

WHY DOES BANGLADESH NEED TO INTRODUCE PATERNITY LEAVE?

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ABSTRACT

This paper aims to make a convincing issue for providing paternity leave for fathers in Bangladesh by expressing several benefits of paternity leave to the family and the business. Children are an essential asset, and reasonable effort and care should be given to them when they are born. Parents must guarantee that they are well cared for to improve their children's future. The active participation of both parents is required for the proper development of children. This paper addresses the necessity of paternity leave in Bangladesh by making a comparative study of laws of different countries regarding paternity leave and recommends enacting laws regarding paternity leave in Bangladesh. Because of the numerous benefits of paid paternity leave worldwide, the need for paternity leave has become a necessity, if not mandatory.

Keywords: Paternity Leave, Children, Child Care, Father, ILO, Policymaker

INTRODUCTION

Throughout most families in the world, the significant responsibility regarding childcare relies on the mother.ⁱ It is also the father's responsibility to care for both mother and kid. Fathers have a significant influence on their children's development.ⁱⁱ As numerous research have been made which shows the role has been changing in parenting. Numerous studies have shown that the mother's role in parenting has shifted from solely the mother to both the parents. Essentially [are] strange how traditional fathering roles have changed in developing nations simultaneously with the rise of nuclear dual-earner families.ⁱⁱⁱ However, fathers' involvement with childcare in developing countries is severely limited. There is a strong link between fathers taking time off around the birth and subsequent engagement in the care of their newborns and young children.

However, unfortunately, Bangladesh has no legislation for paternity leave yet. There are numerous reasons for the extension of taking paternity leave in the present day.^{iv} So, one can quickly realize the importance of paternity leave laws from a Bangladesh perspective. Though paternity leave is not a new concept, Bangladesh has no paternity leave opportunity for its male employees or workers. To take care of a child and mother, the employee's father needs paternity leave. This engagement has positive long-term effects for both father and child. The fathers who take leave of two weeks or more immediately after childbirth are more likely to be involved with their children.^v Also, children need care from the very moment of their birth. The care includes feeding, healthcare, early motivation, love, and everything else that is part of the full development of that child. For this reason, both the father and mother play an essential role in the child's better future. The benefits of paternity leave are evident and significant and intended to allow the father to spend time with his partner, new child, and older children.

RESEARCH QUESTIONS

This paper carries its points of departure to answer some questions regarding the importance of paternity leave from a Bangladesh perspective. The paper aims to raise awareness and pay attention to the legislative body to introduce and implement paternity leave for fathers in modern Bangladesh. The following questions are:

- How does implementing paternity leave benefit raising the future generations of Bangladesh?
- Can the introduction of paternity leave impact mothers and gender equality in Bangladesh?
- What challenges can be seen in introducing Paternity leave in Bangladesh?

LITERATURE REVIEW

Paternity leave is not a new concept, but it is still not introduced in our laws for developing countries like Bangladesh. While this topic has been widely studied, extant research has not mentioned maternity leave, parental leave, and other leaves and has mainly focused on paternity leave. This paper will examine the necessity of introducing paternity leave in our domestic law and how it will bring benefits not just for fathers but also for the working place, and countries' economies have to focus on that. By looking at this paper, it will be possible to understand the importance of paternity leave by bringing changes in positive ways in Bangladesh.

Rumana Liza Anam's "Maternal and Paternal Leave Policies in Bangladesh-Scope for Improvement," in her write-up, talks about the current policies regarding my research topic. However, there is no talk about why paternity leaves and other leaves need to introduce or modified.

Anders Chronholm and other authors, in their "Father on parental leave: Men's experiences of shared parental leave," talk about how paternity leave and other leaves have increased the bonding between fathers to their partners and family members in Sweden.

Other authors' write-ups and internet material from around the world have been used here for research purposes.

During the literature review, it was found that there was little research in this sector in Bangladesh, specifically when it comes to paternity leave. Not that much research has been done on men's rights. As a result, the situation in developed countries where much research has previously been done on such leave has been examined. Plus, this research paper most of the part relies on secondary sources. Some information has been taken from journal articles besides the law area and highly on the 2014 ILO report.

Men in Bangladesh take only a few days off from their casual leave following the birth of their child, up to 15 days. This is mainly because existing regulations do not provide paternity or parental leave, and most organizations are unfamiliar with the concept. This research will make it easy to see the benefits of bringing new changes if Paternity leave is introduced into Bangladesh's domestic laws.

THE CONCEPT OF PATERNITY LEAVE

In 1974, Sweden was the first country to provide fathers the legal right to take paid paternity leave to replace gender-specific maternity leave.^{vi} For biological fathers, paternity leave is only applicable. This leave is generally taken after the baby is born. This leave is generally a short leave period for the father instantly following childbirth. It seeks to enable fathers to help the mother recover from childbirth, which is essential in establishing breastfeeding, taking care of the newborn and other children, attending to the birth registration, and other family-related responsibilities. Maternity leave, on the other hand, has primarily medical origins.^{vii} In certain countries, they are taking a leave of absence before and after delivery was required as early as the late nineteenth century.^{viii} Following World War II, various European countries implemented mandatory-leave programs to redirect women from the factories and offices during the war back into their appropriate domestic domain. The medical benefits, on the other hand, are tangible: by the 1970s, as the ranks of working women grew, maternity leave had come to be seen to protect women's and children's health by giving mothers time to recover from childbirth and take babies to those early, frequent doctor appointments.^{ix} According to studies, babies are nursed longer, and infant mortality rates are lower when mothers take maternity leave.^x

The International Labour Organization (ILO), 2014 defines the paternity leave as:

A leave period - paid or unpaid - reserved for fathers in relation to childbirth or leave that can be used exclusively by fathers as paternity leave. It does not include parental leave provisions that can be used by the father or mother or parts of maternity leave entitlements that the mother can transfer to the father. It includes special leave 'provisions in addition to annual leave that may be used by fathers at the time of birth, but which are not strictly paternity leave.'^{xi}

In OECD nations, more than 80% of working fathers take time off around the time their child is born.^{xii} However, given that around 90% of men attend their children's births, it appears that informal leave is also taken.^{xiii} Paternity leave is an employee benefit that a father receives immediately after the birth of his kid. Specific categories of workers, such as self-employed, casual, short-term, part-time, or informal workers, are more likely to be excluded from the statutory provision of paternity leave or unable to fulfill the eligibility conditions for this entitlement, as with maternity leave. In most countries with paternity leave provisions, the right to paternity leave, like maternity leave, is closely linked to a minimum time-in-service period.^{xiv}

PATERNITY LEAVE'S IMPORTANCE IN GENERAL

Before the 1950s, most women did not work since they were not permitted to cultivate their abilities. As years advanced and society, women were seen more in various fields.^{xv} However, women are still solely burdened with responsibility for childcare work in society. So, the man, specifically the father, has to bear responsibility for both the mother and child.^{xvi} The benefits of paternity leave are evident and significant.

The Atlantic magazine stated that,

'A 2007 study found that 60 percent of professional women who stopped working reported being motivated by their husbands' unavailability to share housework and child-care duties.'^{xvii}

Every modern father should be encouraged to take advantage of his child and his sense of fulfillment while maintaining a healthy relationship with his partner. However, while paid paternity leave may appear to be an unexpected gift, men may be unaware that the largest beneficiaries are not men or even newborns. Women, as well as the organizations and nations that profit when women develop, are the true beneficiaries of paternity leave in the long term.

Article 18 of the *Convention on the Rights of the Child*, 1989 states:

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities, and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.^{xviii}

Several decades of research on the impact of fathers on children's lives have shown that fathers keep a significant impact on their children's lives if they are there or not.^{xix} Paternity leave creates bonding with the child as it is the best time to continue the father's conversation with the child because the baby will recognize that voice and be comforted that the father is still here in most cases. After childbirth, the father has complete attention to bond with his child. They are often fathering practices that develop during a baby's first year of life and continue throughout the child's life. As the children grew, the father's responsibilities in newborn care were connected to later engagement in schooling. It also helps both the husband and wife settle into their new lives and positions. Fathers will be more responsible if they have strong father-

child and husband-wife attachments and equitable distribution of household responsibilities. Throughout this time, the father should prioritize his child and his wife. Paternity leave is essential in this day and age when extended family members are no longer available to assist with childcare. Despite their desire to be involved in their children's lives, many men find it challenging to balance the opposing obligations of conventional and modern fatherhood. Paternity leave may temporarily relieve some of these competing responsibilities.^{xx} Paternity leave may also help fathers strengthen their bonds with their children and acquire new parenting skills.

LEGAL PROVISION OF PATERNITY LEAVES IN BANGLADESH

Though paternity leave provision has existed in most countries, mainly developed countries, when it comes to developing countries like Bangladesh there are no regulations regarding paternity leave or parental leave for biological fathers which applicable to both parents, biological or adoptive. It has been discovered that ensuring these will assist women in the workforce improve their work-life balance and professional chances.

Section 46 of the *Bangladesh Labour Act, 2006* states that:

(1) every woman employed in an establishment shall be entitled to and her employer shall be liable for, the payment of maternity benefit in respect of the period of eight weeks preceding the expected day of her delivery and eight weeks immediately following the day of her delivery:

Provided that a woman shall not be entitled to such maternity benefit unless she has worked under the employer, for a period of not less than six month immediately preceding the day of her delivery.^{xxi}

Rule 197 of the *Bangladesh Service Rules, 1953* states that,

‘(1) The authority competent to fill her post substantively may grant to a female Government servant maternity leave which is not debited against the leave account on full pay at the rate she was drawing at the time of

taking leave for a period which may extend up to the end of three months from the date of its commencement or to the end of six weeks from the date of confinement, whichever is earlier.^{xxii}

Article 4 of the *Maternity Protection Convention, 2000* states that,

‘(1) On production of a medical certificate or other appropriate certification, as determined by national law and practice, stating the presumed date of childbirth, a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks.’^{xxiii}

Mothers in service holder received four months of maternity leave prior to 2010. They did, however, receive six months of maternity leave beginning in 2010. Paternity leave is being granted in our neighboring' countries, India and Pakistan. These leaves are, however, prohibited in Bangladesh.

Bangladesh used to live to be part of the family in the past. Members of a blended family are more numerous, allowing them to effectively care for a newborn infant and mother. The majority of families, however, are now single. They are alone. Fathers are desperately needed this leave to care for newborn babies and mothers. So, if a woman employee falls pregnant while working, she is entitled to maternity leave under these provisions. Nevertheless, what about the male employee or worker whose wife is expecting a child? The importance of paternity leave will become an old concern, but that is still not introduced in our domestic laws in our country.

THE GLOBAL SCENARIO OF PATERNITY LEAVES LAWS TO DEMONSTRATE ITS NEED IN BANGLADESH

The twentieth century was marked by four major social trends that fundamentally altered the social-cultural context in which children develop: women's increased labor force participation, non-residential fathers' increased absence from their children's lives, fathers' increased involvement in intact families, and cultural diversity in the United States.^{xxiv} Nowadays,

responsibilities are shared equally between spouses. In modern households, neither the woman nor the man is simply authorized to give financial assistance. Women's responsibilities at work have expanded during the last 50 years.^{xxv} Class-1 administrative officers account for 26.56 percent of the entire workforce of 5,447 in Bangladesh.^{xxvi} According to ILO's 2014 report, approximately 70 countries out of 178 countries offer paid leave for fathers on paternity leave or shared parental leave (ILO, 2014).^{xxvii}

Microsoft, for example, offers two weeks of paid leave, whereas Google India offers ten days.^{xxviii} Other firms, such as these, provide new fathers paid leave that can last anywhere from a few days to a few weeks.^{xxix} According to a survey conducted by the Boston College Center for Work and Family, which surveyed men from numerous Fortune 500 businesses, the majority of new dads now take at least some time off after the birth of a child.^{xxx} However, few people leave their jobs for more than two weeks.^{xxxi} When his son, George, was born, Prince William took two weeks off from his duties as a military search-and-rescue helicopter pilot in England.^{xxxii} Major League Baseball has institutionalized paternity leave for players (though for three days), collaborating with Dove's line for men in a pro-fatherhood campaign named Big League Dads.^{xxxiii}

Paternity leave regulations for male employees have been implemented in several Asian countries.^{xxxiv} A decade ago, a few IT businesses in India implemented this approach. Indian labor law makes no provision for paternity leave for private-sector employees.^{xxxv} A male government worker can take 15 days of fully paid paternity vacation under Rule 43-A and 43-AA of the *Central Civil Services (Leave) Rules, 1972*.^{xxxvi} In Pakistan, the paternity leave of seven days is provided under *Revised Leave Rules, 1981* only in the Punjab province.^{xxxvii} In Malaysia, civil servants are entitled to paternity leave, generally from seven to fourteen days.^{xxxviii} Paternity leave is not regulated uniformly in China.^{xxxix} Paternity leave policies range from zero to thirty days and are enforced at the municipal or provincial level by the local population and family planning legislation. Hong Kong has amended its paternity leave legislation.^{xl} Male employees having a kid born on or after February 27, 2015, are entitled to three days of paternity leave under the Employment (Amendment) Ordinance 2014.^{xli} Working dads in Singapore, including self-employed fathers, are entitled to one week of government-paid paternity leave (GPPL).^{xlii} In Sweden, parents are entitled to 480 days of paid parental

leave when a child is born or adopted.^{xliii} After the birth of a child, male employees in Japan have 52 weeks off and keep 60% of their earnings on average.^{xliv}

In New Zealand, Section 26 of the *Parental Leave and Employment Protection Amendment Act*, 2016 states that:

- (1) An employee may take partner's leave if the employee—
 - (a) is the spouse or partner of the primary carer in respect of a child; and
 - (b) assumes or intends to assume responsibility for the care of that child; and
 - (c) meets the 6-month employment test or the 12-month employment test.^{xlv}

By this section, it also guarantees the employee paternity leave.

In 2003, the UK also offered the father to gain the right to paid paternity leave. Regarding fathers' rights to parental leave, current legislation, *Shared Parental Leave (SPL)*, has set an exciting example into force on December 1, 2014.

Shared Parental Leave, 2015 law says,

'Eligible couples whose child is due on or after April 5, 2015, can now share up to 50 weeks of leave and 37 weeks of pay in the first year of their child's life. Parents can take time off at the same time as each other or separately.'^{xlvi}

So, fathers and mothers can share up to 50 weeks of parental leave, and it will also apply to couples who adopt a child.^{xlvii}

However, in the United States, some employers voluntarily offer their employees paid family leave, including leave for parenting and pregnancy-related medical conditions. Under the *Family and Medical Leave Act of 1993*, provides certain employees with up to 12 weeks of unpaid, job-protected leave per year. It also requires that their group health benefits be maintained during the leave.^{xlviii}

According to the ILO, international statutory paternity benefit provisions increased dramatically between 1994 to 2015.^{xlix} According to a UNICEF report, Japan, South Korea, and Portugal have been the most supportive states in this area. Parental leave, including both

maternal and paternal leave, is currently included in the employment regulations of more than 80 nations throughout the world.¹ According to research, this advantage has a favorable influence that extends beyond the individual by enhancing labor efficiency.ⁱⁱ

PATERNITY LEAVE'S IMPACT ON FATHERS' CHILDCARE INVOLVEMENT IN FUTURE

Fathers who take leave are more likely to bathe, change diapers, and read bedtime stories to their children a year or so later. While getting men to take paternity leave has long been a difficulty, the COVID-19 pandemic has added a new urgency for businesses dealing with improving employee well-being. The pandemic's hit on mental health is real, with businesses reporting that employees' initial productivity increases have given way to tiredness. Diverse personnel have been particularly severely impacted, including working parents who continue to face the strains of managing work and childcare.

Men who spend time with their children report higher levels of satisfaction and contentment, which may carry over into the job. In a 2018 study, 60% of men said childcare hours were "extremely significant," about double the number of men who said the same about the paid job.^{lii} At the same time, many new fathers have a renewed respect for their employers. It is critical to foster a supportive atmosphere where men may open up about their positive experiences while on paternity leave.

Swedish fathers who took 120 or more days of leave in the 1990s said that taking this leave helped them to create deeper emotional bonds with their children, making them feel responsible for childcare after the vacation period ended.^{liii}

The high rate of parental leave use among Swedish fathers is associated with working fewer hours when they return to work.^{liv}

An analysis of Swedish fathers working in large private companies revealed that fathers who took longer leave were more active in their children's care up to the age of 12.^{lv} Furthermore, any leave-taking was associated with men being more inclined to care for children on their own while mothers worked.^{lvi}

In the late 1970s, Swedish men who took paternity leave had an 18% lower risk of alcohol-related care and death than other fathers and a 16 percent lower chance of early mortality overall.^{lvii}

Fathers in Sweden who take more time off are happier with the time they spend with their children.^{lviii}

Two early in-depth studies of "leave sharing couples" in Norway discovered that when fathers take leave, "there is a redefinition and redistribution of tasks at home"^{lix} and "a developing competence" in childcare.^{lx}

In Norway, taking longer extended leave has been connected to a relatively minor 'wage penalty' for fathers – just -2.1 percent when their child was five years old (the last measurement-point). This most likely reflects the fathers' shifting of time and effort from earning to household activities.^{lxi}

Taking fathers' education and income into account, studies in the United States (Nepomnyaschy & Waldfogel, 2007)^{lxii} and the United Kingdom discovered a significant link between fathers' taking leave around the birth and later involvement in the care of their babies and young children.^{lxiii}

For example, United Kingdom fathers who take formal leave are 25% more likely to change diapers and 19% more likely to feed and wake up their 8-12-month-old babies.^{lxiv} This had nothing to do with their dedication to parenting before the child's birth and was independent of the number of time moms or other family members spent with the children.^{lxv}

In Australia, Hosking et al. (2010) discovered a link between fathers' leave-taking and being more likely to look after children on their own at weekends.^{lxvi} Huerta et al. (2013) discovered that Australian fathers who took ten or more days off work around childbirth were more likely to be involved in childcare-related activities when they were two to three years old.^{lxvii}

In most countries, fathers who take time off come from advantaged backgrounds families (to be better educated, native-born, married, and work full-time and have high incomes).^{lxviii} However, this is not the situation in Denmark, where fathers have been entitled to paternity and parental leave for over three decades.^{lxix}

CHALLENGES OF INTRODUCING PATERNITY LEAVE

As the COVID-19 pandemic enters its third year, where the situation is quite a under control, we continue to witness the devastating consequences on employee populations. Take, for example, women who have borne the brunt of the crisis's economic and social consequences. It is never been straightforward to assess the impact of public awareness initiatives on gender equality, particularly fathers' leave participation. Paternity leave initiatives in Sweden between 1976 and 2006 targeted men's participation in 'care work,' although they were positioned as secondary rather than main parents. Time usage trends dating back to 1965 demonstrate how the rising engagement of women in the workforce has influenced the number of time mothers to devote to paid employment.^{lxx} On average, mothers worked twenty-one hours per week in 2011, up from eight hours in 1965.^{lxxi} The overall amount of time moms spend on non-paid labor has decreased somewhat during the same period.^{lxxii}

Fathers nowadays spend more time housekeeping and caring for their children than they did 50 years ago.^{lxxiii} Furthermore, the quantity of time they devote to paid labor has fallen significantly throughout that time.^{lxxiv} The World Economic Forum issued its latest global gender-gap study in October 2013, revealing that nations with the most resilient economies have discovered strategies to advance women's careers and shrink the gender wage gap.^{lxxv} Furthermore, in most countries, keep women, who are now better educated than males, are connected to labor after becoming mothers.^{lxxvi} Bangladesh is currently on its track to becoming officially recognized as a developing country by the UN.^{lxxvii} However, in many sectors that other developed countries have tremendous success, we are still far from it. Bangladesh is an internationally progressive, democratic, and welfare state with much active legislation aimed at improving the lives of its residents. Although the Bangladesh government is not legally obligated to support a child's mental and physical development, it should do so for immense benefit.^{lxxviii} Nevertheless, in some cases, the thoughts were not in our hands to make a change immediately. In the readymade garment (RMG) sector, in a day, almost 62% of workers work for 12 hours, and around 23% of workers work for 10 hours, and just 4% of respondents told they work for 8 hours a day, and around 12% work for more than 12 hours, says a Dhaka Tribune report dated November 17, 2018.^{lxxix} In the traditional patriarchal society in Bangladesh, many criticisms may arise regarding paternity leave. Owners of the factories or

industries may oppose this legislation since this law may cause harm to them to get financial benefit. Another challenge in this perspective is that most men do not take paternity leave as they fear it will restrict their careers. Income is essential to an employee or worker, but spending time with family is essential. Putting a monetary figure on time spent with their children might be difficult. In 2021, a 15-day paternity leave proposal was presented by the then Deputy Commissioner of Tangail, Md. Mahbub Hosen at a DC Conference. However, the proposal has not been recognized in Bangladesh employment provisions. Nevertheless, NGOs such as BRAC have provided one month's paid paternity leave which is terrific.^{lxxx} When many employees go on vacation, their production may suffer. If the proposed law is passed, high-ranking officials and skilled workers will be unable to work. Employees on leave may place a significant burden on their coworkers.

SUGGESTIONS

Paternity leave is essential in this day and age, when extended family members are no longer available to assist with childcare. Paternity leave is not a new concept, yet male employees in Bangladesh do not have access to it. Like other nations across the world, Bangladesh should applaud the paternity leave law for the sake of the child and the mother. When it comes to enacting paternity leave in Bangladesh, politicians may face several hurdles. Paternity leave, perhaps ironically, has emerged as a mechanism for progressive countries to counteract an overzealous acceptance of paid leave for mothers.^{lxxxii} In Sweden, men have drifted toward the fun stuff, like hanging out with the kids, rather than the dull but inescapable duties, like boiling the ravioli or vacuuming Cheerios out of the family room carpet, have taken on domestic work over the last 20 years.^{lxxxiii} This paper examines the many nations that have paternity leave programs and underlines the importance of establishing a paternity leave law for male employees in Bangladesh. Paternity leave must be compensated. However, depending on the circumstances, terms, and conditions of the employment, it may be unpaid. The government can implement paternity leave rules in Bangladesh after analyzing current paternity leave legislation in other countries to guarantee that dads have the best opportunity to care for their wives and newborn babies. This study also recommends that the government take appropriate actions to raise public awareness about the need for paternity leave and to establish effective paternity rules. The government should also make paternity leave options available to non-

government employees to have the same chance as government employees. It would be beneficial for both the child and the state.

CONCLUSION

A working parent, especially in our society's context, the father misses out on important development stages of their child's growth. This missed time can never be regained again, once lost, and is potentially a crucial contributing factor in losing their children's maximum development. Children have defined us as our future, our most prominent resource, and our faith for a better tomorrow. Now modern welfare states are utilizing the responsibility for a child for thinking of a better future. Like other states, Bangladesh should also take responsibility for the child. Though the Bangladesh government is not constitutionally obliged to raise a child's mental and physical growth, the more significant good state should regard its duty. Bangladesh has many concrete laws for the well-being of its fellow citizens. As part of this, like other states, Bangladesh should also introduce the paternity leave law for the citizens. The government should enact paternity leave laws in Bangladesh, reviewing existing paternity leave laws in other countries to ensure that fathers have the best chance to care for their wives and newborn babies. The benefit of paternity leave has a long-term effect on that person's family life. The proper development of a child needs the practical support of both mother and father. Besides the mother, a child also needs a father, so it is high time for the Government of Bangladesh to consider authorizing a paternity leave law for male employees and workers. Today, various developments, such as educational, industrial, and technological advancements, generate a large number of work prospects on a daily basis. Every year, we get a large number of graduates from various educational institutions that are interested in such positions. As a result, job sectors are expanding on a daily basis. The government should also bring paternity leave provisions available for non-government service holders so that the employees get the same opportunity as the public service holder. It would be better for the child as well as for the state. The public authority can authorize a paternity leave law or shared parental leave law for both male and female employees and workers, and it would be better for the child^{lxxxiii} just as for the state. It is high time for Bangladesh to improve its facilities for employees from various industries, including establishing legislation governing paternity leave.

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