8 years for men⁶⁶. Though disallowed by both the Customary Marriage Act (5:07)and the Marriage Act (5:11), early marriages, including the pledging of young girls, still occur. Lobola (dowry) is commonly paid to the brides' family by her future in-laws⁶⁷.

Though the Marriage Act contains provisions for division of property upon divorce, including for customary marriages, full power is given to the courts to determine rightful division of property and assets; many women do not apply for their rightful property because of strong discrimination in the courts⁶⁸. Approximately 80% of rural marriages are unregistered unions and, although they are recognized by society as valid, they are only subject to customary law on guardianship, custody and succession rights of any children. There is no legal recourse for women leaving such a union⁶⁹.

Guardianship of children is still the right of the father in all unions. Mothers only have the right to be consulted and may apply to a judge if they do not agree with a decision⁷⁰. Recently the Zimbabwe Women Lawyers Association won a test case establishing that either parent may obtain a passport for their child. Though the judgement in this case does not dispute the premise that a father is the sole guardian of any child, it is a step towards nondiscrimination⁷¹.

Male homosexuality is criminalized in Zimbabwe, though this is not the case for lesbians. Prison terms range from one month to ten years. LGBT people face considerable discrimination and harassment, as well as limited access to medical care and treatment⁷². When questioned on including LGBT rights in the new Constitution at CEDAW, Zimbabwe officials argued that a survey conducted as part of the participatory drafting process indicated that the public opposed the inclusion and the Government would not act against that opinion⁷³.

POVERTY, INCOME INEQUALITY & FOOD SECURITY

Zimbabwe scored 173 out of 187 countries on the Human Development Index in 2011. 72% of the population is below the national poverty line, with 15% in severe poverty⁷⁴. Women head 45% of households⁷⁵, 72% of which are in poverty⁷⁶.

Historically, Zimbabwe's agricultural sector had a strong commercial subsector dominated by a few thousand white, mostly male, owners and employing 400,000 labourers. Small-scale producers grew food crops, producing enough to feed the population and exporting the surplus to neighbouring countries. Following agricultural sector reforms beginning in 1998, food production declined sharply, which, combined with hyperinflation, has resulted in high dependency on food aid 77. The situation has recently been improving; the number of people requiring food aid has declined from 7 million in 2009 to 1.6 million 2012 78. Nevertheless, Zimbabwe is ranked 47th out of 79 countries on IFPRI's Global Hunger Index with a score of 17.3 out of 100 (on a 100-point scale, where zero means no hunger) 79.

HEALTH

The total fertility rate is 4.1 children per woman. 24% of women age 15-19 have begun childbearing; 41% of 19 year olds have had a live birth. Modern contraception is currently used by 57% of married women and 30% of unmarried women. There is a 13% unmet need for contraception⁸⁰. Only 3% of married women use condoms, a factor in the higher HIV infection rate amongst women as compared to men⁸¹.

The Zimbabwe Demographic and Health Survey found that 69% of births are attended by a skilled professional; this number decreases in rural areas where 53% of births are attended. 90% of women receive at least one antenatal care visit⁸². Despite these numbers, the maternal mortality rate is extremely high at 960 out of 100,000 births. According to the Zimbabwe Women Resource Centre Network, access to basic maternal health services in rural clinics and district hospitals must be targeted for financial support. As a result of the past decade of political and economic problems, the country has a dearth of medical professionals, health infrastructure and equipment⁸³.

In the past, a major barrier to health has been the fees associated with clinics and hospital visits. The Health Transition Fund was instituted in 2011 to help reduce health care fees and improve maternal and child health⁸⁴. Delivery in government hospitals is now free.

Abortion is legal only in cases involving incest, rape or risk to the health of the mother or baby. In order to have an abortion, a court must determine the legitimacy of the claim. This process can be lengthy, impeding substantive access to abortions⁸⁵.

Zimbabwe has one of the highest rates of HIV in sub-Saharan Africa. In 2009, 1.1 million Zimbabweans were living with HIV/AIDS (61% women, 39% men) ⁸⁶. The infection rate is improving: from 27% in 2001 to 14% in 2009⁸⁷. Willful HIV transmission is criminalized in Zimbabwe; this law is controversial with some arguing that it can protect women from HIV, but others pointing to women's increased likelihood to be prosecuted due to antenatal testing ⁸⁸.

Unpaid care work, including for HIV/AIDS, overwhelmingly falls to women; only 19% of men are involved in care work. There is increasing awareness of the burden of care work and the importance of supporting families. Responding to this awareness, Members of Parliament have introduced regular sessions for civil society organizations to advocate for care work policies⁸⁹.

GENDER-BASED VIOLENCE

The Zimbabwe Demographic and Health Survey estimates that 30% of women have experienced physical violence and 27% have experienced sexual violence. 22% of women reported that their first sexual experience was forced against their will. While 40% of women who participated in the survey believe that domestic violence can be justified in certain contexts, only 34% of men held the same belief⁹⁰.

The Zimbabwe government passed the Domestic Violence Act in 2006, which makes provisions for the protection and support of victims of domestic violence ⁹¹. Magistrates, prosecutors and clerks have received training on implementing the Act. One-stop centres to provide a full range of services for survivors of gender-based violence (GBV) are being piloted in some regions. In addition, Victim-Friendly Units have been established in police stations, where personnel have been trained to handle cases of sexual and domestic violence appropriately⁹². The Ministry of Women's Affairs launched a GBV strategy in 2008; it received a specific allocation in the national budget but its implementation has been slow⁹³.

There are reports that widespread rape took place during the 2008 elections. AIDS-Free World interviewed 70 victims, each of whom reported knowing several other women who had not come forward. The AIDS-Free World report categorized the violence as systematic and politically motivated; rapes occurred alongside other forms of torture and abuse and targeted supporters of the MDC and their family members. The perpetrators were identified as Zanu PF youth militia and war veterans⁹⁴.

Recently, a case was brought before a South African court demanding that the Government of South Africa undertake investigation under the International Criminal Court into the violence around the 2008 election⁹⁵. This issue is pressing given the elections planned for 2013. There are reports that efforts to recruit youth to rejuvenate the Zanu PF have been ramped up, leading some to fear a repeat of the intimidation strategy⁹⁶. In 2011, the Organ of National Healing, Reconciliation and

Integration that was established by the Global Political Agreement drafted a code of conduct for political parties⁹⁷.

CLIMATE CHANGE

Climate change is predicted to result in shifting weather patterns and more extreme drought and dry seasons in Zimbabwe. The role of agriculture in Zimbabwe's economy heightens the impact of climate related disasters on the livelihood of all Zimbabweans, but with particular threat to the poorest, the majority of whom are women and children ⁹⁸.

To date, the Zimbabwe Government has done little to address the impact and growing threat of climate change, despite that food security plans and economic projections are highly dependent on a "normal" season of rainfall⁹⁹. Barriers to systematic action in Zimbabwe include political and economic crises, human and financial resource constraints, and an underdeveloped policy framework¹⁰⁰.

A Climate Change Policy is currently under development by the Zimbabwe Government and is expected to help the mainstreaming of climate change concerns across sectors¹⁰¹.

CIVIL SOCIETY AND WOMEN'S MOVEMENTS

According to the FAO Gender and Land Rights Database, there are over 670 NGOs in Zimbabwe, approximately 100 of which have programs on women's advancement¹⁰². The Zimbabwean women's movement has undergone several transitions, reflecting the changing political context and opportunities. After independence, women's organizations in Zimbabwe formed a largely service-oriented sector, which worked to implement development projects in poor rural areas in collaboration with government efforts. At the time, the language of the women's movement was depoliticized and sought to forward a "women and development" agenda that complemented, rather than critiqued the state's agenda¹⁰³.

As the Mugabe regime become more entrenched, holding onto power through increased use of violence, a human rights agenda began to emerge in the late 1980s/early 1990s, which focused on rights and freedoms in political and economic spheres. More feminist-oriented organizations were formed in this period, which explicitly focused on challenging patriarchal structures in the public and private sphere. The agenda shifted to include issues such as women's rights, violence against women, and women's economic empowerment¹⁰⁴.

At present, with the Global Political Agreement and the Constitutional reform process, women's movements have an opening to push their agenda and challenge the Government to establish a genuine foundation for women's equality in Zimbabwe. Women's groups are active in advocating and protesting for

democratization, governance and constitutional reform¹⁰⁵. For example, the Women's Coalition of Zimbabwe, which coordinates the implementation of the Southern African Development Community Gender Protocol, crafted a roadmap to take gender considerations into account in the Constitution¹⁰⁶.

In 2012, following the Zimbabwe women's movement's history of coalition building and networking, the Group of 20 (a newly formed coalition of women's organizations, the women's parliamentary caucus, academics, and bureaucrats from the Ministry of Women's Affairs) began lobbying to ensure the new Constitution includes the demands of their organizations and incorporates women's rights. This group provides a feedback mechanism between those drafting the Constitution and women constituents¹⁰⁷. A specific issue they have campaigned for is the inclusion of a 50% quota for women's representation¹⁰⁸.

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