

**Data sources for outcome indicators  
on Article 14:**

# **Liberty and Security of the Person**



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ADVANCE VERSION

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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 and disability, type of institution/place of detention (e.g. mental health institution, social care or residential institution, residences for persons with intellectual disabilities, etc.) 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 which are currently not in place.*

A major European study, “[Deinstitutionalisation and community living – outcomes and costs](#)”, was undertaken in 2007 and found that, in many countries, even when data existed at a regional or local level (generally through administrative records), they were not necessarily collected at a national level.

While the data in the report is outdated, it provides a good example of how to encourage countries to report on this issue. Most European countries do not routinely collect the data reported but did so specifically for this study, see those [country reports](#).

An example of the relevant table from the report for Bulgaria can be found in table 1.

**Table 1:** Bulgaria: Data available by service type – breakdown by gender and age, 2001-2005

Type of institution	Total	Gender			Age			
		Male	Female	Gender unspecified	Children	Younger adults	Adults over 18	Age unspecified
Homes for children and adolescents with mental retardation	1,766	920	693	153	1,766			
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-vocational training institutions	1,347	541	267	539		1,347		

Type of institution	Total	Gender			Age			
		Male	Female	Gender unspecified	Children	Younger adults	Adults over 18	Age unspecified
Wards in homes for medical-social care for children	1,213							1,213
Group homes	120							120
Social 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*, vol. 3, *Country Reports* (Canterbury, Tizard Centre, University of Kent, 2007), p. 41

Notes: Categories as specified in the source.

Macedonia’s “National Deinstitutionalisation Strategy of the Republic of Macedonia 2018–2020 ‘Timjanik’ and its Action Plan”, sets out data on the number of children and adults in institutional care, as presented in table 2.

**Table 2:** Macedonia: Number of children and adults in institutional care by degree of disability (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/children in conflict with the law	54
Adults with disabilities (under 65 years)	356 in institutions plus 122 in old age homes
Adults with long-term mental health difficulties or distress	650 beds
Old age	988
<b>Total</b>	<b>2,358</b>

Source: The Republic of Macedonia Ministry of Labour and Social Policy, *National Deinstitutionalisation Strategy of the Republic of Macedonia for 2018–2027 ‘Timjanik’ & 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 and disability and type of institution/place of detention.**

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

A [Canadian study](#) identified people determined unfit to stand trial, based on 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 was found not criminally responsible on account of mental disorder (NCRMD) or unfit to stand trial (UST), as can be seen on table 3. The report does not identify in what type of detention the defendants were placed.

**Table 3:** Canada: Legal Status: not criminally responsible on account of mental disorder (NCRMD)/ Unfit to stand trial (UST), by sex and age

	NCRMD N (%)	UST N (%)	TOTAL N (%)
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* (Department of Justice Canada, Research and Statistics Division, 2006), p.14

Data relevant to this indicator was also collected in Peru. In 2018, the Peruvian Ombudsman’s Office published a report, “[El Derecho a la Salud Mental: supervisión de la implementación de la política pública de atención comunitaria y el camino a la desinstitucionalización](#)”. This report sets out the number of persons held in hospitals, institutions, protected homes and prisons on security measures. For example, in 2018, 59 people who were declared “inimputable” (not held criminally liable) were admitted to state hospitals (p. 170) and 38 people to penitentiaries (p. 179).

## **14.25 Number of persons with disabilities who are released from disability-specific deprivation of liberty disaggregated by sex, age and disability, and place of detention (e.g. psychiatric institutions, residences for persons with intellectual disabilities, etc.), 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 providing funding for people with Intellectual or Developmental Disabilities institutions and 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 transitioned.

The first transitions occurred in late 2007. As of June 2018, 91,540 institutional residents had transitioned in 44 states and the District of Columbia. Some 14,856 of these were persons with Intellectual or Developmental Disabilities, who moved from either institutions for people 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. For a report on these data, consult the publication of the [Community Living Policy Center](#).

## **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 of detention, detention centre and geographical area.**

*Level 2: Indicator that 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 the disability status (the Bureau of Prisons in South Africa is one example that does) they can add it to their records.

Surveys can also be used, as in the [United States of America's National Inmate Survey \(NIS-3\)](#), that describes the prevalence of persons with disabilities among the prison population.

Another example, from England and Wales, is a [study that estimates the proportion of newly sentenced prisoners who have a disability](#), 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 around the world.

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

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

Administrative records from the 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 disability. If disability status were added, then it would be capable of doing so.

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

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

If court records included disability status, then they could be used to generate this indicator. Studies have been done without disaggregation by disability status - for example, [a study done by the United States government](#) examined appeals from appellate courts and included reversal rates, type of crime and reason for reversal, but did not include 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 of detention, detention centre and geographical area.

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

This requires a survey of prisoners, like the one undertaken in the United Kingdom and Wales and reported in the [2017-2018 Annual Report of HM Chief Inspector of Prisons for England and Wales](#).

However, while the survey asks about disability and details the prisoners' experiences, it does not ask specifically about accommodations. It does ask related questions that reveal a difference in experiences between men with disabilities and those without, as can be seen in table 4.

**Table 4:** United Kingdom: Prisoners' experiences by disability status

	Men with a disability	Men without a disability
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 1 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

A [US survey of prison inmates](#) does include several ways to identify disability (6 questions, work status, ever been told by a doctor you have a learning disability) but does not ask if accommodations were needed, requested, or received, which would need to be added.