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លីកាដូ



LICADHO

CAMBODIAN LEAGUE FOR THE
PROMOTION AND DEFENSE OF
HUMAN RIGHTS



BOUND BY BRICKS

AN OPPORTUNITY TO END DEBT BONDAGE AND
CHILD LABOUR IN CAMBODIA'S BRICK FACTORIES

A report issued in
November 2023



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CAMBODIAN LEAGUE FOR THE PROMOTION
AND DEFENSE OF HUMAN RIGHTS

CAMBODIAN LEAGUE FOR THE PROMOTION AND DEFENSE OF HUMAN RIGHTS (LICADHO)

LICADHO is a national Cambodian human rights organisation. Since its establishment in 1992, LICADHO has been at the forefront of efforts to protect civil, political, economic and social rights in Cambodia and to promote respect for them by the Cambodian government and institutions. Building on its past achievements, LICADHO continues to be an advocate for the Cambodian people and a monitor of the government through wide ranging human rights programs from its main office in Phnom Penh and 12 provincial offices.

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TABLE OF CONTENTS



Introduction	P1
Summary of Key Findings	P2
Background	P4
Methodology	P6
Overview of the Brick-Making Process	P8
Findings	P10
Brick Factory Workers Are At Risk Due to the Industry's Downturn	p10
Debt Bondage Remains Endemic	p14
Child Labour Continues	p18
Inspections Are Inconsistent and Ineffective	p21
Brick Kilns Are Fuelled by Garment Waste	p22
Work Conditions and Access to Healthcare Are Inadequate	p26
Bricks Are Mostly Bought by Gated Housing Developments	p28
Conclusion	P29
Recommendations	P30



Human rights abuses including modern slavery, debt bondage and child labour remain common in Cambodian brick factories. These violations have been extensively documented by non-governmental organisations, academics and journalists for years. They continue today largely because the Cambodian government has repeatedly denied their existence. The private sector and international community have also failed to take material action to address endemic problems in Cambodia's brick industry. As a result, bricks produced by debt-bonded workers and their children continue to underpin the rise of Cambodia's buildings and homes.

This report is based on visits to brick factories and interviews with workers in Kandal province and the capital Phnom Penh. It provides evidence that debt bondage and child labour continue in brick factories.

Demand for bricks has plummeted due to the slowdown in Cambodia's construction and real estate sectors since the Covid-19 pandemic, leaving many brick factories with limited work and some shuttered entirely. Brick factory owners' responses have varied, with some transferring bonded labourers to new types of work, and others cancelling workers' debts and allowing them to leave the brick industry. If debt cancellation and freedom for all bonded workers is not immediately guaranteed, modern slavery in Cambodia risks expanding to other industries and will become more difficult to end.

In factories that remain operational, debt bondage continues to drive child labour by children as young as nine years old. Work in brick factories falls within international and Cambodian legal definitions of child labour because it is conducted in the context of debt bondage and it is hazardous.¹

Cambodian local authorities are aware of, and at times complicit in, abuses in brick factories. However, the Cambodian government's primary response has been haphazard labour inspections followed by the denial that problems exist. Brick factory owners therefore continue to enjoy impunity, with no known prosecutions for illegally holding people in debt bondage.

Demand for bricks has plummeted.

Modern slavery in Cambodia risks expanding to other industries.

¹ Articles 3(a) and 3(d), International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182); Para. 2, Prakas on the Prohibition of Hazardous Child Labour, No. 106, Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation (MoSALVY), 28 April 2004

Summary of Key Findings

The Cambodian League for the Promotion and Defense of Human Rights (LICADHO) documented information from 21 brick factories from April to September 2023 through visiting brick factories, having dozens of informal conversations with workers and other people connected to the industry, and conducting in-depth interviews with 10 current and former workers. These conversations revealed that:

Brick factory workers are at risk due to the industry's downturn. Eight factories visited by LICADHO had reduced or suspended brick production and five others had shuttered entirely. While brick factory owners have most commonly allowed debt-bonded workers to temporarily live or work elsewhere, other workers are expected to remain at the brick factory compound without an income until production resumes. Worryingly, at least three brick factory owners have transferred some bonded brick factory labourers to new types of work. In contrast, three brick factory owners cancelled the debts of all or some of the workers, freeing them from bonded labour.

Debt bondage remains endemic. Every current brick factory worker who participated in an interview with LICADHO was indebted to the brick factory owner. Workers are typically not permitted to live or work elsewhere until their loans are repaid in full. Interest-free loans entice workers to brick factories, but workers are paid so little for their labour that they are rarely able to reduce their debts. Some brick factory owners also keep workers' identity documents, or require each family to always have at least one member at the factory compound to guarantee that the others will return. Some workers also report that loan agreements are signed in the presence of the authorities, who at times help search for workers if they attempt to leave the brick industry.

Child labour continues. Children aged from 9 to 17 years continue to work in Cambodian brick factories. LICADHO witnessed children working at two brick factories and received reports of child labour at four others. Debt bondage and a low, per brick pay structure are root causes of child labour because they mean that workers feel they have no choice but to have as many family members working as they can. LICADHO witnessed or received reports of children loading clay into dangerous brick-making machinery, and loading and unloading bricks from carts and trucks.





Inspections are inconsistent and ineffective. Cambodia's Ministry of Labour and Vocational Training (MLVT) is responsible for inspecting brick factories. Multiple workers had never seen an inspection or had not seen one within the last five years. Other workers reported that authorities have inspected brick factories and at times announced that children are not allowed to work or go near brick kilns or machinery. Such interventions have not effectively reduced child labour as they have done nothing to address the issues of debt bondage or low pay, and have not held factory owners to account for abuses.

Brick kilns are fuelled by garment waste from international clothing brands. LICADHO found garment waste at seven brick factories, including waste from major international garment brands such as adidas, Reebok, Under Armour, lululemon, GAP, Old Navy, Primark, Walmart and others. Pre-consumer waste from the garment industry is burnt to fuel brick kilns, despite causing negative health and environmental impacts. Workers reported respiratory problems, headaches and other harms caused by burning garment waste.

Working conditions and access to healthcare are inadequate. Workers are not provided with employment contracts, statutory benefits such as paid leave, or protective equipment. Multiple workers reported being unable to afford healthcare. Most factory owners have stopped providing additional loans for healthcare expenses following reduced demand for bricks.

Bricks are predominantly bought by gated housing developments (*boreys*). Workers, brick factory owners and truck drivers report that bricks are currently mainly sold to *boreys* in Phnom Penh. However, any actors purchasing bricks in Cambodia risk having human rights abuses in their supply chain given the prevalence of debt bondage and child labour in the industry.

Background

Human rights abuses have been prevalent in Cambodian brick factories for decades. LICADHO documented children being injured while working in brick factories as early as 1999, and during the 2000s published evidence that hundreds of children were working in the industry.² LICADHO's 2016 report on brick factories found that child labour and debt bondage were ongoing.³

Following a series of national and international media stories on these abuses, it was reported in May 2018 that MLVT had "removed" 240 children from heavy labour in brick factories and that the Siem Reap Provincial Department of Labour had shut down three brick factories and suspended five others.⁴ This fell far short of addressing the widespread abuses occurring in hundreds of factories across the country.

Since October 2018, academics from Royal Holloway, University of London have published research on Cambodian "Blood Bricks". Their findings also revealed debt bondage and child labour, as well as the brick industry's burning of garment waste and relationship to climate change.⁵ MLVT announced it would investigate their claims.⁶

In March 2019, Cambodians expressed outrage on social media after a 10-year-old girl lost her arm in brick-making machinery.⁷ Cambodia's MLVT fined the factory and announced a campaign to end child labour in brick factories by 2020,⁸ issuing written instructions for provincial labour departments to educate brick factory owners about prohibitions on debt bondage, child labour, and children approaching brick-making work areas. The instructions threatened criminal action or closures for factories that failed to comply.⁹

² "Briefing on Child Abuse/Violence and Exploitation in Cambodia", LICADHO, p. 3, 2000, available at: <https://www.licadho-cambodia.org/reports/files/22BRIEFING%20ON%20CHILD%20ABUSE.pdf>; "Child Workers in Brick Factories: Causes and Consequences", LICADHO and World Vision Cambodia, 2007, available at: <https://www.licadho-cambodia.org/reports/files/120LICADHOWVCCChildLaborReport.pdf>; "Children's Work in Cambodia: A Challenge for Growth and Poverty Reduction", ILO, UNICEF and the World Bank, p. 29, 2006, available at: https://archive.crin.org/sites/default/files/images/docs/WB_Child_labour.pdf

³ "Built on Slavery: Debt Bondage and Child Labour in Cambodia's Brick Factories", LICADHO, 2016, available at: <https://www.licadho-cambodia.org/reports.php?perm=221>

⁴ Mech Dara, "NCCT investigating and closing down factories over child labour", Phnom Penh Post, 23 May 2018, available at: <https://www.phnompenhpost.com/national/ncct-investigating-and-closing-down-factories-over-child-labour>

⁵ Katherine Brickell, Laurie Parsons, Nithya Natarajan and Sopheak Chann, "Blood Bricks: Untold Stories of Modern Slavery and Climate Change from Cambodia", Royal Holloway, University of London, 2018, available at: <https://static1.squarespace.com/static/596df9f8d1758e3b451e0fb2/t/5bc4d7cdc83025e41e7b10a0/1539627177544/Blood+bricks+high+res+v2.pdf%20>; see also "Publications", Blood Bricks, available at: <https://www.projectbloodbricks.org/publications>

⁶ Mech Dara, "Ministry to probe child labour", Phnom Penh Post, 19 October 2018, available at: <https://www.phnompenhpost.com/national/ministry-probe-child-labour>

⁷ See "On World Day Against Child Labour, LICADHO calls for the government to enforce existing child labour laws", LICADHO, 2019, available at: <https://www.licadho-cambodia.org/pressrelease.php?perm=440>

⁸ Leonie Kijewski, "Cambodia Launches Campaign to End Child Labor in Brick Industry", Voice of America (VOA), 7 September 2019, available at: <https://www.voanews.com/a/east-asia-pacific-cambodia-launches-campaign-end-child-labor-brick-industry/6175344.html>

⁹ Instruction on Prohibiting Children from Entering the Brick Production Line Area Within the Brick Factory, No. 056/19, MLVT, 19 June 2019





An independent national survey of the brick industry, conducted in 2019, found that over 10,000 people – including nearly 4,000 children – were living in 464 operational brick factory compounds across Cambodia. The survey found that 638 children under the age of 18 were currently working in brick factories, although the actual number was likely higher given the casual and inconsistent nature of the work.¹⁰

Despite this, in January 2020, an MLVT spokesperson reported that labour inspectors had visited every brick factory in Cambodia and found that “There is no child labor in the brick factories”.¹¹ MLVT similarly reported to the US Department of Labor in November 2020 that they found “no cases of child labour or debt bondage or forced labour” after conducting a census of 486 brick factories.¹² The Cambodian government this year again reported that, across all sectors and industries, MLVT “conducted 752 labor inspections from 2019 to 2022, resulting in no cases of child labour and debt bondage”.¹³

Journalists documented debt bondage and child labour in brick factories in 2020 and 2021.¹⁴ In July 2022, the US Department of Labor added Cambodian bricks to its “List of Products Produced by Forced or Indentured Child Labour”.¹⁵ As documented in this report, LICADHO has found no systemic improvements since its previous report in 2016.

¹⁰ “National Survey of the Cambodian Brick Industry: Population, Geography, Practice”, Blood Bricks, 1 March 2020, available at: <https://www.projectbloodbricks.org/blog/2020/5/26/tdc34d18vw1fzab3m80fcwu20r0oi>

¹¹ Leonie Kijewski, “100s of Children in Cambodia Work in Brick Factories, Report Finds”, VOA, 14 February 2020, available at: https://www.voanews.com/a/east-asia-pacific_100s-children-cambodia-work-brick-factories-report-finds/6184260.html

¹² “Subject: The Clarification on U.S Global Child Labour Report on Cambodia”, Letter from MLVT to the US Department of Labor, 10 November 2020, available at: <https://www.regulations.gov/comment/DOL-2020-0008-0002>

¹³ Comments by the State on the Report of the Special Rapporteur on the situation of human rights in Cambodia, Vitit Muntarbhorn, A/HRC/54/75/Add.1, para. 37, 21 August 2023, available at <https://undocs.org/en/A/HRC/54/75/Add.1>

¹⁴ Matt Blomberg, “Expose reveals child labor in Cambodian brick kilns despite crackdown”, Thomson Reuters Foundation, 13 February 2020, available at: <https://www.reuters.com/article/us-cambodia-construction-child-labour-idUSKBN20702Y>; Khuon Narim, “Debt bondage and child labor remains stubbornly prevalent at brick kilns”, Camboja, 27 July 2021, available at: <https://cambojanews.com/debt-bondage-and-child-labor-remains-stubbornly-prevalent-at-brick-kilns/>

¹⁵ “List of Products Produced by Forced or Indentured Child Labor”, US Department of Labor, available at: <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-products>; “Notice of Final Determination To Add Cambodia Bricks to the List of Products Requiring Federal Contractor Certification as to Forced or Indentured Child Labor Pursuant to Executive Order 13126”, US Department of Labor, July 2022, available at: <https://www.federalregister.gov/documents/2022/07/13/2022-14799/notice-of-final-determination-to-add-cambodia-bricks-to-the-list-of-products-requiring-federal>



21

brick factories in Phnom Penh and Kandal province

10

current or former workers who participated in semi-structured, in-depth interviews

18 years

average time workers who participated in interviews had lived and worked in brick factories

From April to September 2023, LICADHO collected information from 21 brick factories in four districts of Kandal province and Phnom Penh. LICADHO visited 20 brick factories and documented information about one additional factory through an interview with a worker held outside the factory compound.

During these visits, LICADHO staff had dozens of informal conversations with current and former workers, factory owners and truck drivers. In addition, 10 current or former workers participated in semi-structured, in-depth interviews. These workers – including seven women and three men – were living in nine brick factory compounds and had migrated from Kampong Cham, Kampong Thom, Kampot, Prey Veng, Pursat, Svay Rieng, and Tbong Khmum provinces, as well as Southern Vietnam.

Districts close to Phnom Penh and with a high number of brick factories were included in the study. Factories were selected on an ad hoc basis depending on ease of access. Nearly all interviews with workers were held inside brick factory compounds, at a location chosen by the participant. Most interviews were therefore not conducted in private, and often included the participation of other family members and workers. However, no interviews were held in the presence of brick factory owners. While private interviews were preferable, it was challenging to identify private locations within or nearby brick factories.

Workers or former workers were invited to participate in interviews based on their availability and willingness. LICADHO explained the research purpose and how participants' information would be used prior to obtaining informed consent. Each person participated on the condition of anonymity. LICADHO asked questions about the brick factory, workers' backgrounds, their working and living conditions, debt, interactions with authorities, work by children, and workers' feelings about their working and living situations. Many workers also shared information about the situations of their family members or workers living in other brick factories.

The workers who participated in interviews had lived and worked in brick factories for 18 years on average, ranging from 6 to 30 years each. This report therefore does not discuss factors that are currently likely pushing workers into brick factories, such as microfinance debt and climate change, but rather focuses on the current experiences of workers in brick factories.



A child plays with bricks.

Overview of the Brick-Making Process

LICADHO witnessed or heard reports of children completing the tasks in blue this year.

Brick manufacturing begins with extracting clay from land near the factory or other areas of Cambodia. Clay is fed into brick-making machines with varying levels of automation.

Clay is cut and fed into manual brick-making machines by hand. Most do not have guardrails to prevent workers' arms or legs being dragged into the churning gears, and they have commonly caused limb loss.¹⁶ Newer machines with higher levels of automation are loaded with clay using an excavator. While factories have progressively upgraded their machines, many continue to use dangerous manual machines.

Machines mould the clay into a single brick, which exits the machine on a roller conveyor or conveyor belt. **This soft clay brick is manually sliced to its final size by a worker using a wire tool**, or automatically if the equipment allows. Two or three people usually **load fresh bricks from manual machines onto a cart**. Newer machines produce bricks more quickly, requiring more people to **load bricks onto carts from a long conveyor belt**.

Bricks are then **pushed on carts and laid to dry in rows**. Bricks are sometimes **covered in tarpaulin when it rains** if they are not covered by a roof. Once dried, the bricks are reloaded onto carts and transported to nearby brick kiln ovens. Pushing carts, which can hold hundreds of bricks, involves handling and moving of heavy loads.

Up to hundreds of thousands of bricks are then stacked inside each oven, along with fuel such as wood, waste from the garment industry or rice husks. Truckloads of wood are often piled outside. Piles and gaping sacks of garment waste are often strewn across factories and fill the spaces between ovens.

Ovens are sealed and stoked through openings, reaching temperatures of hundreds of degrees celsius.¹⁷ Workers are exposed to prolonged and excessive heat as well as ash, dust, smoke and potential toxins from burning garment waste. The ovens' heat can also make other working areas excessively hot. Smoke rises through chimneys, at times black from the burning garment waste.

Once fired, bricks are left to cool inside the oven. Finished bricks are again carted and laid in rows to await purchase or **loaded into trucks**. Loading trucks – which usually each hold approximately 10,000 bricks – requires repetitive lifting, handling and moving of up to eight bricks at a time.

One family or worker is typically responsible for one task or part of the brick-making process. People are often paid per family, rather than per person, and are remunerated based on how many bricks they produce. Workers receive salaries rather than piece-rates for a limited range of tasks, such as stoking ovens or operating excavators. Workers' housing is usually provided by the factory and situated on-site, ringing the perimeter of brick factory compounds.

¹⁶ See, for example, "Built on Slavery: Debt Bondage and Child Labour in Cambodia's Brick Factories", LICADHO, p. 13-14; Leonie Kijewski and Kong Meta, "Child Loses Arm in Cambodia Brick Factory", VOA, 20 March 2019, available at: <https://www.voanews.com/a/child-loses-arm-in-cambodia-brick-factory/4839123.html>

¹⁷ See, for example, Brickell et al, "Blood Bricks: Untold Stories of Modern Slavery and Climate Change from Cambodia", p. 38





Brick Factory Workers Are At Risk Due to the Industry's Downturn

Demand for bricks has dropped significantly which has severely impacted brick factories in Kandal province and Phnom Penh. Five factories LICADHO visited had permanently closed due to a lack of purchase orders. At least eight additional factories had either reduced or paused brick production, with some of these factories having stopped production for up to six months. Several brick factories' land was also for sale.

People reported that reduced demand has had widespread impacts on the brick industry, beyond the factories visited by LICADHO. One person explained that out of the 10 factories in the nearby area, only one was operating at its usual capacity and almost all others had stopped production.

Lowered demand for bricks has lasted for several years.¹⁸ Construction in cities such as Phnom Penh and Sihanoukville ground to a halt during the Covid-19 pandemic, and the construction sector has yet to fully recover.¹⁹ While the value of approved construction permits increased in early 2023 for the first time since 2019,²⁰ the construction sector's recovery remains uncertain. Several people told LICADHO that in recent years the price of bricks has fallen from between US\$270 to \$320 per 10,000 bricks to about \$170 to \$210. Some brick factory owners also reported that the price of raw materials to manufacture bricks, including clay and wood, has increased.

Out of the 10 factories in the nearby area, only one was operating at its usual capacity.

¹⁸ Workers reported that demand for bricks has fallen since Covid-19; see also Marta Kasztelan and Sam Quashie-Idun, "Revealed: Garment waste from Nike, Clarks and other leading brands burned to fuel toxic kilns in Cambodia", *Unearthed* (Greenpeace UK), 8 August 2022, available at: <https://unearthed.greenpeace.org/2022/08/08/garment-waste-nike-clarks-cambodia-bonded-workers-toxic/>; Khuon Narim, "Debt bondage and child labor remains stubbornly prevalent at brick kilns", *Cambodia*, 27 July 2021

¹⁹ See, for example, Hul Reaksmey and Lora Liblib, "Halting Recovery of Cambodia's Real Estate Sector Risks Credit Shortage", *VOA*, 1 May 2023, available at: <https://www.voacambodia.com/a/halting-recovery-of-cambodia-s-real-estate-sector-risks-credit-shortage/7073559.html>

²⁰ "Cambodia Economic Update May 2023: Post-COVID-19 Economic Recovery", *The World Bank*, p. 12, May 2023, available at: <https://documents1.worldbank.org/curated/en/099051523221517821/pdf/P17734003f2bcf02b0a89500f61b1f3ff7b.pdf>

Brick factory owners have responded in various ways, at times combining several responses:

- **At least three brick factory owners have transferred bonded brick factory labourers to new types of work.** One brick factory owner, whose factory has reduced brick production, has opened another factory nearby to produce a different product; some bonded brick factory labourers are now working at the new factory. A second brick factory owner has begun a small on-site farming venture, where one brick factory worker is reportedly working. A third brick factory owner has refused to let several families leave the brick factory compound until their debts are repaid, despite the brick factory being permanently closed. These families are working for the owner in small businesses nearby the former brick factory compound.
- **Some workers have no income at the brick factory, but are not permitted to work elsewhere.** Some workers report being in dire financial situations due to limited brick production, and have no income beyond gathering and selling wild vegetables or snails from surrounding areas. Many factory owners have also reduced the amount they allow workers to borrow, often offering additional loans of just 50,000 riel (about \$12.50), in comparison to hundreds of dollars previously. While workers are therefore not being further bound to the industry by growing debts, they report being less able to respond to crises or afford food and healthcare.
- **Some workers are permitted to live or work elsewhere, but are expected to return.** This was the most commonly reported response by owners at factories that have paused or reduced brick production. Some brick factory workers have begun work in garment factories, construction, agriculture, or as truck drivers. Some workers are required to make monthly loan repayments. Brick factory owners reportedly know workers' contact details and home towns, and believe they will return to the factory when called.²¹
- **At least three brick factory owners cancelled workers' debts and allowed them to leave the brick industry.** These factories have closed permanently. Two factory owners permitted all of the workers to leave, with their debts cancelled in full. A third factory owner only cancelled the debts of older people, as the owner perceived that they could not provide further labour or debt repayments. A fourth brick factory owner speculated that their factory would soon permanently close; they too explained their intention to cancel workers' debts. These acts of debt cancellation show that an end to debt bondage in brick factories is possible.

²¹ In addition to factors discussed on pages 16-17 which bind workers to brick factories, brick factory workers often express a sense of loyalty or moral obligation towards factory owners, further shaped by animism and formal religion; these potentially increase the likeliness that workers will return to brick factories when called. See Laurie Parsons and Katherine Brickell, "The spirit in the machine: Towards a spiritual geography of debt bondage and labour (im)mobility in Cambodian brick kilns", *Transactions of the Institute of British Geographers*, 20 May 2020, available at: <https://rgs-ibg.onlinelibrary.wiley.com/doi/full/10.1111/tran.12393>; "Built on Slavery: Debt Bondage and Child Labour in Cambodia's Brick Factories", LICADHO, p. 6



Debt Bondage is a Form of Modern Slavery

Debt bondage is a form of modern slavery in which a person's labour is demanded as repayment for a loan but the value of their labour is not reflected in the repayment of the debt, or the length or nature of the service is undefined.²² As a result, "bonded labourers are often trapped into working for very little remuneration, or in some cases none, to repay the loan or advance, even though the value of their labour exceeds that sum of money".²³

Debt bondage is prohibited by both Cambodian and international law. Cambodia's Law on Suppression of Human Trafficking and Sexual Exploitation (Trafficking Law) prohibits both "unlawful removal" and "unlawful recruitment" for the purpose of exploitation, which explicitly includes debt bondage.²⁴ These charges could be applicable to brick factory owners.²⁵ "Unlawful removal" means to remove a person from their place of residence to a place under the actor's control by means of force, threat, deception, abuse of power or enticement.²⁶ A person's agreement to move is irrelevant if any of these means are used.²⁷ "Unlawful recruitment" means to induce, hire or employ a person to engage in any form of exploitation through the use of deception, abuse of power, confinement, force, threat or any coercive means.²⁸ Penalties for both offences range from 7 to 15 years in prison if the person who is exploited is an adult, and 15 to 20 years if they are a minor.²⁹

Cambodia's Labour Law also prohibits forced labour and hiring people to work to repay debts.³⁰ It imposes relatively small fines or a prison sentence of up to one month for the use of forced labour, and small fines for hiring people to repay debts.³¹ Debt bondage is also incompatible with several articles of Cambodia's Constitution and Criminal Code.³²

International instruments ratified by Cambodia also prohibit forced labour and debt bondage. For example, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery calls for the complete abolition of debt bondage.³³

²² Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, A/HRC/33/46, para. 5, 4 July 2016, available at: <https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/HRC/33/46&Lang=E>

²³ As above, para. 6

²⁴ Articles 8, 10 and 12, Law on Suppression of Human Trafficking and Sexual Exploitation (Trafficking Law)

²⁵ See "Built on Slavery: Debt Bondage and Child Labour in Cambodia's Brick Factories", LICADHO, p. 16

²⁶ Article 8(1), Trafficking Law

²⁷ Article 10, Trafficking Law

²⁸ Article 12, Trafficking Law

²⁹ Articles 10 and 12, Trafficking Law

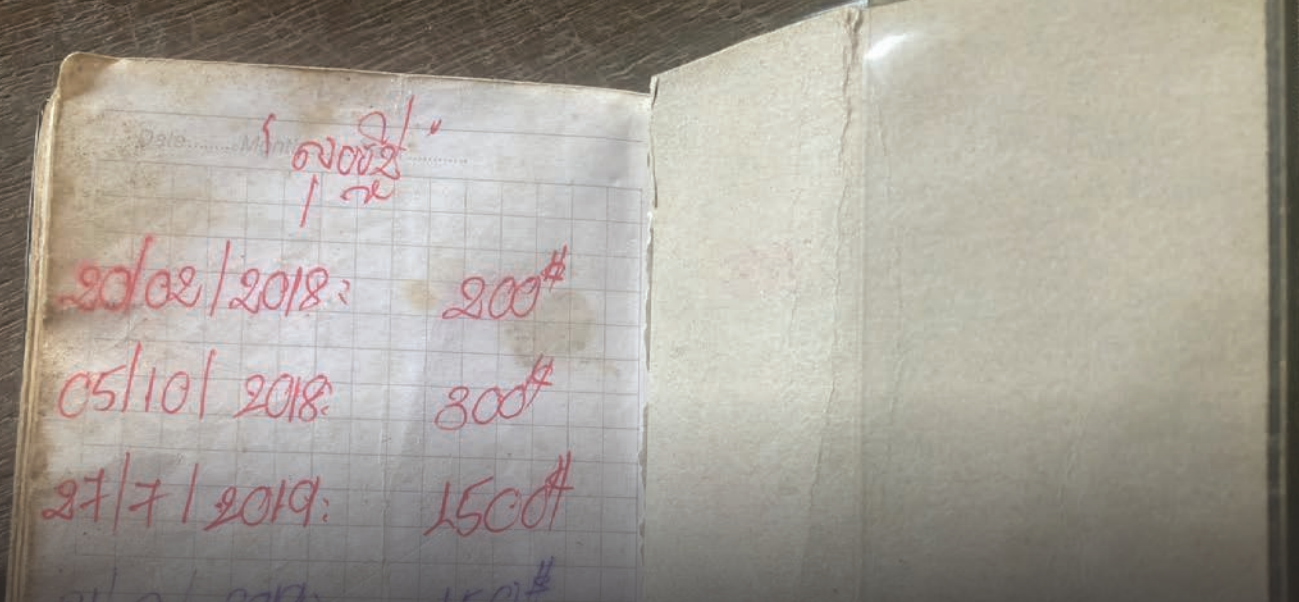
³⁰ Articles 15-16, Labour Law

³¹ Articles 369-370, Labour Law

³² Articles 31, 32, 36, 38 and 48, Constitution of the Kingdom of Cambodia; Article 274, Criminal Code

³³ Article 1(a), Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; see also ILO Forced Labour Convention, 1930 (No. 29) (Cambodia has not ratified the Protocol of 2014 to the Forced Labour Convention, 1930)





Debt Bondage Remains Endemic

Debt bondage remains endemic in Cambodia's brick industry despite limited demand for bricks. At brick factories that have not permanently closed, every worker who participated in an interview is indebted to the brick factory owner. Owners use various tactics to ensure families remain bound to the industry.

Growing Debts

Workers who participated in interviews with LICADHO have lived in brick factories for 18 years on average. Most reported initially moving to a brick factory after following a family member or neighbour, and taking their first loans from brick factory owners to pay for healthcare, repay private lenders, buy land, buy a motorbike, or support other family members.

Debts are either held by an individual worker or by a couple or family who collectively work to receive one income and repay one loan. Workers' debts to factory owners reportedly range from 1 million to 40 million riel (about \$250 to \$10,000), with most debts amounting to between 8 million and 12 million riel (about \$2,000 and \$3,000). Some factory owners dock mandatory loan repayments from workers' earnings. In other factories, workers receive their earnings and may choose to make voluntary repayments. But most workers LICADHO spoke with have not meaningfully reduced their debts due to being paid so little for their labour.

Most people need additional loans while living at brick factories to pay for living expenses – such as food and healthcare for illness, injuries and childbirth – reinforcing the bonded nature of their labour. Workers often took additional loans when their income was cut by halted brick production. Factories often pause production not only when demand for bricks is low, but also during periods of Cambodia's wet season when factories without roofs are unable to dry bricks. Most workers reported having moved to a different brick factory when they needed a significantly larger loan, using the new loan to repay their existing debt in full while still having an amount left to spend.

Debt bondage in the brick industry is not limited to factory owners. Truck owners, who do not necessarily have a formal connection to a factory, similarly offer loans to drivers to cover the costs of driving licenses and identity cards. For example, one family that is indebted to a brick factory owner explained that they also have a family member who is indebted to a truck owner.

Most workers LICADHO spoke with have not meaningfully reduced their debts due to being paid so little for their labour.

Average Earnings

Brick factory workers' earnings fluctuate significantly because the availability of work is inconsistent and payment is per brick. Some workers reported daily earnings ranging from 10,000 riel to 30,000 riel (about \$2.50 to \$7.50) per person during periods of brick production. Others reported their earnings as a family over periods of weeks or months. Some factory owners then apply deductions to workers' earnings, such as for loan repayments or damaged bricks.

In general, the piece rates for specific tasks are:

**12 riel
(\$0.003)**

per brick when producing them with a manual machine and loading, carting and laying them to dry.

**3 riel
(\$0.0008)**

per brick for loading, carting and laying bricks from an automatic machine to dry.

**3 riel
(\$0.0008)**

per brick for loading bricks into kilns.

**2 riel
(\$0.0005)**

per brick total for loading and unloading bricks onto trucks.

Low Pay and Inescapable Debt

Sophea,* a brick factory worker, explained that her family of four – including two children aged from 15 to 17 – work to load, cart and lay bricks to dry. During peak periods, the family starts work at 2am and works up to 11 hours per day without weekends or holidays.

The family collectively earns 750,000 riel (about \$187.50) on average per month. However, the brick factory owner deducts debt repayments from the family's earnings. Therefore, the family at times receives just 200,000 riel (about \$50) per month.

With so little to live on, the family is routinely compelled to take additional loans. Sophea reported that she has lived and worked in 10 factories over the 30-year period that she has been indebted to the industry, and that her family still has almost \$2,000 in debt.

* Name has been changed



Trapped Workers

Workers are not physically detained at brick factories, however brick factory owners proactively use insidious strategies, at times aided by authorities, in an effort to ensure that workers remain bound to the industry. While each of the specific strategies described below are not applied at every brick factory, workers consistently reported an understanding that they cannot move away from the brick factory or work elsewhere until their debts are repaid.

Authorities' Involvement

People at four brick factories reported that police officers were present when workers signed or thumb-printed a loan agreement with brick factory owners. Another worker reported signing the loan agreement at the village chief's house. Some workers are also photographed each time they receive a significant loan. These tactics pressure workers to remain at the brick factory until their loan is repaid in full, in an effort to avoid perceived criminal penalties.

One worker also explained that police help brick factory owners to search for workers if they attempt to leave the brick factory. She expressed fear of being caught if she left, as she understood that the brick factory owner would file a complaint to the police who would then search for her.

Police officers were present when some workers signed or thumb-printed a loan agreement.

Some factory owners keep workers' original land titles, identification cards and family books,³⁴ further binding them to the factory. Families at several kilns are also reportedly not allowed to leave the factory compound at the same time; at least one family member must stay behind as a form of human "collateral" to ensure that the others return. These constraints tend to be eased only after a worker has garnered the owners' trust by working at a factory for many years. Regardless, several workers admitted that even if they are allowed to visit their homes, they have not been able to afford to for at least several years.

In addition to these coercive tactics, some factory owners actively search for people who attempt to leave the brick factory without repaying the debts and pressure them to either pay or return. Other factory owners reportedly take no action to locate workers who leave. Overall, limited demand for bricks – even if a factory is still operating – has drastically reduced the number of families living at many of the brick factories visited by LICADHO, either because workers have been permitted to leave or they have left without permission. People often reported that the number of families living at a factory had dropped by at least half in recent years, falling from 50 or 60 families to just 14 families in one extreme case.

None of the workers that spoke with LICADHO expressed an intent to flee from their debts. Some workers referred to the kindness of factory owners, self-blame for indebtedness, or expressed appreciation for the interest-free loans and provision of housing, electricity and water. Some workers also spoke about the need to be patient while repaying their debts, even if it took their entire lives. Workers expressed these sentiments during interviews that were conducted both in private and in the presence of others, and they are consistent with previous research findings.³⁵ Yet many workers also explained that their lives are difficult, that they would like to leave the brick industry, or that brick factory owners act selfishly. They shared hopes of the factory closing, their debts being cancelled, moving back to their home towns, owning land, and their children having a future beyond brick factories.



³⁴ Family books in Cambodia serve as identification documents and contain the personal details of every individual in a family, including their relationships, name and date of birth.

³⁵ "Built on Slavery: Debt Bondage and Child Labour in Cambodia's Brick Factories", LICADHO, p. 6; Parsons and Brickell, "The spirit in the machine: Towards a spiritual geography of debt bondage and labour (im)mobility in Cambodian brick kilns"



Child Labour Continues

Children aged from 9 to 17 years continue to work in the worst forms of child labour in Cambodian brick factories.³⁶ Families reported that work in brick factories is difficult for children due to them handling and transporting heavy loads and working in extreme temperatures. LICADHO witnessed children working at two brick factories and received reports of child labour at four additional factories.

Work by children aged from 15 to 17 years was more often reported than work by younger children. This may have been because workers know that work by children under 15 is prohibited by law.³⁷ However, younger children do continue to work in brick factories. At one factory, LICADHO witnessed at least 10 children aged from 12 to 17 years lift and move bricks from a moving conveyor belt onto carts. They worked under a plastic roof in the vicinity of fired brick ovens, which created an excessively hot environment; workers including children were observed sweating heavily.³⁸ Some workers including children also reportedly work long hours during peak periods – at times during the night – and without weekends or holidays.³⁹ Families at two brick factories reported that children aged from 15 begin work as early as 1am or 2am to avoid the midday heat.⁴⁰

Debt bondage, payment per brick and low incomes are drivers of child labour because families feel compelled to have every member working in order to produce as many bricks and earn as much income as they can. Despite imposing these conditions on workers, one factory owner denied their role and responsibilities regarding child labour, saying that they do not formally employ children and instead blamed children's parents. While factory owners often instruct workers not to let children below the age of 15 work or play near work areas, these instructions are weakly enforced.

Hazardous Machinery Run by Children

LICADHO witnessed Phal,* a 16-year-old boy, and other children in his family produce bricks. Phal first cut and fed clay into in a manual brick-making machine. Such machines are hazardous and can cause limb loss. When clay became stuck in the machine, Phal stood on a damp dirt surface above it and used his bare foot to push the clay through the exposed, moving gears. Mony, a 16-year-old girl, then cut the fresh bricks using a wire tool as they left the machine, and passed them to Phina, a 15-year-old girl, who loaded them onto a cart. Dara and Theary, aged 9 and 13 years, reportedly helped to push carts. At the time, these two children were seen working to cover long rows of drying bricks with tarpaulin in anticipation of rain. Their family has been indebted to the brick industry for decades, and currently owes thousands of dollars to the factory owner.

* All names have been changed

³⁶ Ages were reported by children or their families.

³⁷ Article 6, Prakas on Working and Living Conditions in Brick Factories, No. 309, MLVT, 14 December 2007

³⁸ Prohibited hazardous work includes "Work nearby furnaces or kilns as part of the manufacturing process of . . . bricks" and "Work carried out under conditions of excessive heat. . ."; see Para. 2(25) and 2(38), Prakas on the Prohibition of Hazardous Child Labour, No. 106, MoSALVY, 28 April 2004

³⁹ Night work by children under 18 years is prohibited, see Articles 175-176, Labour Law

⁴⁰ As above

Work in Brick Factories by Children Under 18 Years Should Be Prohibited

Cambodia has ratified the International Labour Organization (ILO) Worst Forms of Child Labour Convention, committing to prohibit and eliminate as a matter of urgency the worst forms of child labour by any child under the age of 18 years.⁴¹ The worst forms of child labour include “all forms of slavery or practices similar to slavery, such as [...] debt bondage” as well as any work that is likely to harm children’s health, safety or morals (“hazardous work”).⁴²

Children in Cambodian brick factories most often work in association with their parents’ debt bondage, and their work contributes to the piece work for which their parents are poorly paid. Work in brick factories is also hazardous to children’s health and safety. As defined by the ILO, hazardous work includes working with dangerous machinery and tools; the manual handling of heavy loads; an unhealthy environment due to hazardous substances and excessive temperatures; and difficult conditions such as long work hours, night work, and unreasonable confinement to employers’ premises.⁴³

Cambodia’s Labour Law similarly prohibits children under 18 years from doing work that could be hazardous to their health or safety.⁴⁴ A 2004 Proclamation (Prakas) on the Prohibition of Hazardous Child Labour issued by the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation (MoSALVY)⁴⁵ defines all work nearby furnaces or kilns as part of the brick manufacturing process as hazardous, as well as several types of work involved in the brick-making process, such as lifting, carrying, handling and moving heavy loads; work involving exposure to fumes, dust, gas and other substances likely to harm a person’s respiratory system; and work carried out under conditions of excessive heat.⁴⁶

A 2007 Prakas on Working and Living Conditions in Brick Factories issued by MLVT specifically prohibits children under the age of 15 years from undertaking any work in brick factories, including to assist their parents.⁴⁷ However, Cambodian law permits MoSALVY to make a case-by-case exception for children aged 16 and older to do hazardous work provided they are well-trained, do not work between 10pm and 5am, and the employer has consulted Cambodia’s Labour Advisory Committee in advance.⁴⁸ The existence of such an exemption for hazardous work by children in brick factories is highly problematic. Considering that some brick factory owners deny formally employing children, there are also serious questions as to whether this exception is applied for and granted in instances of child labour. Moreover, there is no such legal exemption for children to work, formally or otherwise, under the conditions akin to modern slavery that persist in Cambodia’s brick factories.

⁴¹ Articles 1-2, ILO Worst Forms of Child Labour Convention, 1999 (No. 182)

⁴² Articles 3(a) and 3(d), ILO Worst Forms of Child Labour Convention, 1999 (No. 182)

⁴³ Articles 3(c), 3(d) and 3(e), ILO Worst Forms of Child Labour Recommendation, 1999 (No. 190)

⁴⁴ Article 177(2), Labour Law

⁴⁵ MoSALVY was renamed to the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY) in 2006.

⁴⁶ Prakas on the Prohibition of Hazardous Child Labour, No. 106, MoSALVY, 28 April 2004

⁴⁷ Article 6, Prakas on Working and Living Conditions in Brick Factories, No. 309, MLVT, 14 December 2007

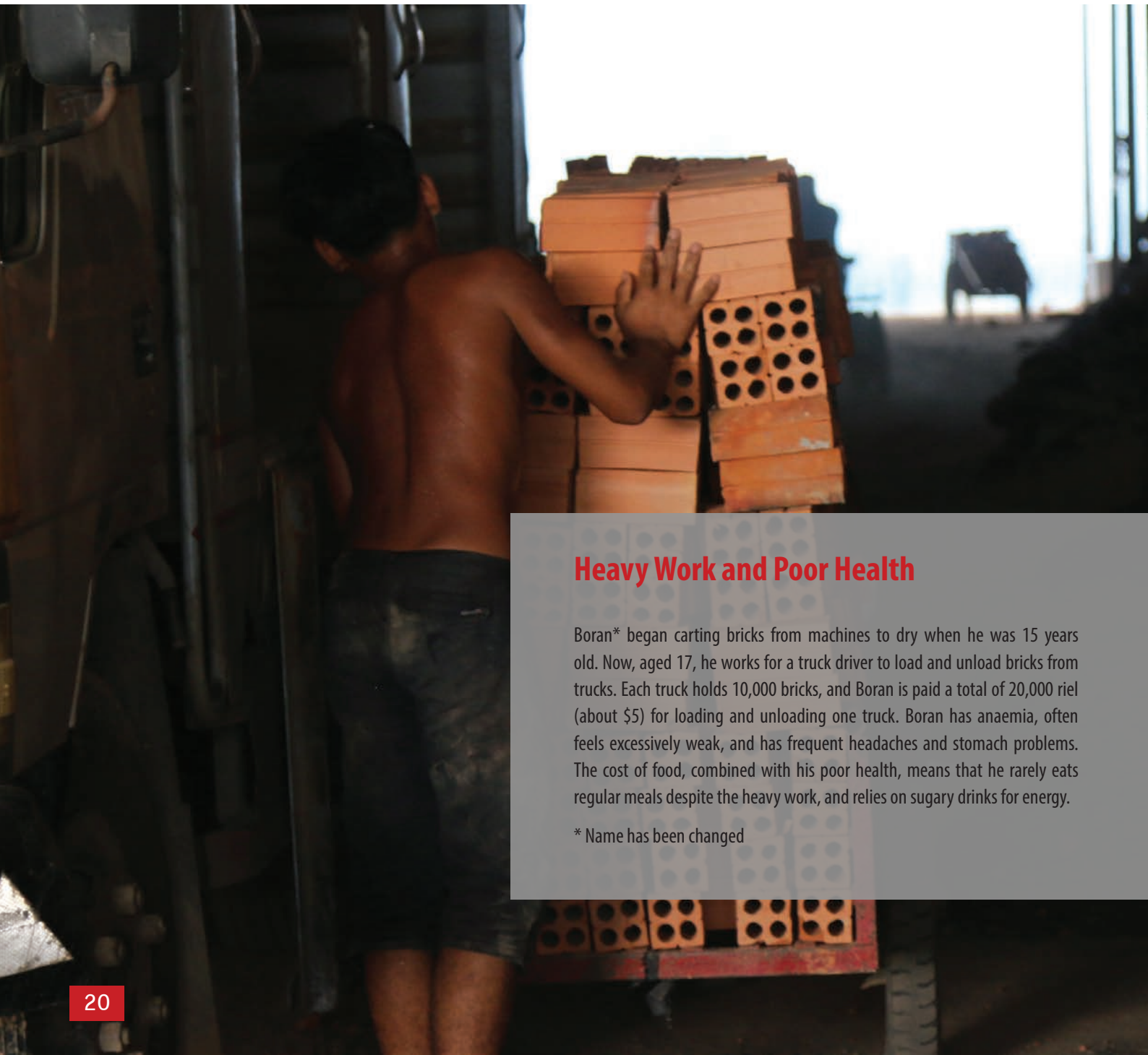
⁴⁸ Para. 3, Prakas on the Prohibition of Hazardous Child Labour, No. 106, MoSALVY, 28 April 2004

The presence of young children who were not working was also consistently apparent in brick factory compounds and hazardous work areas. Some workers' housing is just metres away from work areas, without any separation between them. Children were seen in work areas with their heads at times just inches from moving machinery; climbing and playing on brick ovens that were not in use; sleeping in a hammock tied between ovens; and sitting on the outside of a moving excavator.

Many families reported that children either never attended school, or dropped out of primary school. This was reportedly due to costs associated with schooling, or instability caused by moving between brick factories. Most workers reported that children who attended school were in primary school, and only a handful were studying in high school.

Workers' adult children who had grown up in brick factories most often moved to live and work in another factory after marriage, where they took a new loan of their own. One worker explained that all of his seven adult children are now indebted to other factories.

Many families reported that children either never attended school, or dropped out of primary school.



Heavy Work and Poor Health

Boran* began carting bricks from machines to dry when he was 15 years old. Now, aged 17, he works for a truck driver to load and unload bricks from trucks. Each truck holds 10,000 bricks, and Boran is paid a total of 20,000 riel (about \$5) for loading and unloading one truck. Boran has anaemia, often feels excessively weak, and has frequent headaches and stomach problems. The cost of food, combined with his poor health, means that he rarely eats regular meals despite the heavy work, and relies on sugary drinks for energy.

* Name has been changed



Inspections Are Inconsistent and Ineffective

MLVT's labour inspectors are tasked with visiting workplaces and enforcing Cambodia's Labour Law regarding health, work conditions and safety.⁴⁹ However, inspections at brick factories appear to be inconsistent and ineffective. The US Department of State reported that MLVT visited 62 brick factories in 2020, but often with advance notice, giving owners the opportunity to conceal evidence of debt bondage and child labour.⁵⁰

Several workers told LICADHO that they had either never seen an inspection, or not seen one within the last five years. Several other workers had witnessed police or other uniformed authorities at factories within the last year. They reported that some police officers had announced that children are not permitted to work or go near brick-making machines, and that parents must not let their children follow them while they work. One worker stated that uniformed authorities came to meet with the factory owner and inspect the machines; people continued working during this visit and she was not aware of the authorities speaking directly with any of them. Another worker reported that authorities only spoke with the owner and one worker. Following authorities' visits to factories, owners at times similarly warned workers not to let children work.

However, labour inspections have not resulted in systemic improvements in brick factories, as they are not followed by any accountability for factory owners who use debt bonded labour or have child labour in their factories.

Several workers told LICADHO that they had either never seen an inspection, or not seen one within the last five years.

⁴⁹ Article 233, Labour Law

⁵⁰ "2021 Trafficking in Persons Report: Cambodia", US Department of State, 2021, available at: <https://www.state.gov/reports/2021-trafficking-in-persons-report/cambodia/>



Brick Kilns Are Fuelled by Garment Waste

Pre-consumer waste from the garment industry is commonly burnt to fuel brick kilns, despite the risk of exposing people to toxins and causing negative health and environmental impacts.⁵¹ Brick factories often mix wood⁵² with waste from the garment industry – which includes fabric cut-offs, plastic, rubber and other materials – to reduce the cost of fuelling kilns. Workers have previously reported impacts including coughs, colds, flu, nosebleeds and lung inflammation.⁵³ Nearby communities have also reported that the practice damages their crops and farmland.⁵⁴

LICADHO identified garment waste at five operational and two permanently closed brick factories. Several workers reported that burning garment waste caused them headaches and respiratory problems; another worker reported that it made her feel especially unwell during her pregnancies. Garment waste stored at one brick factory fuelled an uncontrolled fire, threatening workers' safety.

Several workers reported that burning garment waste caused them **headaches** and **respiratory problems**.

Children Choked by Toxic Smoke

Sokun* had worked at a brick factory that had exclusively burnt garment waste prior to its closure. The brick kilns were often alight with garment waste for 24 hours each day, for several weeks at a time. Firing a single oven of bricks required 20 truckloads of garment waste. Sokun was responsible for stoking the kilns with waste, and he also lived on-site with his family.

Sokun's family would wake up each day with black dust around their nostrils from inhaling the smoke. Several children, aged from about 6 to 8 years, required repeated medical care for respiratory problems, including asthma, difficulty breathing and coughing. The brick factory owner provided no support to address these harms. Sokun bought his own masks and gloves as a limited form of protection while working.

Since the brick factory has closed, Sokun reports that the children's health has significantly improved because they are no longer exposed to the harmful smoke.

* Name has been changed

⁵¹ Brickell et al, "Blood Bricks: Untold Stories of Modern Slavery and Climate Change from Cambodia", p. 38-39; Kasztelan and Quashie-Idun, "Revealed: Garment waste from Nike, Clarks and other leading brands burned to fuel toxic kilns in Cambodia", Unearthed (Greenpeace UK), 8 August 2022

⁵² LICADHO did not investigate the origins of wood used to fuel brick kilns. However, it is likely that wood is also an unsustainable fuel source given the prevalence of illegal and unsustainable logging in Cambodia. See, for example, Hannah Guy, "Waste Streams Mapping: Pathways from Key Suppliers to Landfill", FABRIC and GIZ, p. 29, 2021, available at: https://asiagarmenthub.net/resources/2021/waste-streams-mapping_cambodia-1.pdf

⁵³ Brickell et al, "Blood Bricks: Untold Stories of Modern Slavery and Climate Change from Cambodia", p. 38-39; Kasztelan and Quashie-Idun, "Revealed: Garment waste from Nike, Clarks and other leading brands burned to fuel toxic kilns in Cambodia", Unearthed (Greenpeace UK), 8 August 2022

⁵⁴ Guy, "Waste Streams Mapping: Pathways from Key Suppliers to Landfill", FABRIC and GIZ, p. 29,

LICADHO identified labels or branding from 19 international brands among garment waste at brick factories.⁵⁵ These brands included:

adidas	lupilu, owned by Lidl Stiftung & Co.
C&A	No Boundaries (NOBO), owned by Walmart
Cropp and Sinsay, owned by LPP	Primark
Disney	Reebok
GAP, Old Navy and Athleta, owned by Gap Inc.	Sweaty Betty
Karbon	Tilley Endurables
Kiabi	Under Armour
lululemon athletica	Venus Fashion



LICADHO wrote to each of the brands identified or their parent companies in October 2023 to urge them to end, prevent and remedy these harms. All were given an opportunity to respond, and LICADHO informed them that their responses may be published as part of this report if received in time. Five companies replied within the requested timeframe. All responses acknowledged receipt of LICADHO's letter, and some included planned actions from the brands, such as:

- adidas indicated that they initiated an investigation;
- Tilley Endurables said that they were taking other preventative action;
- Lidl Stiftung & Co. requested to meet with LICADHO;
- LPP requested additional time to reply; and
- lululemon athletica acknowledged receipt of LICADHO's letter.

LICADHO will publish updates on its website about additional responses from brands if they are received.⁵⁶

⁵⁵ For photographs of this waste, see "Garment Brands' Waste Burnt in Cambodian Brick Factories; Few Commit to Act", LICADHO, November 2023, available at: https://www.licadho-cambodia.org/album/view_photo.php?cat=107

⁵⁶ As above

Journalists and academics have previously identified waste at Cambodian brick factories from brands including Nike, Ralph Lauren, Michael Kors, Reebok, Next, Diesel, Clarks, Marks and Spencer's, George at Asda, Pull&Bear, J.Crew, Walmart and Old Navy.⁵⁷

It is possible that the proportion of operational brick factories burning garment waste has increased in recent years. An independent national survey of the brick industry conducted in 2019 found that 23 out of 465 brick factories used garment waste as fuel.⁵⁸ A Greenpeace *Unearthed* investigation reported that its use had increased in 2021, alongside declining brick factory profits.⁵⁹ While not representative of the industry, it is notable that LICADHO found garment waste at seven out of 20 brick factories visited this year.

A 1999 Sub-Decree on Solid Waste Management defines clothing waste from the garment industry as hazardous, and outlines that its transportation and disposal sites are subject to a permit from the Ministry of Environment.⁶⁰ A limited number of companies are licensed to transport and dispose of this waste. However, it has previously been documented that garment waste is often purchased and sold by a string of unlicensed intermediaries before it reaches brick kilns.⁶¹ The Ministry of Environment is responsible for inspecting and monitoring the management of this hazardous waste, including urgently inspecting the disposal of hazardous waste that reportedly causes danger to human health or the environment.⁶²

International apparel brands have largely failed to address the harms caused by the burning of garment waste in brick factories, despite prior public reporting on the issue and multiple brands being contacted about instances of their garment waste in brick kilns.⁶³ Many of the brands identified by LICADHO above have public policies or commitments on climate change, human rights and waste management. Given the scope of branded waste that has been identified at brick factories, any garment brands sourcing from Cambodia are at risk of their products and waste harming debt-bonded workers, children and nearby communities who are forcibly exposed to pollution and potentially toxic smoke.

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⁵⁷ Kasztelan and Quashie-Idun, "Revealed: Garment waste from Nike, Clarks and other leading brands burned to fuel toxic kilns in Cambodia", *Unearthed* (Greenpeace UK), 8 August 2022; Brickell et al, "Blood Bricks: Untold Stories of Modern Slavery and Climate Change from Cambodia", p. 39

⁵⁸ See "Discardscapes of Preconsumer Garment Waste in Pandemic Times", *Blood Bricks*, 15 June 2020, available at: <https://www.projectbloodbricks.org/blog/2020/5/26/discardscapes-of-preconsumer-garment-waste-in-cambodia>

⁵⁹ Kasztelan and Quashie-Idun, "Revealed: Garment waste from Nike, Clarks and other leading brands burned to fuel toxic kilns in Cambodia", *Unearthed* (Greenpeace UK), 8 August 2022

⁶⁰ Article 17 and Annex, para. 1, Sub-Decree on Solid Waste Management, No. 36, 1999

⁶¹ For a discussion of how garment waste reaches brick factories, see Guy, "Waste Streams Mapping: Pathways from Key Suppliers to Landfill", FABRIC and GIZ; Brickell et al, "Blood Bricks: Untold Stories of Modern Slavery and Climate Change from Cambodia", p. 39; Kasztelan and Quashie-Idun, "Revealed: Garment waste from Nike, Clarks and other leading brands burned to fuel toxic kilns in Cambodia", *Unearthed* (Greenpeace UK), 8 August 2022

⁶² Articles 22 and 26, Sub-Decree on Solid Waste Management, No. 36, 1999

⁶³ Kasztelan and Quashie-Idun, "Revealed: Garment waste from Nike, Clarks and other leading brands burned to fuel toxic kilns in Cambodia", *Unearthed* (Greenpeace UK), 8 August 2022; "Cambodia: Report on brick industry reveals use of garment fabrics to fuel kilns; some companies commit to investigate and take action", *Business & Human Rights Resource Centre*, 21 January 2019, available at: <https://www.business-humanrights.org/en/latest-news/cambodia-report-on-brick-industry-reveals-use-of-garment-fabrics-to-fuel-kilns-some-companies-commit-to-investigate-and-take-action/>





Work Conditions and Access to Healthcare Are Inadequate

Brick factory workers continue to face poor working and living conditions, and have limited access to healthcare. No workers reported having an employment contract; they do not receive entitlements specified in Cambodia's Labour Law such as overtime pay, sick leave, paid holidays, or paid annual or parental leave. Pregnant people reportedly stop working for the shortest possible duration before and after giving birth. A 2007 Prakas issued by MLVT mandates that brick factories must provide personal protective equipment, safe work equipment, health services, and workplace temperatures not exceeding 37°C;⁶⁴ however, these requirements appear to be largely ignored.

Workers' housing is provided by brick factory owners on-site. However, only some factory owners pay for workers' electricity and water usage. Houses are usually made of wood and corrugated metal, which a worker explained is uncomfortably hot. Many houses also cannot be securely locked due to being poorly constructed from weak materials; one worker explained that she does not feel safe when she is home alone.

No workers reported having an **employment contract**.

⁶⁴ Articles 3 and 7, Prakas on Working and Living Conditions in Brick Factories, No. 309, MLVT, 14 December 2007

Houses are in close proximity to each other, with multiple families usually sharing bathrooms. The same worker explained that the bathrooms are located far from her house, and that she does not feel safe walking there unaccompanied at night. Bathrooms at that factory do not have water and some do not have a door, so workers must take water and a piece of cloth for privacy. A worker at another factory reported that the owner ignored their requests for improvements to their housing, such as having their own bathroom, despite having lived at the factory for over a decade.



Working conditions contribute to illness and injury. People report fatigue, weakness, fevers, headaches, stomach problems, colds and flus, stress and difficulty sleeping. One worker reported that her father became blind after working in close proximity to brick kiln ovens for years without protective equipment. Several workers reported accidents in the industry resulting in loss of a limb, though not in recent years.

Healthcare has recently become less accessible because brick factory owners have reduced the amount that they are willing to lend. For example, a worker with a painful medical condition was offered a maximum additional loan of 100,000 riel (about \$25), which is not enough for the required medical care. Despite requiring healthcare, she continues to work because her family is prohibited from working elsewhere and has no other source of income. While reduced lending means that workers are not becoming further bound to brick factories by debt, debt cancellation is especially urgent in this context.

Local authorities have also refused to issue some workers with Identification of Poor Households Programme (IDPoor) equity cards, which are one of the few means to access limited social protections in Cambodia. For example, local authorities nearby a brick factory told workers that they must request a card from authorities in their home town; yet, authorities in their home towns told them that they could not provide a card because the workers had migrated elsewhere. In another area, a worker had approached the village chief nearby the brick factory multiple times to request a card. However, their request was repeatedly ignored.

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Healthcare has recently become **less accessible**.



Bricks Are Mostly Bought by Gated Housing Developments

LICADHO spoke with workers, factory owners and truck drivers in an effort to determine who is purchasing bricks. Bricks are reportedly most often currently sold to *boreys* in Phnom Penh – with people naming five specific *borey* projects – as they are among the few sites with continued although limited construction. Others mentioned that bricks are sold to centralised distributors or sold nearby brick factories to small-scale or private construction projects.

LICADHO was unable to independently verify that bricks produced under conditions of debt bondage or with child labour were sold to specific construction sites. However, given the prevalence of debt bondage and child labour in the brick industry, it is nearly impossible to certify that any construction using bricks in Cambodia has a supply chain free from these human rights abuses.

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Conclusion



Debt bondage and child labour remain common in Cambodia's brick factories. Evidence to support this claim has been repeatedly corroborated over many years, yet it has been met with denial, silence or ineffective inspections from the Cambodian government, the private sector and international actors. As a result, brick factory workers remain trapped living and working under dangerous and exploitative conditions with little possibility of escaping modern slavery.

The current slowdown in the construction sector provides an opportunity to transform Cambodia's brick industry. The industry must be defined by fair wages and working conditions, not loans and coercion, in order to eradicate modern slavery and child labour.

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Recommendations

Actors in the construction and real estate sectors, international garment brands, members of the international community, and the Cambodian public must jointly demand that the Cambodian government and factory owners eradicate debt bondage and child labour in brick factories. All of the following are urgently needed:

▶▶▶ **Immediately cancel brick factory workers' debts to end debt bondage.**

- Brick factory owners must immediately cancel all workers' debts. Workers must be allowed to leave the brick industry and work elsewhere, consistent with the right to work and to free choice of employment and Cambodia's Labour Law.
- The Cambodian government must enforce Cambodia's Law on Suppression of Human Trafficking and Sexual Exploitation and Labour Law by prosecuting any person found to still be perpetrating or complicit in debt bondage.

▶▶▶ **Guarantee fair working conditions, a living wage and social protections for brick factory workers.**

- The Cambodian government must establish a sufficient legal minimum wage for brick factory workers; prohibit systems of payment per brick; and ensure that every brick factory worker has an employment contract with protections in accordance with Cambodia's labour laws.
- The Cambodian government must improve access to universal healthcare, and systematically ensure that every eligible person has access to IDPoor equity cards and the National Social Security Fund.
- Cambodian and international organisations must support brick factory workers to establish and strengthen trade unions.

▶▶▶ **Prohibit any work by children under 18 years in the brick manufacturing process.**

- The Cambodian government must enforce existing regulations as well as explicitly prohibit all formal and informal work in the brick manufacturing process, without exception, by children under the age of 18 years, similar to Cambodia's blanket prohibitions on child labour in mine excavation, mining or quarry work under the Prakas on the Prohibition of Hazardous Child Labour.

▶▶▶ Stop the burning of pre-consumer waste from the garment industry at brick factories.

- International garment brands sourcing from Cambodia must conduct due diligence in accordance with the UN Guiding Principles on Business and Human Rights, OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, and other mechanisms to assess, prevent, mitigate and remedy any risk that their products and waste cause actual or potential adverse human rights or environmental impacts.
- Cambodia's Ministry of Environment must inspect all brick factories and enforce penalties for improper disposal of waste from the garment industry, in accordance with the 1999 Sub-Decree on Solid Waste Management and the 1996 Law on Environmental Protection and Natural Resource Management.

▶▶▶ Establish an independent, well-resourced certification scheme to allow interested developers in Cambodia to purchase 'clean' bricks from factories that have eliminated debt bondage, child labour, and burning of garment waste.

- International actors, such as the ILO and other UN agencies, and private sector actors, such as brick buyers, AmCham Cambodia and EuroCham Cambodia, must work in cooperation with the Cambodian government to establish an independent inspection and certification scheme for bricks produced free from human rights abuses.

▶▶▶ Strengthen and enforce international legal mechanisms for holding foreign companies to account for human rights abuses anywhere in their supply chains.

- Foreign governments must enact and enforce regulations to hold accountable companies operating within their jurisdiction that contribute to or are directly linked to child labour, debt bondage and other negative human rights and environmental impacts in Cambodia through their business relationships.

