**Questionnaire**

of the Independent Expert on the enjoyment of all human rights by older persons on

best practices in the implementation of existing law related to the promotion and

protection of the rights of older persons

1. **Name of the practice:** (1) Old age pensions; (2) Employee trust fund; and (3) Supplemental contributory pensions.
2. **Area concerned:**

( ) Discrimination (e.g. legal/institutional framework, access to facilities and services, etc.)

( ) Violence and abuse

( ) Adequate standard of living (e.g. resource availability, housing etc.)

( ) Independence and autonomy (e.g. legal guardianship, accessibility, etc)

( ) Participation

( **x** ) Social protection (e.g. social security, incl. pension)

( ) Education, training and lifelong learning

( ) Care (home, family or institutional care, long-term care, palliative care, geriatric services, quality of care and availability of services, care workers, etc.)

1. **Type of practice:**

( **x** ) Legal (Constitution, law, etc.)

( ) Policy/Programme/Strategy/Action Plan on Ageing

( ) Institution

( ) Regulation

( ) Administraive practice

( ) Case law/jurisprudence

( ) Disaggregated statistical data by age/gender

( ) Training programme

( ) Other (please specify): …………………….

1. **Level of implementation:**

( **x** ) National

( ) Local (sub-national, community, urban/rural area)

( ) Other (please specify): ………………………

1. **Please describe the practice, including a) its purpose; b) when and how it was adopted; c) how long it has been used/implemented; and d) its geographic scope.**

**Answer**:

1. Old Age and Disability Pensions Act (Cap 18): Provisions of old age pensions are meant to provide supplement as a means to protect the elderly from poverty. Brunei citizens and permanent residents who have reached the age of 60 years old and above are eligible for an old age pension of BND$250 per month, regardless of means, in accordance with the conditions stipulated under the Old Age and Disability Pensions Act (Cap 18). The Act was enacted in 1955 and applies throughout the country.
2. *Tabung Amanah Pekerja* Act (Cap 167): The Act established the Tabung Amanah Pekerja (TAP) (Employee Trust Fund) into which shall be paid all contributions authorized under the Act. Every employer of an employee shall pay to the Fund monthly in respect of each employee contributions at the appropriate rates. The fund may only be withdrawn in the following circumstances;
3. when the member has attained the age of 55 years; or
4. has died; or
5. is physically or mentally incapacitated from engaging in any further employment; is found to be of unsound mind or otherwise incapable of performing his duties at any time before he attains the age of 55 years; or
6. the member is about to leave Brunei Darussalam with no intention of returning or residing in Brunei Darussalam.

The Act was enacted in 1993 and it applies to all citizens and permanent residents in the country who work either in the public or private sector.

1. Supplemental Contributory Pensions Order 2009: The Act established the Supplemental Contributory Pensions (SCP) Trust Fund with the objective of ensuring all employees who fulfill the required conditions to receive a monthly minimum income payment (annuity) on top of the Old Age Pension payment of B$250 per month. The SCP scheme also provides ‘survivorship’ payment gains to guarantee security if an employee passes away before the mandatory retirement age of 60 years. The Order was enforced in 2010. Similar to the TAP scheme, it is mandatory for all citizens and permanent residents in the country who work either in the public or private sector.
2. **Which actors are involved in the development and implementation of such practice?** *For instance, national and local authorities; private and public sector; academia; civil society organizations; international or regional organizations; older persons themselves, among others.*

**Answer:** National authorities such as the Ministry of Culture, Youth and Sports and the Ministry of Finance.

1. **Which rights of older persons does the practice promote and protect?**

**Answer**: Protection of older persons from poverty.

1. **How does the practice promote or protect such rights?**

**Answer**: By supplementing the means of older persons in the country and by helping employees to financially prepare for their retirement age.

1. **What groups of older persons?** (*for instance, older women, persons with disabilities, persons of African descent, individual belonging to indigenous peoples, persons belonging to national or ethnic, religious and linguistic minorities, rural persons, persons living on the streets and refugees, among other groups), if any, particularly benefit from the practice?*

**Answer**:

1. Old Age and Disability Pensions Act (Cap 18): It applies to all Brunei citizens and permanent residents who have reached the age of 60 years.
2. *Tabung Amanah Pekerja* Act (Cap 167): It applies to all citizens and permanent residents in the country who work either in the public or private sector.
3. Supplemental Contributory Pensions Order 2009: It applies to all citizens and permanent residents in the country who work either in the public or private sector.
4. **How has the practice been assessed and monitored? Please provide specific information on the impact of the practice, with data, indicators, among others, if any.**

*[Requires inputs from the relevant agencies]*

1. **What lessons do you believe could be learnt from this practice? How could it be improved?**

*[Requires inputs from the relevant agencies]*

1. **How could this practice be a model for other countries?**

*[Requires inputs from the relevant agencies]*