

**Data sources for outcome indicators  
on Article 12:**

**Right to recognition  
everywhere as equal  
before the law**



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ADVANCE VERSION

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## 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.*

Denmark is an example of a country that records this information in its civil registries. In 2019, Denmark's [Central Person Registry](#) recorded 1958 persons registered as having guardianship, among whom were 14 with partial guardianships. Some variables, including guardianship data, are registered at <https://www.danishhealthdata.com/find-health-data/CPR-registeret>.

Other countries account for this in judiciary records. [Ireland's annual report of court services](#) captures information on new cases each year. For example, table 1 shows the status of “wards of the court”. This report also records enduring powers of attorney and Mental Health Act applications.

**Table 1:** Number of wards of the Court, High Court of Ireland, by year

	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* (2019)

Other examples of countries recording such information are:

- France: [http://www.justice.gouv.fr/art\\_pix/Annuaire\\_ministere-justice\\_2018\\_CHAPITRE\\_2.pdf](http://www.justice.gouv.fr/art_pix/Annuaire_ministere-justice_2018_CHAPITRE_2.pdf) and [http://www.justice.gouv.fr/art\\_pix/Stat\\_RSJ\\_civil\\_2.2\\_2017.ods](http://www.justice.gouv.fr/art_pix/Stat_RSJ_civil_2.2_2017.ods);
- Chile: <https://www.chileatiende.gob.cl/fichas/43504-inscripcion-de-curador-en-el-registro-nacional-de-discapacidad-rnd>; and
- Argentina: [https://www.gba.gob.ar/registrodelaspersonas/otros\\_tramites/inscripciones\\_de\\_incapacidades](https://www.gba.gob.ar/registrodelaspersonas/otros_tramites/inscripciones_de_incapacidades)

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 the money. The [Social Security Administration](#) reports the number of beneficiaries with representative payees for each of its programs annually, based on administrative data.

This is one indicator where a national disability survey may be problematic for two reasons. Firstly, because people who are institutionalized are generally excluded from household survey samples, so the sample would have to include the institutionalized population. Secondly, proxy respondents – either in a household or in institutions – may be hesitant to report this.

**Table 2: Representative Payees in United States of America Social Security Disability Benefits, 2019**

	All Beneficiaries	Number with Representative Payee	Percentage with Representative Payee
Social Security Disability Insurance: Disabled workers	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–FRA	5,316,800	354,959	6.7%
Social Security Disability Insurance: Disabled Adult Children	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			
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*, 2019 (2019).

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

[For countries collecting civil registry and/or judiciary records, as noted above for indicator 12.19, charting these numbers over time would give an indicator of how often legal capacity has been restored.](#)

In the United States of America, a non-governmental organization collects individual court cases where full legal capacity has been restored, by state, as can be consulted in <http://www.supporteddecisionmaking.org/>. To systematize the collection of such data, an ongoing reporting system would need to be established within the Ministry of Justice. This information could be asked for within a national disability survey.

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

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

The number of people receiving support can be available for countries collecting civil registry and/or judiciary records, as noted above for indicator 12.19. For example, in Peru, 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 Peruvian National Superintendency of Public Registries (Superintendencia Nacional de los Registros Públicos—SUNARP).

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

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

This information could be asked for within a national disability survey, although the frequency of such requests may only show up in very 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, disability.**

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

This indicator could be collected with a satisfaction survey administered by the supported decision-making registry, where such an entity exists. This will not capture people who wanted supported decision-making but could not access the registry.

In Colombia, judicial requests of support are assessed and registered in the intervening court, but this is mandatory only in court-presented cases (not for public notaries or conciliation centres). An explanation of the process is available at <https://dapre.presidencia.gov.co/AtencionCiudadana/DocumentosConsulta/consulta-200710-Lineamiento-protocolo-nacional.pdf>.