

14TH SESSION OF THE OPEN-ENDED WORKING GROUP ON AGEING
PARTICIPATION IN PUBLIC LIFE AND IN DECISION-MAKING PROCESSES

Response by United States of America

National and local legal and policy framework

1. What are the national and local legal provisions and policy frameworks in your country that guarantee a) right to equality and prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in the context of participation in public life and in decision-making processes; b) elimination of all forms of ageism and age discrimination from laws, frameworks, programs, policies, strategies and practices regarding participation in public life and in decision-making processes; c) right to freedom of expression, including freedom to seek, receive and impart information; d) right of peaceful assembly; e) right to freedom of association; f) right to take part in the government of one's country, directly or through freely chosen representatives; g) active, free and meaningful participation of older persons and their representative organizations in all matters related to participation in public life and in decision-making processes; h) access to prompt remedies and redress when older persons' above mentioned rights are violated.

There are several legal provisions, policy frameworks and measures in the United States (U.S.) that prohibit discrimination against older persons on the basis of age, alone or combined with other grounds, in the context of participation in public life and in decision-making processes. Direct examples include, the Age Discrimination Act (The Act) which prohibits discrimination on the basis of age in programs or activities receiving Federal funds; the Age Discrimination in Employment Act (ADEA) forbids age discrimination against persons who are age 40 or older in any aspect of employment; the Fair Housing Act: Housing for Older Persons prohibits discrimination because of race, color, national origin, religion, sex, disability, or familial status and specifically exempts three types of housing for older persons from liability for familial status discrimination; and Section 1557 of the Affordable Care Act , which prohibits discrimination on the basis of age in health programs. Additionally, the first amendment of the Constitution of the U.S. protects the rights to freedom of speech, the press, peaceful assembly, and to petition the Government for a redress of grievances.

2. What steps have been taken to ensure participation in public life and in decision-making processes without discrimination?

The Administration for Community Living's (ACL's) cornerstone legislation, the Older Americans Act (OAA) outlines the responsibility of government to assist older persons to secure equal opportunity and inclusion in society. The Biden-Harris Administration's commitment to ensuring that every American citizen has the opportunity to participate in our democracy by voting and ensuring accessible voting processes, sites, and resources for all persons regardless of age or ability (Executive Order 14019, Promoting Access to Voting). The Help America Vote Act (HAVA) ensures that all individuals are able to fully participate in the electoral process by adopting voting procedures that enable qualified individuals to vote privately and independently, by making polling places more accessible, and providing information on the location of accessible polling places; the Voting Rights Act (VRA) protects the constitutional rights of all citizens, including older persons and prohibits any practices that could restrict their ability to register and vote.

The U.S. has also created a national ecosystem of voluntary community service through the National and Community Service Act, the Domestic and Volunteer Service Act, and the National and Community Service State Grant Program, the last of which specifically invites older persons to give back to their communities through programs such as AmeriCorps Seniors. Through this program, older person volunteers are matched with service opportunities offered by partner organizations, including to provide learning support to school age children, teach others a skill, provide respite for a

caregiver, among others.

ACL funds the National Resource Center for Supported Decision Making (SDM). SDM is an alternative to guardianship in which individuals retain the ability to make decisions for themselves, with the support of trusted friends and/or family members they choose. SDM involves tools that help individuals identify the type of help they need and how to get that help, recognizing that different persons need different kinds of help. The SDM model can be tailored to help persons find solutions for their specific needs.

Data and research

3. What data and research are available regarding older persons' participation in public life and in decision-making processes? Please indicate how national or sub-national data is disaggregated by sex, age and inequality dimensions, and what indicators are used to monitor older persons' participation in public life and in decision-making processes.

Equality and non-discrimination

4. What are the challenges and barriers that older persons face regarding participation in public life and in decision-making processes, including the impact of intersectional discrimination and inequality based on age, gender, disability, race, ethnicity, migratory status and other grounds?

Similar to many other countries, ageism and age discrimination remain challenges in the U.S. Promoting a positive image of older persons and acknowledging their contributions to society are paramount. The U.S. continues to combat the harmful impacts of ageism and age-discrimination by working with partners to: (1) improve societal perception of older persons, (2) support the development and capacity of age-friendly cities and states, age-friendly health systems, and dementia friendly communities, (3) ensure emerging products, tools, and technologies are age-friendly, and (4) address elder abuse by raising awareness, educating, and associated services. The Reframing Aging Initiative (<https://www.reframingaging.org/>) is an example of a cross-sector long-term social change endeavor designed to improve the public's understanding of what ageing means and the many ways that older persons contribute to our society.

Accountability

5. What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress when their right to participate in public life and in decision-making processes is violated?

There are several complaint mechanisms for individuals receiving services, their caregivers, and family members, which include directly filing a complaint to national offices for civil rights. As stated above, the OAA outlines the responsibility of government to assist older persons to secure equal opportunity and inclusion in society, including legal assistance. ACL's legal services network provides critical assistance for older persons in accessing long-term care options and other community-based services, as well as protecting older persons against direct challenges to their independence, choice, and financial security. In addition, the Elder Justice Act provides programs and initiatives to better coordinate federal responses to elder abuse, promote elder justice research and innovation, provide additional protections for residents of long-term care facilities, and support Adult Protective Services (APS) systems. The APS system provides a coordinated and seamless response for helping older person victims of abuse and prevent abuse before it happens. APS supports systems investigate allegations of abuse, neglect, and exploitation; establish (or enhance) emergency housing and other wrap-around services to empower clients to recover from maltreatment; and address critical issues with information technology, training, staffing, partnership development, reporting, and outreach.