

ANED country report on the implementation of policies supporting independent living for disabled people

Country: Lithuania

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PART 1: EXECUTIVE SUMMARY AND CONCLUSIONS

There are some basic laws¹ on social services, that include principles and ideas about independent living and disabled people, but there is no law that directly addresses disabled people's independent life in the community. Existing laws are incompatible with one another and they impact on equality, disability and incapacity. For this reason, persons with intellectual disability lose opportunities to be involved in the labour market, to make decisions, and to live in the community independently. Changes and progress in this area are initiated by NGOs.

The provision of support to disabled people still relies on segregated residential institutions, although the monthly price of day support services at disabled people's homes is significantly less than monthly price in an institution. There is no direct personal assistance service system in Lithuania. There are services that provide assistance at home (house keeping, personal hygiene and attendance services, for purchase and preparation of food, payment of rent and utilities, calling a doctor, buying medicines, laundry, changing bedclothes, organisation of household tasks and similar). Home assistance services include adjustments to housing and the environment and translation to sign language. According to disabled persons' needs and existing policy, NGOs are constrained to afford personal assistance service illegally. The help and support system for disabled people's families is insufficient and in the smaller regions of Lithuania it does not exist. Because of this reason the number of persons excluded from the labour market and divorced families are increasing.

The Centre of Technical Aid for Disabled People under the Ministry of Social Security and Labour provides disabled people with technical aids (wheelchairs, walking aids, anti-bedsore mattresses, sticks, loops, talking watches, sticks for blind people etc.), and the Lithuanian Association of the Blind and Visually Impaired and Lithuanian Association of the Deaf provide visual and hearing aids.

The most active NGOs for disabled people are the Lithuanian Welfare Society for People with Intellectual Disability "Viltis" and Lithuanian National Forum of the Disabled. In both organizations disabled people are included in organizations' activities: some are assistants, workers, heads or have other responsibilities.

At present, the situation is better than five or ten years ago. However, despite the increasing number of social services for people with disabilities these are often insufficient for them to live with dignity and as independently as it is possible. Basic attention is granted to medical care and services but social support takes second place. One of the reasons is an established and prevalent opinion, that the most important thing to people with disabilities is medical care.

In summary, there is a gap between national policy and the real needs of the disabled people. The financial position and services for disabled people who live in institutions and who live in the community is unequal. Although there has been noticeable progress with the provision of assistive equipment, this is still insufficient. In decision making processes the real needs of disabled people are not taken sufficiently into account. Progress in independent community living remains slow. Most attention is paid to institutional care and the network of community services for people with disabilities is underdeveloped.

¹http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_1?p_id=233791; http://www3.lrs.lt/cgi-bin/getfmt?C1=e&C2=274453; http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_1?p_id=32093





PART 2: LEGAL AND POLICY CONTEXT

The territory of the Republic of Lithuania is divided into 10 counties (Alytus, Kaunas, Klaipeda, Marijampole, Panevezys, Siauliai, Taurage, Telsiai, Utena, Vilnius) and territories of the counties are made up of 60 municipalities. There are 103 cities and towns in the Republic of Lithuania.

There are no laws directly oriented to disabled persons' independent life in the community.

<u>Law on Equal Treatment (2008-06-17), No.X-1602</u>² states that equal treatment means implementation of human rights, which are laid down in international documents on human and citizens' rights and in the laws of the Republic of Lithuania. These apply regardless of age, sexual orientation, disability, racial or ethnic origin, religion, beliefs and other grounds established in international agreements or laws of the Republic of Lithuania. The main areas covered are: education, employment and consumer protection.

Law on Social Integration of the Disabled (2004-05-11), No. IX-2228³.

This Law amended the Law on the Social Integration of the Disabled. The main principles that concern independent living in the community are: independence and freedom of choice – the disabled person is encouraged to be independent; participation – issues of management, granting and provision of social services and other questions shall be agreed in co-operation with disabled people; and decentralization – services and support for the disabled person shall be provided in the community, in the living environment. The goals of social rehabilitation services are to form or restore social and independent life skills, to safeguard possibilities to take part in social life and labour market.

<u>Law on Social Services 2006-01-19 No. X-493</u> defined the concept, objectives and types of social services, made provision for regulating the management, granting and provision of social services, licensing and financing of social care establishments, payment for social services and dealing with disputes related to social services.

An adult with a disability is defined as a person of working age who, by reason of his disability, has partially or completely lost the ability to independently care for his private (family) life and to participate in society. A child with a disability means a child under 18 years of age who, by reason of his disability, has partially or completely failed to acquire the independence corresponding to his age and whose possibilities of education and participation in society are limited.

Principles of management, granting and provision of social services, related to independent living for disabled people are: co-operation – management, granting and provision of social services based on co-operation and mutual assistance between a person, family, community, the organisations defending the interests and rights of social groups of people, social services establishments, municipal and state institutions; participation – management, granting and provision of social services to be agreed in co-operation with recipients of social services and/or representatives and the organisations defending the interests and rights of social groups of people; complexity – the provision of social services to a person shall be combined with the provision of social services to his family.

The Law provides that social services should be provided to a child with a disability by creating conditions are created for them to live with their families, grow up in a healthy and safe environment and with assistance co-ordinated with education, personal health care and special assistance measures.

http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_1?p_id=233791



² http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_1?p_id=323620



This should help the child with a disability to form independent living skills and maintain and strengthen social relationships with the family, relatives and society. Social services to an adult with a disability should be provided by creating conditions for him to live at home, with his family and assistance co-ordinated with education, employment, personal health care and special assistance measures, helping to develop or compensate for his abilities to care for his personal (family) life and to participate in the labour market. Social services to a person with a severe disability shall be provided by ensuring a safe and healthy environment, with assistance corresponding to human dignity, co-ordinated with personal health care, permanent care (assistance), other special assistance measures, education helping to compensate for lost independence as well as the ability to maintain social relationships with the family and society.

In the Catalogue of Social Services 2006-04-05 No. A1-93⁴, it is determined, that the main task for the social service system is to provide social assistance, both in non-monetary forms and money for care, to those people who cannot fend for themselves. The objective of social services shall be to create conditions for a person or family to develop or to enhance the abilities and possibilities to independently solve his social problems, maintain social relations with society as well as to assist in the overcoming of social exclusion.

There are two types of social services: social services of general interest and special social services. Social services of general interest should be provided to a person or family whose abilities to independently care for his private or family life and to participate in society may be developed or compensated for by the specific services provided without permanent assistance by specialists or stationary (institutional) care services. Special social services are provided in various care institutions and may be provided whan social services of general interest are not effective.

The types of social services in general interest are: information, counselling, mediation and representation, social and cultural services, organisation of transportation, assistance at home, care at home, assistance with cash and other services. Services at home are very important for stimulating and maintaining disabled people's independence. The aim is to create normal living conditions, the possibility of living a full-fledged life at home and to be part of the community without special social services.

General programmes to support people living in the community:

The National Programme of Social Integration of the Disabled of 2003 – 2012 (2002-06-07), No. 850⁵ project, states that independent life skills can be taught at the disabled person's home, in rehabilitation, sport, education and other institutions according to the level of disability, activities and age. The aim of psychosocial rehabilitation is to improve the quality of life and to restore social roles to intellectual disabiled people.

The Programme of Dwelling and Environment Adjustment of the Disabled of 2006 – 2011 (2006-06-28), No. 638⁶. The aim of the programme is to develop the independence and social integration of disabled and older people by supporting their special needs and adjusting housing and the environment. These services are provided to ensure the most self-sufficiency possible of disabled and old people by, for example, widening the doors in a house, arranging ramps, adaptating bathrooms, toilets and other environmental features.

⁶ http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_bin?p_id=279382





⁴ http://www3.lrs.lt/cgi-bin/getfmt?C1=e&C2=274453

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The Ministry of Social Security and Labour has collaborated with other ministries⁷ and non government organizations and plans to ratify the Convention on the Rights of Persons with Disabilities in 20098. If ratified, Lithuania, as other State Parties, will have to recognize the equal right of all persons with disabilities to live in the community, with choices equal to others and take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right. The main tasks for Lithuania will be to ensure, that: persons with disabilities have the opportunity to choose their place of residence, where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement; persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community; as well as access to community services and facilities that are responsive to their needs on an equal basis to the general population.

Also Lithuania will have to take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including: facilitating the choice about transport at affordable cost; facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of personal assistance, (including by making them affordable); providing training in mobility skills and specialist staff; and encouraging companies that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

The ideas of disabled people living independently in the community reach policy in two ways: through European Union Institutions and through private initiatives of NGOs for disabled people. The main NGOs which influence policy are: the Lithuanian National Forum of the Disabled; the Lithuanian Union of Persons with Disabilities; the Lithuanian Welfare Society for People with Intellectual Disability 'Viltis'; the Lithuanian Association of the Deaf; and the Lithuanian Association of the Blind and Visually Impaired.

⁷ The Ministry of Environment; the Ministry of National Defence; the Ministry of Transport and Communications; the Ministry of Culture; the Ministry of Health; the Ministry of Education and Science; the Ministry of Justice; the Ministry of Foreign Affairs; the Ministry of the Interior; the Office of Equal Opportunities Ombudsman; the Department of Physical Education and Sports http://www.unriis.lt/upload/ta/failas_431.doc





PART 3: PROGRESS TOWARDS INDEPENDENT COMMUNITY LIVING

According to the data of the Statistical Yearbook of Lithuania (2007)⁹ at this time there were 724 children and disabled youth living in 4 care homes for children and boarding schools for disabled youth. In general, there were 3,7 thousand disabled children attending special schools and special education centres; of these, one eighth were orphans and children who had lost parental care, who were also disabled (Statistical Yearbook of Lithuania, 2007). The definition of disabled adults includes people with intellectual disabilities and people with mental health problems: there is no separation of people into different groups.

At the end of 2007, 5,4 thousand disabled adults lived in care institutions.. Compared with 2000, the number of residents in care institutions for disabled adults remained almost unchanged (Statistical Yearbook of Lithuania, 2007). The total number of care institutions for disabled adults was 30: county care institutions – 22; municipal care institutions – 3; non – governmental care institutions – 5 (Statisticos Departamentas, 2007). In 2007 2 stationary care institutions ¹⁰ for elderly people (60 bed capacity) and 3 stationary care institutions for disabled adults (28 bed capacity) were established.

Stationary care services for the disabled are provided in the following institutions: care homes for children with mental disability, care homes for the disabled youth, care homes for adults with mental disability, self-support homes ¹¹and other. These institutions provide temporary or permanent residences for the disabled who are in need of care, nursing, and who cannot live in their homes or independently. The following services are provided in the disabled care institutions: information, counselling, sheltering, nutrition, nursing, medical care, personal hygiene, provision with compensatory equipment, education, training, social rehabilitation and integration, other (Ministry of Social Security and Labour) Disabled people can end up living in institutions if they have official guardians (usually family members) who can take care of the disabled person at home.

According to the data of the Statistical Yearbook of Lithuania in 2007¹² 8,2 thousand elderly and disabled people received social help and care at home, of whom 89% were persons of retirement age. Additionally, 0,6 thousand people, who organized social services themselves, received social care benefits. According to data of the Department of Statistics of the Government of the Republic of Lithuania ¹³(2007), 4309 disabled persons of retirement age, 726 disabled persons of working age; 33 disabled children up to 7 years of age and 115 disabled children of 7 – 17 years of age received social care and help at home. There were 1405 staff providing social help and care at home; 366 employees working on basis of fixed – term contracts and 178 volunteers.

According to data of the Department of Statistics (2007), 19,5 thousand disabled persons of retirement age; 19,4 thousand disabled persons of employable age and 2,7 thousand disabled children received social services at day centres.

The Catalogue of Social Services 2006-04-05 No A1-93 makes provision for assistance at home for old and elderly people, disabled persons, as well as other risk groups and individuals. It aims to create normal living conditions and the potential for a fully-fledged home life.

www.stat.gov.lt



⁹ http://www.stat.gov.lt/uploads/pdf/1_LSM_2008.pdf

http://www.socmin.lt/index.php?-703890300

¹¹ Self-support homes are devoted to disabled people, who are able to live independently, don't need special care and special social services. The main help and support are rendered by social workers. There are 6 self-support homes in Lithuania.

http://www.stat.gov.lt/uploads/pdf/1_LSM_2008.pdf



Upon assessment of the degree of self-sufficiency, the following services may be provided: house-keeping, personal hygiene and attendance services, purchase and preparation of food, payment of rent and utilities, calling a doctor, buying medicines, laundry, changing bedclothes, organisation of household works and similar. The assistance at home service includes housing and environment adjustment services. These services are provided in order to ensure the biggest possible self-sufficiency of disabled and old people by individually tailoring housing and the environment: widening doors, arranging ramps, bathroom, toilet and other environmental adaptations etc.

The Catalogue of Social Services 2006-04-05 No A1-93 lists types of day care services as day care centres; rehabilitation institutions for the disabled (social rehabilitation centres, rehabilitation centres for the disabled children; work centres for the disabled etc.); and support centre for the family.

If children live in institutions (boarding or special schools), their families do not receive any help or support at home. If disabled children live at home, they receive education, help and support at home.

According to data of the Department of Supervision of Social Services¹⁴ the monthly cost of day services at the disabled people home is significantly less than that of institutions:

Help and care at home	To the disabled children	~ 1200 Lt/month
	To severely disabled children	~ 1220 Lt/month
	To disabled persons of retirement and employable age	~ 1200 Lt/month
	To serious disabled persons of retirement and employable age	~ 1300 Lt/month
Long – term/ short – term care provided in institutions	To disabled children	~ 2130 Lt/month
	To severely disabled children	~ 2440 Lt/month
	To disabled adults	~ 1570 Lt/month
	To severely disabled persons of retirement and employable age	~ 2000 Lt/month

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PART 4: TYPES OF SUPPORT FOR INDEPENDENT LIVING IN THE COMMUNITY

The disabled person living at home <u>should get</u> these services¹⁵: social work, counselling, communication, personal hygiene and attendance services, purchase and preparation of food, medical care, housekeeping, payment of rent and utilities, calling a doctor, buying medicines, laundry, changing bedclothes, organisation of household works, night care services, dwelling and environment adjustment, assistance, retinue and similar. In reality, the supply of these services is limited ar doesn't exist¹⁶. This situation exists in the state sector because there is no clear system covering the training and provision of required assistants. In our opinion, the most important reason why we have such situation is because care and support for disabled persons is considered to be the responsibility of the family or relatives.

There are a few Non Government Organizations which have identified the real needs of disabled people, and they are trying to provide day care services, non-formal occupations, self-help groups, assistance, escort, care and nursing at home and similar services, depending on disabled people's situations and needs. Interviews with disabled people (2009-05-05) revealed that NGO services and family help and support is more accessible, of better quality and wider scope than government services. "Family help and support for disabled family member in Lithuania's law and policy is limited and insufficient, it is understood as a duty and responsibility" (interview with disabled women, 2009-05-05, Vilnius).

The Catalogue of Social Services 2006-04-05 No A1-93 provides a description of a family support centre – a social services institution for disabled children and their families. These should provide the following services: social services, educational, psychological and legal help and support. Usually family support centres are part of an NGO.

The system of help and support for the disabled person's family is not developed and in smaller regions of Lithuania it does not exist. Due to this, there has been an increase in the number of persons excluded from the labour market and divorced families.

According to Law on Social Services 2006-01-19 No. X-493, a person (an adult member of a family) or guardian (custodian) may apply for the granting of the social services—financed by a municipality from its own budget or from state subsidies—by making a written application to the municipality. In exceptional cases, when a person (family) suffers physical or psychological abuse or a threat is posed to his physical or emotional security, the person (one of adult members of the family) or his guardian (custodian) may apply to a municipality other than that of his place of residence.

A person's need for social services should be established on an individual basis. A detailed assessment of a person's needs should be carried out by the municipality's social workers. Factors taken into account should be the person's age, impairments, social risk, motivation for solving social problems, the family's options for caring for the person and other issues influencing the person's ability to care for his private (family) life or to participate in society. In establishing a person's need for social care, the level of the person's dependency should be assessed. There are two levels: partial and complete.

¹⁶ Interview with disabled members of an NGO in Lithuania (2009-05-05).



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A family's need for social services should be established by comprehensively assessing their abilities, options and the motivation of members of the family in dealing with their family's social problems, maintaining relations with the public as well as compensating the person and their family.

A person's need for social services during the period of provision of social services should be periodically reviewed by social workers.

A decision on granting, suspension and discontinuing services financed by a municipality should be taken on the recommendation of a social worker carried out an assessment.

A municipality should control the quality of the social services of general interest and social attendance provided in its territory. The administration of every municipality must have a division which plans and administers the organisation of social services and controls the quality of social services of general interest and social attendance.

The Department of Supervision and Audit of Social institutions under the Ministry of Social Security and Labour assess, control and supervise the provision of social services at the state and local self-governance levels.

NGOs, private initiatives, and scientists develop research on disabled people's situation, the quality of services and other topics. The most important research reports are: "Children's Rights Situation in the Residential Care and Education Institutions in Lithuania" (2005)¹⁷; "Environment Adjustment for the Disabled People Needs: Analysis of Situation and Recommendations for National Programme" (2005)¹⁸; "The Standards of Social Services in the Residential Care Institutions for Elder People: Principles and Requirements" (2004)¹⁹; "Methodology of Planning Social Services in Municipalities" (2004)²⁰; and "Human Rights Monitoring in Residential Institutions for Mentally Disabled and Psychiatric Hospitals" (2005)²¹.

According to Civil Code of the Republic of Lithuania²², the disabled person who is mentally incapable has no right to choose or change services which are provided to him. The need for services or institutional care is set according to health conditions and the family's potential to take care of the disabled person. The right to decide belongs to trustee or responsible institution, usually the residential institution.

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_1?p_id=245495





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¹⁸ http://www.dsti.lt/tyrimai.html

http://www.socmin.lt/index.php?1606775163

http://www.socmin.lt/index.php?1606775163

http://gip-vilnius.lt/leidiniai/human_rights_monitoring_report.pdf



4.1: PERSONAL ASSISTANCE SERVICES

There is no specific and integral personal assistance services system for the disabled person. The Catalogue of Social Services 2006-04-05 No A1-93 makes provision for services at home and translation into sign language for disabled people and their families. A person's need for social services has to be established²³ before services are provided.

Each municipality establishes procedures for organising assistance at home, providing a list of services and tariffs. The amount payable for services depends on the income and composition of the family, the health condition of a recipient, the nature and the length of services, as well as other circumstances.

Payment of care money is possible in municipalities where assistance services at home cannot be directly provided for objective reasons. This money has a strictly defined purpose of helping an individual pay for the home assistance services. Care monies are allocated on the decision of the municipality, taking into account an individual's health condition, the type and the nature of services, family situation, and place of residence (Ministry of Social Security and Labour).

Assistance at home services are not provided for persons who live in a municipality other than that of his place of residence.

Personal assistance and assistance at home services are officially legitimated but the quality and quantity of these services has not been developed.²⁴. In these circumstances, personal assistance services are being provided by NGOs and most work is done by families of the disabled person²⁵.

There is only one organization in Lithuania which provides a personal assistance service based on European Good Practice. This is provided to 14 disabled people who attend a day care centre and who are in most need of the service. Assistance is available in the day care centre, street, camps, at home and in other environments. The personal assistance service is new and the only one, in Lithuania. It exists illegally, because of the incompatability of national law²⁶.

²⁵ "Family, who has the disabled child: psychosocial portrait". Lithuanian Welfare Society for People with Intellectualy Disability; The Special Education Research Centre www.smuc.lt Siauliai University, 2002.





²³ http://www3.lrs.lt/cgi-bin/getfmt?C1=e&C2=274453

²⁴ Interview with jurists and the disabled people who take part in NGO in Lithuania (2009-05-05).



4.2: ASSISTIVE EQUIPMENT AND ADAPTATIONS

Technical assistance items are provided²⁷ to citizens of the Republic of Lithuania including foreign nationals, stateless persons holding a permanent or temporary residence permit in the Republic of Lithuania and other persons in cases provided for in international treaties of the Republic of Lithuania. Disabled people who want to receive this type of support have to apply to the municipality of their place of residence, bringing medical papers; a copy of an identity card; proof of address and a disabled identity card. Because of these requirements, disabled people cannot move from one part of the country to another, because it restricts their opportunities to get and repair technical assistance items.

The Centre of Technical Aid For Disabled People Under Ministry Of Social Security And Labour²⁸ provides disabled people with technical aids (wheelchairs, walkers, crutches, anti-bedsore mattresses, sticks, loops, talking watches, canes for blind people etc.).

The Lithuanian Association of the Blind and visually impaired²⁹ and Lithuanian Association of the Deaf³⁰ provide with visual and hearing aids.

According to data of the Department of Statistics to the Government of the Republic of Lithuania (2007)³¹, total number of technical aids provided to persons with motor disability was in 2007 was 27 075.

Technical assistance items are issued and repaired free of charge for children, disabled people incapable for work and people with disability group 1, For other disabled people there is reimbursement up to LTL 1,500. Reimbursement for electric wheelchairs is paid once in 8 years, paying 95% of the electric wheelchair price. In case of repairs, 80% of the repair and battery replacement costs are covered. A person is entitled, once in 4 years, to the reimbursement of the purchase costs of active-type wheelchair, but not more than LTL 2,500. Everyone covered by compulsory health insurance is entitled to receive a free hearing aid: for one ear for adults and for one or two ears for children under 12. Free hearing aids are supplied once in 5 years. The full basic price for orthopaedic items is reimbursed. It is paid on the basis of the lowest price purchased the State Patients' Fund the time at operation. The municipalities use 80% of the national budget and 20% of the municipal budget funds to premises for people with very evident movement and self-help problems. The municipalities use 50% of the national budget and 20% of the municipal budget funds to adapt premises for people with average movement and self-help problems³²

This system restricts disabled peoples' possibilities to live independently and with dignity. The incomes of disabled people are low, requirements for technical assistance items are high and inflexible and disabled people are constrained in their activities and choices.

www.socmin.lt





²⁷ http://www.tpnc.lt/index.php?245693666

http://www.tpnc.lt/index.php?-1532270710

www.lass.lt

www.lkd.lt

³¹ http://db1.stat.gov.lt/statbank/default.asp?w=1280



PART 5: EVIDENCE OF GOOD PRACTICE IN THE INVOLVEMENT OF DISABLED PEOPLE

NGOs for disabled people are trying to shape local policy. The Lithuanian Welfare Society for People with Intellectual Disability "Viltis" and the Lithuanian National Forum of the Disabled are the most active. The main ways of doing this are offering suggestions for changes, recommendations and taking part in international projects and initiatives. For example, "Viltis" strives for the recognition of intellectually disabled people. The role played by disabled people in these organizations varies. In the Lithuanian National Forum of the Disabled the main role belongs to disabled persons, in the Lithuanian Welfare Society for People with Intellectual Disability "Viltis" the main role is taken by relatives of disabled persons. In both of them disabled people are involved in activities; they are informal or formal consultants, advisers.

Disabled people participate in and help NGOs. In these, the majority of staff are disabled people and/ or their family members. The Lithuanian Union of Persons with Disabilities³⁵ is an active organization which organizes independent life camps for people with physical disabilities, and community education. The Lithuanian Welfare Society for People with Intellectual Disability "Viltis" organizes independent life camps for people with intellectual disabilities and involves them with providing help for other disabled people.







³³ http://viltis.lt/en/news
34 http://www.lnf.lt



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