

PROMOTING THE INTEGRATION OF MIGRANT DOMESTIC

WORKERS

IN EUROPE



International
Labour
Office



MODULE VI

Migrant Domestic Workers Organisation Strategies and Models



International Training Centre

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Module VI – Migrant Domestic Workers Organisation Strategies and Models – OBJECTIVES



To be introduced to the different civil society actors involved with domestic work, such as recognized negotiating bodies (such as trade unions and employer's organizations), for-profit and non-profit employment agencies, domestic worker's associations/cooperatives, migrant organizations, and other NGOs, and these organization's respective services and local or national roles

To be acquainted with existing strategies, practices and activities designed by the aforementioned organizations to organize and protect migrant domestic workers, where possible in a national regulatory context

To be introduced to the organizations present at the training and be challenged to identify opportunities for cooperation between stakeholders at the national level



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Module VI – Migrant Domestic Workers Organisation Strategies and Models – KEY MESSAGES

KEY MESSAGES



ILO Convention No 189, recognizes domestic workers' freedom of association and the effective recognition of the right to collective bargaining (Art. 3(2)), and protects the right of domestic workers to establish and join organizations, federations, and confederations of their own choosing (Art. 3(3)).

Contemporary organizations involved with or composed of domestic workers take many forms worldwide. Trade unions exist alongside a broad range of social actors, such as community, faith-based, migrant, and other non-governmental and membership-based organizations.

Specific activities, programmes, and services provided by social actors at local, national, or international levels are not exclusively beholden to any one type of organization (NGO, DW organization, or TU), except for collective representation, negotiation, bargaining, and tripartite consultations, to which trade unions have the sole legal right.

To facilitate the communication and cooperation between organizations, it is important to understand how each organization or trade union is structured with respect to domestic workers, how they meet the needs of domestic workers through organizing, programmes or services, and how various national actors can collaborate to improve the integration and protection of domestic workers.



Module VI – Migrant Domestic Workers Organisation Strategies and Models – OVERVIEW OF THE ISSUE



OVERVIEW OF THE ISSUE

The ILO Convention 189 recognizes domestic workers freedom of association and the effective recognition of the right to collective bargaining (Art. 3(2)), and protects the right of domestic workers to establish and join organizations, federations, and confederations of their own choosing (Art. 3(3)). The contemporary organization of domestic workers takes many forms worldwide. Trade unions that are established by domestic workers or count domestic workers among their members and advocate for their rights exist alongside a broad range of civil society actors, such as community, faith-based, migrant, and other non-governmental and membership-based organizations. These organizations are often united by a common commitment to improving the recognition, rights and working conditions of all domestic workers, including migrant domestic workers.

In order to facilitate the communication and cooperation between them, it is important to explore how each organization or trade union is structured with respect to domestic workers, what roles they play in society and with respect to domestic workers, how they meet the needs of domestic workers through organizing, programmes or services, and how various national actors can collaborate to improve the integration and protection of domestic workers.

It is also important to review what (migrant) domestic workers can gain in terms of decent work conditions (dignity, solidarity) from joining and participating in an organization defending their rights, whatever form it adopts.

Typology of organizations playing a role in the protection of MDWs' rights

All civil society organizations can provide migrant domestic workers with a range of services at local, national, or international levels.

At the local level, organizations focus on a variety of issues and services, such as working conditions and wages, negotiations with employers, social protection, skills training, employer education, protection and shelter from violence, and job opportunities, among others. Sometimes, services meeting these challenges, such as legal services, local advocacy or income generating schemes, are provided in specific cases where the law falls short, or where there are other obstacles barring domestic workers' access to rights.

At national levels, the focus lies on changing national policies, laws and their implementation, and achieving recognition for collective social or economic needs. National organizations can provide migrant domestic workers with a platform from which to speak with one voice and to interact with policymakers, employer representatives (where they exist), and government representatives, and can provide larger funding sources in support of organizations at the local level.

International organizations, such as, at the international level, the International Domestic Workers' Network (IDWN), the International Trade Union Confederation (ITUC) and the International Union of Food workers (IUF, and, at the European level, the European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT) and European Trade Union Confederation (ETUC), can help provide migrant domestic workers with recognition and visibility at EU or international level dialogues. They can also contribute towards regional or even global solidarity among domestic workers, and potentially mobilize further funding at national levels.

Trade union organization

Trade unions, in law, are those entities that have the right to bargain collectively, and to negotiate in tripartite settings. While domestic workers have in the past been relatively difficult to organize within union settings, recent action by domestic workers themselves and the drafting and adoption of the Domestic Workers Convention has stirred many trade unions to redouble their commitment to supporting and protecting the recognition and rights of domestic workers.

In some countries, well-established trade unions organize domestic workers, such as FNV Bondgenoten Schoonmaak in the Netherlands, which also includes migrant domestic workers among its ranks. Sometimes unions will establish a daughter union specifically for domestic workers. In other situations, unions might not yet have started organizing domestic workers. In some countries, such as in South Africa or Brazil, domestic workers have formed their own trade unions, which became affiliated to the national trade union centre. Finally, in some cases workers have organized themselves into domestic workers' organizations outside of the union structure, often because of legal restrictions that limit their right to establish or join formal trade unions.

Domestic workers and NGOs

Domestic workers' organizations

Any organization that has (migrant) domestic workers as members who are part of the organizational leadership can be considered domestic workers' organizations. This type of organization consists mostly of self-organized (migrant) domestic workers' organizations but includes any organization that incorporates domestic workers into their leadership and advocates for the rights of domestic workers. The advantage of informal self-organizations is the potentially lower barrier to participation for more vulnerable individuals, such as live-in, irregular migrant, women, or abused domestic workers who might otherwise find difficulty in joining more formal organizations. These informal associations could ideally even function as a stepping stone toward a more formal form of organization.

Non-governmental organizations

Any other civil society organization that advocates for migrant domestic workers but that does not have a membership-based structure in which domestic workers are both members and leaders can be referred to as a non-governmental organization (NGO). These organizations exist at every level (local, national, and international) and can provide support to migrant domestic workers in a large number of ways. Often NGOs can provide services to migrant domestic workers where no other services or provisions exist.

It should be noted that most of these activities, programmes and services are not exclusively beholden to any one type of organization (NGO, DW organization, or TU). Any of them can and do focus on these issues. The exception is with respect to collective representation, negotiation, bargaining, and tripartite consultations, to which trade unions have the sole legal right.

MDW organizing and participating in domestic workers' organizations: a step closer to Decent Work

In Europe, while trade unions are well established, migrant domestic workers are not always able and willing to join them for different reasons. In some circumstances, migrant workers are not legally allowed to join trade unions. Sometimes, they do not see what the union can do for them. The manual for trainers on “Decent work for domestic workers in Asia and in the Pacific” also notes that “newly-arrived and live-in domestic workers may not have access to a community outside their employers' home” and participation often happens thanks to personal relationships, or neighbouring. They often fear retaliation from their employer, if they were to discover they joined a union. For those with irregular status, the fear of retaliation is amplified to include the fear of deportation.

As such, trade unions and irregular MDWs are often faced with a dilemma when deciding whether or not to take a case of exploitation to the justice system.

Domestic workers face additional challenges in joining an organization (whether a trade union or otherwise) due to their extenuating working days and weeks. Indeed, many domestic workers work long hours and often only have one day off, during which they often take care of their personal interests/responsibilities and enjoy their rest time at the expense of attending organizational meetings.

However, organizing and participating can impact the personal and professional lives of (migrant) domestic workers. Trade unions in Europe, responding to a survey in the framework of a EU-funded project “Decent Work for Domestic Workers” led by the International Training Centre of the ILO (ACTRAV), acknowledge the need to organize domestic workers and to raise public awareness on their working conditions. The project manual also provides successful and practical examples of unions organising and/or bargaining for domestic workers' rights.

What domestic workers' organizations offer to benefit and/or empower domestic workers?

As the manual for trainers “Decent work for domestic workers in Asia and in the Pacific” reminds, helping domestic workers to get organized and to participate in organizations claiming for their rights is key to give them the opportunity to speak for themselves and finally have their voices heard. Moreover, organizing initiatives are likely to uncover a huge hidden workforce. Trade Unions have an important part to play but, as stated in Achieving decent work for domestic workers: an organizer's manual, “domestic work has many particularities as a sector, and traditional trade union strategies will not always suffice to organize and support domestic workers. Trade union action in support of domestic workers should be developed to meet the particular needs of domestic workers: the isolation of working inside a private residence, negotiating with multiple employers, having virtually no freedom to meet fellow workers, and lacking access to social and legal services.”

This flexibility also applies to administrative procedures. An organizational change may be required within a trade union to meet domestic workers' needs: “this regards for example the possibility to pay membership fees in cash, as undocumented migrant domestic workers have no access to bank accounts; or also the relevance of having a photo on the trade union membership card which then can serve as an alternative document for identification in other administrative procedures and facilitate migrants' interaction with public authorities.”

The essential benefit from organizing will be to empower domestic workers. Another positive outcome will be the sense of solidarity and mutual support favouring communications and problems sharing.

Empowerment

- Empowerment through collective bargaining opportunities (in the case of trade unions): there is power through numbers, and trade unions have large number of supporters and members. This power, in addition to their network, and a good acquaintance with the main stakeholders, give them weight when negotiating the working conditions of workers. In Europe, collective agreements for domestic work exist in Austria, Belgium, France, Germany, Italy and Sweden.
- Several Europe-based trade unions state to be involved in membership campaign's activities: the Belgian ACV-CSC, the Danish LO, the French Syntex-SPE/FO-CGT, the German Ver.di, the Irish SIPTU, the Italian CGIL-Filcams, the Dutch FNV Bongenoten, the Spanish CCOO and UGT, and the British Unite. Good practices have been identified by the report of the EU funded project on “Decent work for domestic workers” in establishing direct contact with domestic workers (the Dutch FNV Bongenoten) and in supporting domestic workers' self-organisation (the Irish SIPTU in the “Domestic Workers Action Group” (DWAG)).
- A focus on migrants is sometimes privileged: “Given the high share of migrants among domestic workers, a particular focus of such organising is put on this group and activities often are carried out together with migrants' associations. This is the case particularly for the Dutch FNV which cooperates with several national migrants' associations, the Irish SIPTU which collaborates with the Migrants Rights Centre Ireland (MRCI) and the Domestic Workers Action Group (DWAG), the British Unite which works together with Justice for Domestic Workers, and the German Ver.di with the migrant domestic workers' support group called Respect.”

- Empowerment through collective action (for domestic workers' organizations generally): domestic workers may stand up to claim and defend rights in a safer and more efficient way being backed by an organization or a union. Collective action can correspond to rallies for justice for individual exploited workers, or for domestic workers' rights generally, to the production of information materials and press releases, but also petitions or else. These manifestations help domestic workers, help to shape an organization and to strengthen the feeling of belonging to a group.
- Empowerment through leadership opportunities within the organization, and in making voices of domestic workers heard in advocacy and lobbying government. Organizational skills training provided by trade unions which have the experience and know-how in communicating, negotiating, fundraising and accounting can make a positive change happen. This way, domestic workers can learn to speak clearly and loudly for their rights.
- Specific empowerment for migrant domestic workers: the participation of all members, irrespective of their migration status, in decision-making at all levels is essential to let them become the agents for social change.
- Those challenges are underlined in the report from the EU-funded project "Decent work for domestic workers": "As regards trade union strategies, particular stress is put on the challenge of reorganising trade union structures, in order to allow for more effective organising strategies, to gain more visibility and voice for domestic workers as well as to reinforce trade unions' strength more generally."
- The need for protection is heightened and needs to be satisfied through language skills, specific legal support (including migration law) and an outreach strategy involving targeted communities. About the latter, the above-mentioned report indeed refers to the need to promote a cross-country cooperation (between countries of destination and origin) and to obtain the support of civil society's organizations: "cooperation with migrants associations and sometimes also other NGOs (for examples women's associations) results as important for a relevant number of the observed trade unions. [...] Such interaction was explicitly mentioned also by the Belgian FGTB, the Italian CGIL-Filcams and UIL-Uiltucs, the Portuguese CGTP-IN and the Spanish UGT."

Mutual support, bonding opportunities

In the process of organizing, workers listen to and inform each other, and build trust, as well as confidence in their collective ability to change their situation. As noted in *Achieving decent for domestic workers: an organizer's manual*, "displays of solidarity cost little or nothing and go a long way towards achieving real social and psychological change for domestic workers."

The challenges of domestic workers' participation in organizations has made it necessary for organizations to be more creative than usual in planning meetings, mobilizing and developing outreach strategies. Migrant workers' groups such as Kalayaan in the UK have made innovative progress in recruiting and maintaining participation through such activities as drama and social get-togethers.

Through organizing, domestic workers have the opportunity to improve their lives by escaping from repetitive tasks, weakening the occasions to think and exchange and coming together to share problems and solutions.

When (migrant) domestic workers join an organization/union/network, they often feel empowered by having the opportunity to acquire new skills through training activities, feeling the solidarity of a group, and most of all by gaining self-confidence and recognition and respect for their work.

Organizing domestic workers represents a challenge, as discussed above, but also an opportunity to renew communication, and cooperation strategies in the context of the heterogeneous European landscape.

Module VI – Migrant Domestic Workers Organisation Strategies and Models – LEARNING BY DOING



Role Play

Participants are divided into two groups of at least six people each.

One group represents a trade union while the others represent a migrant workers' organisation.

Each group has to assign one reporter, one organizer and two persons to act as the members of the organization. The other group members play migrant domestic workers who could be 'potential' members. One of them is a regular migrant while the other is an irregular migrant.

The organizer approaches the rest of the group in a friendly manner and encourages the domestic workers to join his/her organization. The two current members give reasons why they have joined the organization's activities. Each potential member gives at least one reason why s/he cannot or does not want to join.

The organizer tries to convince them of the benefits of joining and counters their arguments.

The reporter in each group makes a list of the reasons for not joining the organization on a flipchart.

The groups reconvene in plenary and the reporters have to summarize the main arguments against joining an organization. The groups discuss the lists and the differences between the two types of organizations, and add any other reasons why it may be difficult for domestic workers to join an organization or take part in its activities.



For this exercise, you have 40mn dedicated to the group work and 30mn to the reporting/discussion.

Exercises for domestic workers

The module will consist of a panel discussion with 3 or 4 invited speakers (from the course participants) and smaller discussion groups to exchange experiences, strategies, practices and activities.

Three or four participants will be invited to prepare a short (5 - 7 minutes) presentation on their organization's responses to the questions outlined below. The presenters should be identified and approached before the start of the training, and ideally should represent a broad spectrum of organization types and countries. The presenters should be made aware that the presentation is to be short and functional, answering only to the questions provided, and that time will be strictly kept (overrunning is to be expected, but no more than 10 minutes per person maximum). The presenters should also be invited to act as facilitators (if necessary and where language ability permits) during the group discussions and briefed to keep the discussion focused on answering the discussion questions.

After the initial presentations, all participants will be separated into smaller (language based) groups, of about 6 – 8 persons, to discuss and exchange on the same questions as the presenters from their diverse organization's perspectives. The learning objective of the group discussions is divided equally between:

- sharing their organization's perspective
- understanding the perspectives of others
- identifying opportunities for cooperation between the different stakeholders present

In the closing plenary session participants will be invited to share any new insights or opportunities for cooperation they have encountered as a result of the foregoing discussion groups.

Guiding questions to be answered during panel and discussion groups:

- How and through what activities does your trade union or organization engage with migrant domestic workers? What, if any, support services do you provide for them?
- Are there any additional needs of migrant domestic workers that are not being sufficiently met by existing organizations?
- How could collaboration with other organizations help meet those needs of migrant domestic workers?

Timeframe:

- Plenary opening, done by moderator (5 – 10 min)
- 5 - 7 minute presentations by 3 or 4 participating organizations (30 – 40 min)
- 6-8 person groups discussing 2 or 3 given topics (20 – 30 min)
- Plenary closing and sharing of group work experiences, by moderator (15 – 20 min)

Module VI – Migrant Domestic Workers Organisation Strategies and Models – FACT SHEET



Key definitions at a glance

Trade unions

in law, are those entities that have the right to bargain collectively, and to negotiate in tripartite settings. Some trade unions organize domestic workers, for example FNV Bondgenoten Schoonmaak, which also includes domestic workers among their ranks.

Domestic workers' organizations

are any organizations (whether unions or not) that have domestic workers as members, and who lead the organization.

Organizations that advocate for domestic workers' rights but that do not organize them

and where they do not have some kind of leadership role within the organization, are simply NGOs.

There are different levels of organization at which civil society organizations can operate.

These can be roughly divided into the local or immediate, national, and international levels. Organizing can mean entirely different things at different levels

FACT SHEET

Examples of organizations in Europe:

- Regional Trade Union: ETUC – European Trade Union Confederation, European level
- Domestic workers' union: FNV Schoonmaak
- Domestic workers' organizations: Kalayaan, UK
- Organizations that advocate but do not organize MDW: PICUM – organization supporting undocumented migrants in Europe

Recommended readings

- ETUC (2005). Out of the Shadows, Organising and protecting domestic workers in Europe: the role of trade unions, http://www.etuc.org/IMG/pdf/Rapport_dosmestic_workers.pdf
- Boris, E., & Nadasen, P. (2008). Domestic Workers Organize! *The Journal of Labor and Society*, 11(December), 413–437.
- Piper, N. (2009). Migration and social development: organizational and political dimensions (Social Policy and Development Programme Paper No.39). Retrieved from [http://www.unrisd.org/80256B3C005BCCF9/\(httpPublications\)/BF5F31527388A6D6C12575DA002D8FB3?OpenDocument&panel=relatedinformation](http://www.unrisd.org/80256B3C005BCCF9/(httpPublications)/BF5F31527388A6D6C12575DA002D8FB3?OpenDocument&panel=relatedinformation)
- Piper, N. (2010). Temporary economic migration and rights activism: an organizational perspective. *Ethnic and Racial Studies*, 33(1), 108–125.
- Hobden, C.(2010). Winning Fair Labour Standards for Domestic Workers: Lessons Learned from the Campaign for a Domestic Worker Bill of Rights in New York State, ILO, GURN.
- ILO (2012). Achieving decent work for domestic workers. An organizer’s manual to promote ILO convention n. 189 and build domestic workers’ power, Geneva.
- Elsa Ramos-Carbone, ILO (2012). Decent work for domestic workers in Asia and the Pacific : manual for trainers, ILO DWT for East and South-East Asia and the Pacific, ILO Regional Office for Asia and the Pacific, Bangkok.
- Marchetti, S. (2012). Together ? On the not-so-easy relationship between Italian labour organisations and migrant domestic workers’ groups (ICDD Working Papers No. 31).
- Marino, S. (2012). Trade union inclusion of migrant and ethnic minority workers: Comparing Italy and the Netherlands. *European Journal of Industrial Relations*, 18(1), 5–20.
- Walsum, S. Van. (2011). Regulating Migrant Domestic Work in the Netherlands: Opportunities and Pitfalls. *Canadian Journal of Women and the Law*, 1(23).
- WIEGO (2011). Organizing Informal Workers: Building & Strengthening Membership-Based Organizations. (Bangkok Workshop Report, 3-5 March, 2011).
- WIEGO (2012). The Only School We Have: Learning from Organizing Experiences across Informal Economies. WIEGO: Cambridge, MA.
- ITCILO-ETUC-EFFAT (2013). Project report, “Decent Work for Domestic Workers: The state of labour rights, social protection and trade union initiatives in Europe”, <http://precariouswork.itcilo.org/decent-work-for-domestic-workers/report/Decent-Work-for-Domestic-Workers-FINAL.pdf/view>

Module VI – Migrant Domestic Workers Organisation Strategies and Models – GOOD PRACTICES



Trade unions and collective agreements

Netherlands

- Domestic workers, including migrant domestic workers, have successfully campaigned to be incorporated into the largest Dutch cleaning union, FNV Bondgenoten Schoonmaak.

Italy

- A collective agreement between four main unions in the sector and three employers' organizations has been in force on domestic work since 1974 (most recently renewed in 2013).

Global

- ITUC's '12 by 12' Campaign was launched on 19 December 2011 and aimed at 12 ratifications in 12 countries of C189 in 2012 (or a clear commitment from governments to do so). The '12 x 12' Campaign is a broad coalition gathering unions, NGOs and other civil society partners in more than 90 countries, working together on improving rights and protection for domestic workers. Organising 12,000 + 12,000 domestic workers by the end of 2013. Since unions have a unique role in tripartite negotiations related to labour laws and conditions it is important to support domestic workers in the building of strong unions and to provide access to capacity and leadership training.
Thanks to the efforts of '12 by 12', major reforms took place in the Philippines (January 2013), Argentina (March 2013) and Brazil (April 2013), where new laws were adopted to significantly improve the rights of domestic workers. Labour reforms took place in a number of other countries, including in Chile where the working time of domestic workers was legally regulated; in Spain, where domestic workers were granted access to social protection; in Singapore, which granted a day off a week to domestic workers; in Vietnam, where a new Labour Code was adopted recognising domestic work for the first time; and in Malawi, where the minimum wage for domestic workers was increased.

Thousands of domestic workers joined a union and new unions were established in Paraguay, the Dominican Republic, Guatemala, Costa Rica, Columbia, Egypt, Angola, Jamaica, Brazil and Sri Lanka.

More information is available at the ITUC website:
<http://www.ituc-csi.org/domestic-workers-12-by-12>

Activities and coordination of social actors

Ireland

- In 2003 the Migrant Rights Centre of Ireland set up a Domestic Workers Action Group, which provides a space for domestic workers to come together, share experiences, and campaign for policy and legal change to improve the position of domestic workers in Ireland.

Spain

- Domestic work organizations and other NGOs in Spain have come together following an ITC-ILO training in 2013 to form a collective platform in order to raise visibility and engage in the debate on domestic work in Spain.

Module VI – Migrant Domestic Workers Organisation Strategies and Models – TEST YOUR KNOWLEDGE



1. Which article of the ILO Convention 189 recognizes domestic worker's freedom of association and the effective recognition of the right to collective bargaining and protects the right of domestic workers to establish and join organizations, federations, and confederations of their own choosing.
 - a. Article 1
 - b. Article 2
 - c. Article 3
 - d. There is no such article in the Convention
2. Which of the following organizations may promote decent work for migrant domestic workers?
 - a. Migrants' associations
 - b. Trade unions
 - c. Domestic Workers associations
 - d. All of the above
3. Only formalised organizations that have (migrant) domestic workers as members who are part of the organizational leadership can be considered domestic workers' organizations
 - a. True
 - b. False

4.

Both regular and irregular MDW fear retaliation from their employers when joining a trade union/organisation/association

- a. True
- b. False

5.

Which one of the following challenges for trade unions in its role to represent MDW is not accurate?

- a. No right legally for MDW to join trade unions in most of the European countries
- b. MDW work inside private residence
- c. MDW have few opportunities to meet fellow workers
- d. Negotiating with multiple employers

Responses to the quiz

1. The correct answer is c): ILO Convention 189 recognizes domestic worker's freedom of association and the effective recognition of the right to collective bargaining (Art. 3(2)), and protects the right of domestic workers to establish and join organizations, federations, and confederations of their own choosing (Art. 3(3))
2. The correct answer is d)
3. The correct answer is b): any organization that has (migrant) domestic workers as members who are part of the organizational leadership can be considered domestic workers' organizations. This type of organization consists mostly of self-organized (migrant) domestic workers' organizations but includes any organization that incorporates domestic workers into their leadership and advocates for the rights of domestic workers
4. The correct answer is b): in the case of irregular MDW the fear of retaliation is amplified to include the fear of deportation
5. The correct answer is a): trade union action in support of domestic workers should be developed to meet the particular needs of domestic workers: the isolation of working inside a private residence, negotiating with multiple employers, having virtually no freedom to meet fellow workers, and lacking access to social and legal services. This flexibility also applies to administrative procedures (for instance regarding the way to pay membership fees)

Notes

**INTERNATIONAL MIGRATION BRANCH
CONDITIONS OF WORK AND EQUALITY DEPARTMENT**

International Labour Organization
4 Route des Morillons
Geneva
CH - 1211
Switzerland
Tel: +41 22 799 6667

Website: www.ilo.org/migrant
Email: migrant@ilo.org

**INTERNATIONAL LABOUR MIGRATION
SOCIAL PROTECTION PROGRAMME**

International Training Centre of the ILO
Viale Maestri del Lavoro, 10
10127 Turin
Italy
Tel: + 39 011 693 6359

Website: <http://itcilo.org/>
Website: <http://migration.itcilo.org/>
E-mail: migration@itcilo.org



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