Data sources guidance for outcome indicators on article 14:

Liberty and security of the person

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14.23: Number of persons with disabilities currently deprived of liberty on the basis of actual or perceived impairment, disaggregated by sex, age, disability, type of institution or place of detention (e.g. mental health institution, social care or residential institution, or residence for persons with intellectual disabilities) and legal ground for the institutionalization or detention

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

This indicator is aimed at tracking disability-based deprivation of liberty, a practice that is contrary to the Convention on the Rights of Persons with Disabilities. The indicator is also aimed at contributing to the development of strategies to prevent and end such practices, in accordance with the Convention.

The main sources of data include ministries and departments of health, independent oversight bodies and professional associations of persons with disabilities at national or subnational levels.

A major European study entitled *Deinstitutionalisation and community living: outcomes and costs* was undertaken in 2007. It found that, in many countries, even where data existed at the regional or local level (generally through administrative records), they were not necessarily collected at the national level.

While the data in the report are now outdated, the report itself provides a good example of how to encourage countries to report on the issue. Most European countries do not routinely collect the data reported, but they did so specifically for this study. The data are available in the country reports.

An example of the data for Bulgaria in the report is found in table 1 below.

Table 1: Data available for type of institution, by gender and age, Bulgaria, 2001–2005

Type of institution	Total	*Gender*			*Age*			
		Male	Female	Gender unspecified	Children	Younger adults	Adults over 18 years of age	Age unspecified
Homes for children and adolescents with mental retardation	1,766	920	693	153	1,766			

Type of institution	Total	*Gender*			*Age*			
		Male	Female	Gender unspecified	Children	Younger adults	Adults over 18 years of age	Age unspecified
36-week residential schools for children with sensory disabilities and intellectual disabilities	2,856				2,856			
Homes for children and adolescents with physical disabilities	130	43	29	58	130			
Social and vocational training institutions	1,347	541	267	539		1,347		
Wards in homes for medical and social care for children	1,213							1,213
Group homes	120							120
Social and vocational boarding schools								
Psychiatric wards in hospitals								
Homes for adults with sensory disabilities	148	47	85	16			148	
Homes for adults with mental retardation	2,513	1,220	1,200	93			2,512	
Homes for adults with physical disabilities	1,800	760	724	316			1,600	200
Homes for adults with dementia	869	352	386	738			869	
Homes for adults with psychic disorders	1,376	549	799	28			1,376	
Psychiatric hospitals								
Totals	14,138	4,432	4,183	465	4,752	1,347	6,506	1,533

Source: Julie Beadle-Brown and Agnes Kozma, eds., *Deinstitutionalisation and community living: outcomes and costs – report of a European Study. Volume 3: Country Reports* (Canterbury, Tizard Centre, University of Kent, 2007), p. 41.

Note: Categories as specified in the source.

The national deinstitutionalization strategy and action plan of North Macedonia includes data on the number of children and adults in institutional care, as presented in table 2.

Table 2: Number of children and adults in institutional care by degree of disability, North Macedonia, 2005

Group	Number of residents in institutional care
Children with disabilities	42
Children with social difficulties	200
Children without parental care	146
Children with social and educational difficulties and children in conflict with the law	54
Adults with disabilities (under 65 years of age)	356 in institutions plus 122 in old-age homes
Adults with long-term mental health difficulties or distress	650 beds
Older persons	988
Total	2,358

Source: North Macedonia, Ministry of Labour and Social Policy, *National Deinstitutionalisation Strategy of the Republic of Macedonia for 2018–2027 "Timjanik" and Action Plan* (Skopje, 2018), p. 20.

A more recent report from Finland shows that at the end of 2018, the total number of clients of non-round-the-clock services for those with "mental disabilities" in supervised and supported housing was 3,735. There were 1,859 customers in supervised housing, which was 6.4 per cent less than in 2017. At the end of 2018, there were 1,876 residential clients and the number of clients remained almost the same as in the previous year. At the end of 2018, there were a total of 631 clients in "institutions for the mentally handicapped", which was 14.6 per cent less than in the previous year. The number of assisted housing clients with intellectual disabilities increased by 2.1 per cent and was 8,664 at the end of 2018. A reported 89 per cent of institutional care clients were housed in a public service provider.

14.24: Number of persons with disabilities currently deprived of liberty as a result of diversion from prosecution on the basis of actual or perceived impairment (e.g. "unfitness to stand trial", followed by the application of a security measure), disaggregated by sex, age, disability and type of institution or place of detention

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

Possible data sources at the national level include courts, the ministry of justice, prisons and other places of detention.

A Canadian study identified people determined unfit to stand trial, based on the manual extraction of data from administrative Review Board files of cases that were active between 1992 and 2004, in seven jurisdictions. Researchers identified cases where the defendant had been found not criminally responsible on account of mental disorder or unfit to stand trial, as can be seen in table 3. The report does not identify in which type of detention the defendants were placed.

Table 3: Legal status: not criminally responsible on account of mental disorder and unfit to stand trial, by sex and age, Canada

	Not criminally responsible on account of mental disorder Number (percentage)	Unfit to stand trial Number (percentage)	Total Number (percentage)
Sex			
Male	5,716 (84.0%)	1,561 (83.2%)	7,277 (83.9%)
Female	1,086 (16.0%)	316 (16.8%)	1,402 (16.2%)
Age			
Under 18 years	115 (1.7%)	74 (4.0%)	189 (2.2%)
18 to 25 years	1,374 (20.5%)	250 (13.6%)	1,624 (19.0%)
26 to 40 years	3,115 (46.4%)	748 (40.7%)	3,863 (45.2%)
41 to 64 years	1,987 (29.6%)	642 (34.9%)	2,629 (30.7%)
Over 64 years	123 (1.8%)	124 (6.7%)	247 (2.9%)
Median age	35 years	37 years	35 years

Source: Jeff Latimer and Austin Lawrence, *The Review Board Systems in Canada: an Overview of Results from the Mentally Disordered Accused Data Collection Study* (Canada, Department of Justice, Research and Statistics Division, 2006), p. 14.

Data relevant to this indicator were also collected in Peru. In 2018, the Peruvian Ombudsman's Office published *El Derecho a la Salud Mental: Supervisión de la Implementación de la Política Pública de Atención Comunitaria y el Camino a la Desinstitucionalización*, a report that sets out the number of persons held in hospitals, institutions, protected homes and prisons on security measures. For example, in 2018, a total of 59 people who had been declared *inimputable* (not held criminally liable) were admitted to State hospitals (p. 170) and 38 people to prisons (p. 179).

14.25: Number of persons with disabilities who are released from disability-specific deprivation of liberty, disaggregated by sex, age, disability and place of detention (e.g. psychiatric institution or residence for persons with intellectual disabilities), and proportion of them who have been provided with access to housing, means of subsistence and other forms of economic and social support

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

The United States of America has used administrative data that can capture this indicator. The Centers for Medicare and Medicaid Services – the agency that provides funding for institutions and for home and community-based services – had a "money follows the person initiative" to move people living in nursing homes or institutions into the community, with appropriate services. The federal Government gave grants to states, which were then required to submit an annual report that included the number of people who had been transitioned into community settings.

The first transitions occurred in late 2007. As of June 2018, a total of 91,540 institutional residents had transitioned into communities in 44 states and the District of Columbia. Some 14,856 of them were persons with intellectual or developmental disabilities, who moved from either institutions for persons with intellectual disabilities or nursing homes into community settings, such as their own home, a family home or a small group setting. The remaining 76,684 persons had physical, mental or adult-onset cognitive disabilities and were primarily transitioned out of nursing homes. The Community Living Policy Center published a report on the data.

14.26: Number of persons deprived of liberty in prisons and other detention centres (non-disability specific) and proportion of them who are persons with disabilities, disaggregated by sex, age, disability, ground for detention, detention centre and geographical area

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

Countries have administrative data on people in prisons and detention centres. If they do not already record disability status (the Department of Correctional Services of South Africa is one example that does), they can add it to their records.

Surveys can also be used to determine the prevalence of persons with disabilities among the prison population, as was done through the National Inmate Survey in the United States.

Another example, from England and Wales, is a study in which the proportion of newly sentenced prisoners who have a disability is estimated using survey questions about perceived disability, physical health, and anxiety and depression.

The World Prison Brief, an online database, provides free access to information on prison systems worldwide.

14.27: Conviction rate of persons with disabilities as compared to the general conviction rate, disaggregated by age, sex, disability, crime/ground and whether legal aid or lawyer of the person's choice was used

Level 2: Indicator can be produced with straightforward additions or modifications to existing data collection efforts

The main sources of data include national-level administrative and judicial records maintained by police departments, and ministries or departments responsible for justice or for the interior.

Administrative records from courts can be used to determine a general conviction rate. For these data to be disaggregated by disability status, disability information would have to be included in court records.

A study from Bulgaria based on court records disaggregates by age and sex, but not by disability.

Data on conviction rates are collected through the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems.

14.28: Proportion of cases in which, after appeal, a sentence was reduced or a criminal conviction vacated, disaggregated by sex, age and disability

Level 2: Indicator can be produced with straightforward additions or modifications to existing data collection efforts

If court records included disability status, they could be used to generate this indicator. Studies have been carried out without disaggregation by disability status. For example, in a study by the Government of the United States, appeals from appellate courts were examined,

including reversal rates, the type of crime and the reason for reversal, but not the demographic characteristics of the defendant.

14.29: Number and proportion of persons with disabilities deprived of liberty in any place of detention provided with reasonable accommodation, disaggregated by age, sex, disability, ground for detention, detention centre and geographical area

Level 2: Indicator can be produced with straightforward additions or modifications to existing data collection efforts

This indicator requires a survey of prisoners, such as the one undertaken in England and Wales and reported on in the *Annual Report 2017-18* of HM Chief Inspector of Prisons for England and Wales.

However, while the respondents were asked about disability and details of their experiences, they were not asked specifically about accommodations. The respondents were asked related questions that revealed a difference in experiences between men with disabilities and those without, as can be seen in table 4.

Table 4: Prisoners' experiences by disability status, England and Wales

	Men with a disability (percentage)	Men without a disability (percentage)
When you first arrived, did you have any problems?	88	64
… physical health problems?	33	9
… housing worries?	25	12
Do you usually spend less than 2 hours out of your cell on a typical weekday?	26	18
Have you ever felt unsafe here?	63	44

Source: HM Chief Inspector of Prisons for England and Wales, *Annual Report 2017-18* (London, 2018), p. 121.

In the United States, a survey of prison inmates does include several ways to identify disability, but the respondents are not asked if accommodations were needed, requested or received; these questions would need to be added.