Data sources guidance for outcome indicators on article 12:

Equal recognition before the law

UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

© 2024 United Nations

HR/PUB/22/7

This work is available open access by complying with the Creative Commons licence created for intergovernmental organizations, available at https://creativecommons.org/licenses/by-nc-nd/3.0/igo/.

Publishers must delete the Office of the United Nations High Commissioner for Human Rights (OHCHR) logo from their edition and create a new cover design. Publishers should email the file of their edition to publications@un.org.

United Nations publication, issued by the Office of the United Nations High Commissioner for Human Rights (OHCHR).

This data sources guidance is a component of *Promoting the Rights of Persons with Disabilities through the Sustainable Development Goals: a Resource Package*.

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

Symbols of United Nations documents are composed of capital letters combined with figures.

Mention of such a figure indicates a reference to a United Nations document.

All components of the Resource Package have been produced with the financial support of the European Union. Their contents are the sole responsibility of OHCHR and do not necessarily reflect the views of the European Union.

12.19: Number of persons with disabilities formally deprived of their legal capacity (either fully or partially), disaggregated by sex, age and disability

Level 1: Indicator for which data are already being produced and reported on in at least some countries

This indicator tracks the incidence of formal deprivation of legal capacity. While article 12 of the Convention on the Rights of Persons with Disabilities and general comment No. 1 (2014) of the Committee on the Rights of Persons with Disabilities clearly call for the elimination of deprivation of legal capacity, this indicator can contribute to monitoring and informing strategies to abolish deprivation of legal capacity, in accordance with the Convention.

Denmark is an example of a country that records this information in its civil registries. In 2019, a total of 1,958 persons were registered in the central person registry as having guardianship, among whom 14 were recorded as having partial guardianships. Some variables, including guardianship data, are registered with the Danish Health Authority.

Other countries include this information in judiciary records. In Ireland, information on new cases each year is presented in the Courts Service annual report. Table 1 below shows the status of "wards of court". The report also contains data on applications for enduring powers of attorney and on Mental Health Act applications.

Table 1: Number of wards of court, High Court of Ireland, 2018 and 2019

	2019	2018
Wardship cases	2,758	2,720
Applications awaiting hearing	145	144
Adults and minors taken into wardship (declaratory orders)	385	346
Dismissed/discharged	266	246
Orders signed	2,001	1,635

Source: Courts Service, *Annual Report 2019*. Available at pdf (courts.ie).

Other examples of countries recording such information are Argentina, Chile and France.

In a related concept, in the United States of America, the Social Security Administration may assign a "representative payee" to manage disability benefit payments for beneficiaries whom they deem "incapable" of managing these funds. The Social Security Administration reports the number of beneficiaries with representative payees for each of its programmes annually, based on administrative data.

This is one indicator for which a national disability survey may be problematic, for two reasons. First, people who are institutionalized are generally excluded from household survey samples; therefore, the sample would have to include the institutionalized population. Second, proxy respondents – either in households or in institutions – may be hesitant to report this information.

Table 2: Beneficiaries with representative payees receiving social security disability benefits, United States of America, 2019

Type of benefit	All beneficiaries	Number of beneficiaries with representative payee	Percentage of beneficiaries with representative payee
Social security disability insurance: disabled workers (age of beneficiary in years)	8,537,332	855,224	10.0
Under 35	354,043	114,487	32.3
35–44	874,576	165,757	19.0
45–54	1,991,913	220,021	11.0
55–full retirement age	5,316,800	354,959	6.7
Social security disability insurance: adult children with disabilities (age of beneficiary in years)	1,127,181	821,807	72.9
Under 35	367,487	260,835	71.0
35–44	243,673	166,737	68.4
45–54	231,679	165,267	71.3
55 or older	284,342	228,968	80.5
Supplemental security income (age of beneficiary in years)			
Under 18	1,148,038	1,147,195	99.9
18–64	4,714,234	1,609,306	34.1

Source: Social Security Administration, Annual Statistical Supplement to the Social Security Bulletin, 2019.

Note: Table terminology as presented in the source material.

12.20: Number of persons with disabilities whose full legal capacity has been restored, disaggregated by sex, age and disability

Level 3: Indicator for which acquiring data is more complex or requires the development of data collection mechanisms that are not currently in place

Data for this indicator are usually incomplete and not collected or reported with sufficient detail to populate the indicator. Although most countries have detailed data regarding the work of their judiciary, the restoration of legal capacity is, in some cases, not included because it is part of an ongoing legal proceeding that is reported under its own category.

In Mexico, all states publish annual reports that indicate how many cases are filed, how many are concluded, the type of conclusion and other information associated with the processes. Some states disaggregate by type of filing, but the information published is not specific enough to populate this indicator. Some states do collect this information, but do not present it in their public reports. This is the case of Mexico City, where the information is available only upon request. Collection and reporting of this information could be standardized to populate the indicator.

12.21: Number of persons who formally requested support for decision-making and proportion who received it, disaggregated by sex, age, disability, and type and duration of support received

Level 2: Indicator can be produced with existing data but has not been reported on

The number of people receiving this support could be available in countries collecting civil registry or judiciary records if further information is collected through such records, as noted above for indicator 12.19. Such information is available for Peru, for example, where the number of registered guardianships fell from 818 new cases in 2017 to 223 new cases in 2019. At the same time, up until January 2020, 608 new support measures were registered. This information is available in the National Superintendency of Public Registries.

Not all countries have such registries, and some permit private arrangements (through, for example, public notaries or conciliation centres), while others permit only judicial decisions. For example, in Colombia, the system is administered through public notaries, conciliation centres and the judiciary. Such information, however, can be accessed only if there is a centralized database.

Less commonly available is the number of people requesting support, although that could be added to registries.

Information on supported decision-making could be requested in a national disability survey, although the frequency of such requests may show up only in large samples.

12.22: Number and proportion of persons with disabilities reporting that their requirements for supported decision-making have been met, disaggregated by sex, age and disability

Level 3: Indicator for which acquiring data is more complex or requires the development of data collection mechanisms that are not currently in place

Data for this indicator could be collected through a survey administered by the supported decision-making registry, where such an entity exists. This will not capture individuals who wanted supported decision-making but could not access the registry.

In Colombia, judicial requests for support are assessed and registered in the intervening court, but this is mandatory only in court-presented cases (not for requests from public notaries or conciliation centres). An explanation of the process is available in a report of the Government.