

**GENERAL GUIDELINES FOR THE- REVIEW OF COMPENSATION CLAIMS FOR
INJURY CAUSED BY POST-TRAUMATIC STRESS DISORDER (PTSD) FOR
UNIFORMED PERSONNEL DEPLOYED TO UNITED NATIONS FIELD MISSIONS**

1. The primary command, oversight, administration and support for all military and police personnel deployed to a United Nations peacekeeping or other mission remains a national responsibility for the respective troop- or police-contributing country (T/PCC). Within that framework, the United Nations Secretariat provides reimbursement to the T/PCC in accordance with rates and principles agreed by the General Assembly.
2. The General Assembly has set a single standard rate of reimbursement, which was last adjusted in 2010, for compensation for cases of the death and disability of uniformed personnel deployed to United Nations peacekeeping and other field missions. In line with all death and disabilities recognised as compensable by the United Nations Secretariat, identification, treatment and other support related to cases involving Post-Traumatic Stress Disorder (PTSD) will remain first and foremost a national responsibility within a national framework applicable to that country's military and police personnel.
3. Although there is a lengthy history of legislative decisions surrounding such claims, the following key elements underpin the current framework for death and disability compensation for uniformed personnel deployed to United Nations field missions:
 - a) General Assembly resolution 52/177 provides for the United Nations to pay compensation for the death or disability of uniformed personnel in cases where the death or injury is "mission related" and not "caused by gross negligence or wilful misconduct" by the personnel concerned.
 - b) With compensation limited to mission-related circumstances, compensation is not payable in practice in cases of death or disability resulting from a pre-existing condition.
 - c) Disability is compensated according only to the proportional degree of any permanent loss of function, as measured by reference to the American Medical Association's Guide to Evaluation of Permanent Impairment.
 - d) The General Assembly has directed, in its resolution 61/276, that the United Nations give sympathetic consideration to claims in cases of doubt.
 - e) Compensation is subject to a claim by the Member State in question, with any reimbursement paid by the United Nations to be transferred to the victim or his/her legal beneficiaries.
 - f) Each claim for compensation is assessed on its individual merits.
 - g) The assessment process for claims should be streamlined and efficient, and while there is no established time limit for the submission of claims, the General Assembly has directed on numerous occasions that the United Nations address claims within 90 days from when they are received.
 - h) Eligibility for compensation is determined by the Field Budget and Finance Division of the Department of Field Support, with medical and legal expertise provided by the Medical Services Division of the Department of Management and the Office of Legal Affairs, respectively.

4. In reviewing claims from a T/PCC for reimbursement for compensation for cases related to PTSD, the following guidance should be applied.

Guiding Principles

5. While cognizant of the specificities of PTSD claims, the review and assessment by the United Nations Secretariat of their eligibility for compensation should be closely aligned with the framework in effect for physical disabilities. The Secretariat's assessment of these claims should not put more of an onus on the individual and governments than the minimum necessary to ascertain legitimacy and fairness of the assessment.

6. As a guiding principle, assessment of cases by the United Nations should recognise that Member States have primary responsibility and accountability to establish systems and processes nationally to be able to provide credible, professional and recognized evidence to demonstrate that the injured party suffers from PTSD because of a traumatic event(s), including those that he/she endured during deployment to a United Nations mission. For a claim for compensation to be made to the United Nations, this national responsibility should aim to demonstrate a causal connection or nexus between the PTSD and events associated with deployment to a United Nations mission.

Standards and Elements of Proof

7. On the understanding of established practice for death and disability claims, the required standard of proof should be "*at least as likely as not*" that the claimant's PTSD would not have occurred in the absence of its association with an event or events related to his or her deployment to a United Nations mission. "At least as likely as not" means 50 per cent or greater, with the benefit of the doubt going to the claimant if the evidence is at equipoise (50/50 chance).

8. To be considered eligible for compensation by the United Nations, instances of PTSD must be characterised by the following elements of proof:

- Existence of PTSD as defined in the Diagnostic and Statistical Manual of Mental Disorders (DSM).
- Disability or loss of function of a permanent nature (including determination of an applicable degree or proportion of disability).
- PTSD arose due to mission-related circumstances, with particular attention to an identified or specific traumatic incident (or series of incidents) that are medically assessed to reasonably have impacted the concerned individual.
- PTSD is not mostly attributable to a pre-existing or subsequent condition(s) or event(s), whether in employment or personal circumstances.

9. Submission of any claims for PTSD must include detail and evidence of events that caused the PTSD and an explanation of any delay in onset or diagnosis of PTSD. Without prejudice to the prerogative of the Secretariat to review all claims, and request relevant information accordingly, the existence of a diagnosis and compensation by the relevant national authorities, in accordance with a robust national framework, will be considered *prima facie* evidence that a case of PTSD has been established.

Supporting documentation/records

10. Documentation that might be indicative of that needed for an appropriate assessment of a claim for compensation for PTSD-related death or disability, depending on the circumstances of the case at hand, includes the following.

Medical report(s) and records:

11. Any claim for compensation for PTSD compensation must include a comprehensive and detailed psychological medical assessment, demonstrating the aforementioned elements of proof required to sustain an argument of PTSD-related disability, including medical assessments establishing any relevant prior and/or subsequent condition and medication or other treatment.

12. The medical assessment must also aim to establish the degree or proportion of permanent disability.

13. Such an assessment must be carried out or verified by national authorities and comply with the requirements of relevant and current internationally recognized psychological practices and principles. This national medical assessment needs to be based on sufficient medical evidence, including substantiating documentation or records, to be submitted with the claim. Among other things, this national assessment should establish that PTSD was not a pre-existing condition or arose due to events subsequent to United Nations deployment.

Documents establishing the factual basis of events related to the claim:

14. Any claim for compensation for PTSD compensation must also include a comprehensive and detailed report establishing the injured party's deployment to the mission (e.g. period, duration, location, and terms of appointment) and the incident or other circumstances surrounding the cause of the PTSD. This could include:

- Contemporaneous documentation of traumatic incident(s) (e.g. NOTICAS; United Nations, national or third-party investigation report; UN or national situation report; media reports; diary or other personal account; witness/collateral statement).
- The injured party's statement/reporting of the incident(s) to the United Nations, national authorities, medical practitioners, or the like.
- Personnel records outlining the injured party's employment history and performance record prior to and after the incident(s) that gave rise to PTSD.
- Detail of national assessment and compensation procedures, claims and/or awards relating to the case of PTSD, including any involvement by governmental bodies, insurance carriers, or judiciary bodies.
- Other documents that demonstrate that the case of PTSD is United Nations mission-related.

15. Assessment of the claim is on the basis of the totality of the circumstances and supporting evidence, which may vary from case to case. The existence of a NOTICAS, Board of Inquiry, or other investigations is not a condition for compensation to be considered. The factual occurrence of a traumatic incident(s) or event(s), its primary cause as to the case of PTSD, and the permanency of any disability must, however, be established.

16. The same process for appeal or review of a United Nations decision on compensation that applies to other death and disability claims (as set out in General Assembly resolution 52/369) shall apply to PTSD-related disability. This requires good faith consultations or, failing the occurrence of such consultations, the designation of a third party or constitution of a medical board.

A handwritten signature in black ink, appearing to read 'Luna', written over a horizontal line.

30 May 2017