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Decision taken by the Governing Council of the
United Nations Compensation Commission
during its Fourth Session, at the 22nd meeting,
held on 24 January 1992

Determination of Ceilings for Compensation for
Mental Pain and Anguish

At its Third Session, the Governing Council examined the question of possible ceilings or fixed amounts for compensation for mental pain and anguish on the basis of a study prepared by the Secretariat (S/AC.26/1991/WP.18).

After having discussed the issue, the Governing Council decided to adopt ceilings rather than fixed amounts for compensation for mental pain and anguish, but postponed the actual determination of the amounts for the Governing Council's Fourth Session. In order to assist the Governing Council in its discussion of applicable ceiling amounts, the Secretariat prepared an information sheet on the number of potential claimants eligible for compensation for mental pain and anguish (S/AC.26/1992/CRP.5).

Following extensive exchanges on the subject, a consensus of opinion was reached resulting in the following formulations on ceiling amounts for compensation for mental pain and anguish:

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CATEGORY A: A spouse, child or parent of the individual suffered death.

US\$ 15,000 ceiling per claimant;

US\$ 30,000 ceiling per family unit.

CATEGORY B: The individual suffered serious personal injury involving dismemberment, permanent or temporary significant disfigurement, or permanent or temporary significant loss of use or limitation of use of a body organ, member, function or system.

US\$ 15,000 ceiling for dismemberment, permanent significant disfigurement, or permanent loss of use or permanent limitation of use of a body organ, member, function or system;

US\$ 5,000 ceiling for temporary significant disfigurement or temporary significant loss of use or limitation of use of a body organ, member, function or system.

CATEGORY C: The individual suffered sexual assault or aggravated assault or torture.

US\$ 5,000 ceiling per incident.

CATEGORY D: The individual witnessed the intentional infliction of events described in Categories A, B or C on his or her spouse, child or parent.

US\$ 2,500 ceiling per claimant;

US\$ 5,000 ceiling per family unit.

CATEGORY E: The individual was taken hostage or illegally detained for more than three days, or for a shorter period in circumstances indicating an imminent threat to his or her life.

US\$ 1,500 per claimant for being taken hostage or illegally detained for more than three days, or for a shorter period in circumstances indicating an imminent threat to life;

US\$ 100 per day for each day detained in Iraq or Kuwait beyond three;

Ceiling of US\$ 10,000 per claimant.

CATEGORY F: On account of a manifestly well-founded fear for one's life or of being taken hostage or illegally detained, the individual was forced to hide for more than three days.

US\$ 1,500 per claimant for being forced to hide for three days;

US\$ 50 per day for each day forced to hide in Iraq or Kuwait beyond three;

Ceiling of US\$ 5,000 per claimant.

CATEGORY G: The individual was deprived of all economic resources, such as to threaten seriously his or her survival and that of his or her spouse, children or parents, in cases where assistance from his or her Government or other sources has not been provided.

US\$ 2,500 ceiling per claimant;

US\$ 5,000 ceiling per family unit.

These amounts are payable cumulatively where more than one situation applies with respect to particular claimants. However, the following overall ceilings will apply to total cumulative amounts available to claimants for payments for mental pain and anguish:

US\$ 30,000 ceiling per claimant;

US\$ 60,000 ceiling per family unit.
