

8. Hostile Action Casualties Insurance

A. General

The Hostile Action Casualties Benefits Law was passed by the Israeli government with a view to ensuring the social rights of hostile action casualties and the members of their families. The benefits deriving from this law (and from its regulations) are paid by the National Insurance Institute and funded by the national budget. The law is designed to equate the rights of civilian hostile action casualties with the rights and services granted to IDF soldiers and bereaved families by the Ministry of Defense. The law went through several stages until it reached its present format and version¹. The innovations incorporated by the law are reflected in the definition of *hostile action*, the establishment of an approval authority that determines what events are considered hostile actions, definition of the main rights provided by the law, full state funding of these benefits, inclusion of victims of past hostile actions in the law and transfer of their administration to the National Insurance Institute.

All the following comprise hostile action injuries:

- Injury by hostile action of enemy forces hostile to Israel, including actions that took place outside Israel that are designed to harm the Jewish people;
- Unintentional injury caused following a hostile action of enemy forces, or unintentional injury caused in circumstances in which there were grounds for reasonable suspicion that a hostile action would be carried out;
- Injury by a weapon designed for use in a hostile action of enemy forces, or injury by a weapon designed to be used in counter action, even if not used, excluding injury sustained by a person aged 18 or over while carrying out a criminal act or other offence which incorporates criminal intent or negligence;
- Injury through an act of violence principally designed to injure a person because of his ethnic-national origin, as long as this derives from the Israeli-Arab conflict;
- Injury through an act of violence principally designed to injure a person because of his or her ethnic-national origin, carried out by a terror organization, defined as such by the government in accordance with clause 8 of the 1948 Prevention of Terror Ordinance, except for an organization that comprises or represents enemy forces.

1 The Hostile Action Casualties Benefits Law was passed by the Knesset in 1970, retroactively to June 1967, with regard to casualties of hostile acts as of February 25, 1949. In March 1977 the law was extended and made applicable to persons injured between May 14, 1948 and February 24, 1949. As of March 1982 persons injured between November 29, 1947 and May 13, 1948 were also included in the law.

The following are eligible for benefits:

- An Israeli citizen injured in Israel or in Judea, Samaria or Gaza, or outside Israel if less than one year has elapsed since he ceased to be a resident of Israel;
- Anyone who enters Israel legally;
- A foreign resident employed by an approved Israeli employer abroad, who was injured in a hostile action abroad in the course of and due to his work;
- A resident of the territories who bears an Israeli ID card and who was injured within the “green line”;
- A resident of the territories who possesses an entry permit issued by an officer of the armed forces in the field, and who was injured within the *green line*.

B. Amendments to the Hostile Action Casualties Benefits Law

The amendments introduced to the 1970 Hostile Action Casualties Benefits Law since its legislation indicate a trend of extending rights to benefits and additional and complementary services, of recognition of the eligibility of additional relatives and of extension of the definition of hostile actions covered. In contrast with injured persons to whom the Disabled Persons Law and Families of Soldiers Killed in Battle Law apply, hostile action victims include children, elderly persons and mothers, and hostile actions sometimes injure several members of the same family. Thus, the solutions offered within the framework of the Disabled Persons Law and Families of Soldiers Killed in Battle Law do not always meet the needs of families of hostile action victims. The Minister of Labor and Social Affairs appointed a committee to examine the rights of victims of hostile actions and their family members in order to propose solutions to this group's unique problems. The committee discussions indicate that the main problems not adequately addressed by the existing law are those with which persons who have lost a father or mother (minor orphans and adult children) have to contend, as do relatives who take on the responsibility of caring for the orphans. Two amendments introduced to the law in 2005 apply to orphans who have lost both parents as a result of hostile actions (details in clause D below).

In 2006, the definition of hostile actions was extended to include injury sustained due to action whose primary purpose was to harm the Jewish people (clause 18a of the definition). However, the said extension applies solely to residents of Israel.

The definition of a victim of hostile actions was further extended to include acts of violence whose main purpose is to injure a person because of his or her ethnic-national origin, whether this derives from the Israeli-Arab conflict (clause 4 of the definition) or from an act of violence carried out by a terror organization (clause 5 of the definition).

C. Initial care of victims and family members

In contrast with other benefits paid by the National Insurance Institute, whereby processing starts with submission of the claim by the insured person, in mass hostile actions the process is initiated by the NII. When a terrorist attack is reported, the NII contacts the national police headquarters and the approving authority at the Ministry of Defense for confirmation that the reported event is a hostile action. The hospitals and “Magen David Adom” immediately submit a list of casualties to the National Insurance Institute, and the Benefits and Rehabilitation departments of the NII prepare for rapid intervention in order to provide services to the victims and their families.

Initial assistance to the injured includes hospital visits, contacting the families, coordinating claims, identifying urgent needs and making payments to hospitals, including covering expenses of the families.

Medical assistance to the injured persons is in the form of in-kind benefits, including hospitalization, operations, tests, healing, psychiatric and psychological treatment, drugs, recovery, medical rehabilitation, apparatus and accessories.

Treatment of trauma casualties: In the Second Lebanon War, the National Insurance Institute, in conjunction with the Ministry of Health, initiated an innovative procedure for treating trauma casualties in order to provide them with initial treatment even before they were recognized as casualties of hostile actions – eligible by law for benefits and treatment (details of the procedure for treating trauma sufferers appears in a Box in this chapter).

Initial care of bereaved families focuses on funeral arrangements, transport arrangements for those accompanying the bereaved, a visit to the mourners’ home and emotional support. Representatives of the Rehabilitation and Benefits departments at the local NII branch inform the family about their basic rights under law. Widows are eligible for a special grant to provide for their immediate needs during the first period of their widowhood, until benefits are granted.

The NII local branches make **contact with essential service-providers in the community** for integrated intervention. Such service-providers include emergency centers of the local authorities, social services at hospitals, psychological health stations, trauma centers and stations for educational-psychological advice.

D. Types of benefits

1. **Medical treatment benefit** – a person who is unable to work or function following medical treatment (in accordance with a medical certificate and approved by an NII doctor) is eligible for a special cash benefit during the period of treatment if he does not receive a salary or compensation during this period and, if self-employed, if he stops working. This benefit is, in fact, short-term compensation granted for a limited period until the degree of disability is determined by a medical committee.

2. **Disability benefits** – A person who is recognized by a medical committee as having at least 20% disability is eligible for a **monthly disability benefit**. The amount of the benefit is based on the degree of disability and is equivalent in rate to the benefit paid to IDF disabled under the Disabled Persons Law (Benefits and Rehabilitation). A person already disabled as the result of a hostile action who is injured in a further hostile action will have his degree of disability reviewed and all his injuries from all the hostile actions will be considered as caused from the same hostile action (combination of disabilities). Additional monthly and annual benefits are added, as needed, for payment for hired help, mobility allowance, etc.

In addition to the regular benefits, **special benefits are paid to certain groups** such as the severely disabled, the elderly and other special groups eligible due to their disability degree, earning capacity or rehabilitation potential. These special benefits include:

Benefit for needy disabled – paid to persons with a disability degree of 50% or more, who comply with conditions relating to income and earning capacity. The benefit for a needy disabled person is paid instead of the disability benefit, and eligibility is determined by a committee for up to one year.

Benefit for a disabled person without an income – paid to persons with a temporary or permanent disability degree of 10% or more who comply with certain conditions relating to income and who are seeking employment. Eligibility for the benefit is determined by a special committee and is paid instead of the disability benefit (in accordance with the disability degree) for a limited period only.

Benefit for a person disabled as a result of a hostile action, who dies – further to payment of benefits, the relative named by the deceased will receive benefits for 3 years.

Lump-sum disability grant – paid to persons for whom a medical committee has determined a permanent disability degree of 10%-19%. The rate of the grant is calculated by multiplying the amount deriving from the degree of disability by the number of months of the grant to be calculated. The number of months to be calculated for each degree of disability is indicated in the “grant calculation table”. For example, the grant for a person with a disability degree of 10% is calculated for 108 months, while the grant for a person with a 19% disability degree is calculated for 215 months.

3. **Medical care** – includes hospitalization, clinic treatment – including dental care for damage caused by the terrorist attack – drugs, auxiliary medical apparatus, recovery and medical rehabilitation. Treatment is provided based on confirmation by the National Insurance Institute that the injury was recognized as injury caused by hostile action, and in accordance with the NII’s financial commitment

Care is provided through the country’s qualified medical services, comprising both state health services and the recognized sick funds. First aid is administered by “Magen David Adom” or by any doctor or medical establishment near to the place of injury. Medical treatment for persons with a 10%-19% disability degree is provided through the sick funds under the State Health Insurance Law.

4. **Vocational and financial rehabilitation** – designed to aid rehabilitation of disabled persons who do not have a profession or who need to undergo professional retraining due to their disability or due to being dismissed from their place of work. Persons with a disability degree of 20% or more who have not received study funding from the NII may receive help from the NII in setting up a business or consolidating an existing business. The business must be financially realistic and be adapted to the disabled person's capacities, knowledge and physical limitations.
5. **Benefits for dependents** – are paid to the survivors of a person killed in a hostile action.

Widowers, widows and orphans are eligible for a fixed monthly benefit. The rate of the benefit is based on a percentage of the salary of civil servants, on top of which social benefits are added as a gross monthly amount. The rate of benefit for a widow/er is based on the widow/er's age and whether he or she has children – as well as on the children's ages. The increment for children is paid even if they are over 21 years of age as long as they are in obligatory national service. After the children's national service the widow/er receives the benefit paid to a person with grown children. Orphans in special situations receive increased amounts.

A person orphaned from both parents, at least one of whom was killed in a hostile action when he was between 21 and 30 years old, is eligible for the grant paid to a lone bereaved parent (NIS 42,704 in August 2007).

An orphan between 21 and 35 years old both of whose parents died as a result of a hostile action is eligible for a benefit at the rate of 80% of that paid to an independent orphan (NIS 2,917 in August 2007) for 24 months. If benefits were paid before the orphan reached the age of 21, the months in which he received benefits are deducted from the 24 month-period for which he is eligible.

Bereaved parents too are eligible for a fixed monthly benefit. The rate is calculated as a percentage of the salary of civil servants and determined according to the family composition and parent's age. The benefit is subject to an income test.

In addition to monthly benefits, families of dependents are eligible for **rehabilitation, grants and additional benefits** such as payment for assistance with daily activities due to medical problems, help with purchasing a vehicle, housing loans and grants, help with mobility, housing aid and a marriage grant for orphans.

Grants for mourning expenses – paid to a widow/er and bereaved parents, or, in their absence, another close relative – to help cover costs associated with mourning.

The figures presented in this chapter refer only to civilian hostile action casualties and not to soldiers or police officers injured in such actions. Furthermore, the tables of benefit recipients do not include casualties who have previously received benefits and have ceased to be eligible for them, or casualties who did not receive benefits from the start.

Box 14

Treatment of Emotional Trauma Casualties in Emergencies and in Mass Terrorist Attacks

During the Second Lebanon War, the National Insurance Institute initiated an innovative procedure, developed jointly with the Ministry of Health, to treat emotional trauma casualties in order to provide them with preliminary care even before they are recognized as hostile action casualties entitled to a benefit and treatments under the law (in other words, they were not yet recognized by the approving authority of the Ministry of Defense). In light of favorable responses to the procedure in the north of Israel, it is now being deployed in the community mental health center in Sderot.

The rationale behind the new procedure and the decision not to wait until all permits are obtained from the approving authority is based on the pressing need to care for emotional trauma casualties as early as possible, thus preventing chronic post-traumatic stress disorder that may disrupt the normal course of life.

The professional literature distinguishes three stages of emotional trauma:

- Acute stress reaction – an immediate response to a traumatic event. The common symptoms are shock and expressions of anxiety, anger and melancholy. This stage can extend for up to two days and may later fade away.
- Acute stress disorder – a critical stage accompanied by distress and functional difficulties. Casualties are at enhanced risk of developing post-traumatic disorders along the way, and the situation therefore calls for treatment within a few weeks in order to prevent the chronic state.
- Post-traumatic stress disorder – a chronic condition that causes considerable distress, anxiety and a significantly reduced capacity to function.

The goal is to diagnose the target population (emotional trauma casualties who arrived in ER or containment centers) through an efficient and swift procedure and to provide preventive treatment that may reduce the number of chronic casualties.

The coordinators contact the target population and conduct a telephone interview with them, using a structured questionnaire. They then form a preliminary evaluation on the basis of which a plan of action is selected. According to experience thus far accumulated, in 30% of the cases there is no need for further treatment.

The remaining casualties are treated as follows:

1. A telephone conversation is initiated after one week. A decision is taken on whether additional care is required, and an intake session is then scheduled (which may lead to a final decision that care is not required).

2. The injured person is invited to an intake session (preliminary interview) (experience indicates that 85% of invitees show up), diagnosed and prescribed future treatment.
3. Follow-up treatment is administered by one of the following methods (experience indicates that 50% show up for follow-up treatment):
 - A. Cognitive group therapy (5-6 persons per group);
 - B. Individual treatment by different methods;
 - C. Treatment with paregoric medicine for one week, and then follow-up;
 - D. Treatment with antidepressants;
 - E. Prolonged treatment.

Payment for the treatments is transferred by the National Insurance Institute at the expense of the Treasury. A set rate is determined for the telephone interview stage (NIS 100), intake (NIS 500) and psychotherapeutic treatment (NIS 1,520). The latter rate is all encompassing regardless of the treatment method or the number of treatments provided. Feedback reported by the centers to the National Insurance Institute includes the treatment method and the number of actual sessions.¹

The emotional trauma procedure began to be used at containment centers in Sederot in October 2006. According to reports, in 2007 the center treated 500 casualties who were evacuated there, for whom the NII paid half a million shekels. All emotional trauma treatments were provided through clinics in mental health community centers/containment centers (emotional trauma casualties are usually not referred to Barzilai Hospital). In total there were 5,000 contacts with the target population, which then included children as well.

In 2008, children and teenagers up to the age of 18 are being treated by psychologists from the education system. The psychologists refer those who are suffering from a temporary or constant mental disorder to the National Insurance Institute to file a claim for benefit. Casualties not evacuated to containment centers who arrive at a NII local branch to file a claim for emotional trauma are directed to a mental health clinic and undergo the emotional trauma procedure.

At the Ashkelon local branch of the NII, thorough examination was made in 192 cases in which the emotional trauma procedure was applied in Sderot in June 2007, as well as through October-December 2007 (the number of applicants in 2007 was estimated at 576). Out of 192 persons who applied to the mental health clinic for the emotional trauma procedure, 80 filed claims with the Institute to be recognized as hostile action casualties, 56 are recognized as hostile action casualties from previous terror acts, 108 were given a telephone interview and 81 of the applicants underwent an intake.²

1 Cited from "Procedure of care for emotional trauma casualties in an emergency and in a mass terrorist attack", by A. Shreibman, Deputy Director General of Benefits, National Insurance Institute; and Dr. Y. Paulyakovitch, Head of Mental Health Services in the Ministry of Health, February, 12, 2008.

2 Cited from "Emotional Trauma Procedure – Sederot Mental Health", by M. Hevroni, Ashkelon NII local branch.

E. Hostile actions

Hostile actions have occurred since the creation of the State of Israel. The NII began to collate data in only recent years and therefore the figures for the early years of the State may be incomplete. Except for the period of the War of Independence (1948), in which there were many civilian casualties, there were few hostile action casualties in the first years of the State (from 1949 to 1966). The ratio between the number of casualties and the number of terrorist attacks in this period is close to 1:1. Immediately after the Six Day War there was a significant rise in the number of hostile actions, followed by a gradual decline up to the start of the first intifada (1988). While there was a large number of hostile actions between 1994 and 1998 – and of casualties in each action – there was a drop in this number up to September 2000, when the second intifada broke out. The number and severity of hostile actions peaked at the end of 2000, and mainly in 2001-2002. The ratio between the number of casualties and the number of attacks in 2002 was 1:14. In 2003-2005 there was a drop in the number of hostile actions, as illustrated in Table 1.

There was a sharp increase in the number of fatalities and injuries in 2006 as a result of the Second Lebanon War. This number includes people with light injuries who required only medical attention, those who recovered after a short period and those who became disabled. 37% of the approximate 4,500 casualties of the Second Lebanon War suffered some kind of psychological harm, but were not physically injured.

87 hostile actions were recognized in 2007, about 522 of which occurred in the Gaza surrounding area, including Sderot – most occurring between May and the end of the year. Out of the 141 victims of hostile actions that occurred in 2007, 76 were Sderot residents.

The figures in Table 1 indicate a seemingly optimistic situation relating to victims of hostile actions although, from the perspective we have at the time of this writing in March 2008, we know that this is not the case.

Table 1
**Hostile Actions Confirmed by the Approval Authority and
 Victims of Hostile Actions, 1947-2007**

Year of injury*	Hostile actions	Victims of hostile actions		
		Total	Injured	Dead
Total	3,140	15,541	13,924	1,617
1947-1957	146	183	139	44
1958-1976	355	621	437	184
1977-1993	683	1,065	734	331
1994-1998	608	1,822	1,635	187
1999	53	134	128	6
2000	190	452	427	25
2001	305	1,730	1,553	177
2002	183	2,584	2,281	303
2003	124	1,098	944	154
2004	133	714	627	87
2005	91	542	498	44
2006	**182	***4,455	4,388	67
2007	87	141	133	8

* The division of the years as presented here is based on the figures in the research paper, **Casualties of Hostile Actions in Israel: Injuries, Needs, Legislation and Provision of Treatment and Assistance**, by A. Yanai, R. Prior and S. Bar (July 2005), National Insurance Institute, in which the casualties are divided according to periods based on the nature of the activity.

** Each day of the war in the north, with artillery activity (July 12th, 2006-August 14th, 2006), was defined as a separate hostile action.

*** The information sources include hospital ERs and stress centers.

F. Recipients of medical care benefits

Shortly after sustaining injury, victims are eligible for a medical care benefit paid as compensation for their loss of capacity. Around 29% of hostile action casualties who received a medical care benefit in 2007 were incapable of working or functioning for more than three months as a result of their injury. An additional 30% were not capable of working or functioning for between one and three months. The average period of incapacity (to work or fully function) is about 80 days. In certain cases (for example, civil servants), the employer pays the injured person his full salary and the NII later refunds this payment to the employer. Table 2 presents the number of recipients of medical care benefits and the number of employers according to the length of the incapacity period.

The amount of the medical care benefit is determined in accordance with the injured person's employment status prior to the hostile action:

- A person who worked before the injury is eligible for a benefit equal to his average income in the three months prior to the injury (after income tax deduction) up to the maximum benefit paid to a reserve soldier (five times the *average wage*).
- A person who did not work before the injury is eligible for a benefit calculated in accordance with his marital status and number of children. The benefit is calculated as a percentage of a civil servant's salary.
- Children up to the age of 14 are not eligible for medical care benefit in any case. Children aged 14-18 are eligible for benefits only if they worked.

Table 2
Recipients of Medical Care Benefits, by Number of Days of Incapacity, 2007

Days of incapacity	Medical care benefits recipients – total	Casualties who received medical care benefits	Employers who received medical care benefits
Total	541	469	72
1-30 days	225	196	29
31-90 days	160	144	16
91 days and over	156	129	27

G. Disabled persons who receive benefits

In 2007 an average of 3,274 disabled persons received benefits after being injured in hostile actions. Table 3 shows the number of people disabled as a result of hostile actions who received monthly benefits between 2000 and 2007. The number of disabled people receiving benefits in 2007 includes about 766 persons whose degree of disability was between 10% and 19% and who received a lump-sum benefit. Up to the beginning of 1996, persons with a disability degree of 10%-19% received monthly benefits, and since 1996 they receive only lump-sum grants.

Table 3
Hostile Actions Casualties who Receive Monthly Disability Benefits (annual average), by Disability Degree, 2001-2007

Disability degree	2001	2002	2003	2004	2005	2006	2007
Total	1,720	1,807	2,195	2,500	2,753	3,022	3,274
Up to 39	1,176	1,207	1,539	1,799	1,986	2,185	2,376
40-49	126	139	152	168	196	203	209
50-59	163	170	185	198	213	238	256
60-79	153	153	168	181	192	216	234
80-99	41	51	56	66	76	89	101
100	61	87	95	88	90	91	98

Table 4
Hostile Action Casualties who Received Benefits in December 2007, by Gender and Age at Time of Injury

Age at time of injury	Total	Men	Women
Total – numbers	3,415	1,864	1,551
Percentages	100.0	100.0	100.0
Up to 19	24.2	25.4	22.7
20-29	21.3	22.2	20.3
30-44	26.6	26.9	26.3
45-64	22.6	20.7	24.9
65+	5.3	4.8	5.9

Tables 4 and 5 indicate the demographic and economic attributes of the disabled persons who receive a monthly benefit. 55% of benefit recipients are men. The disabled vary in terms of their financial situation after the injury: the majority (68%) are regular disabled persons and a minority (3.7%) are needy or have no income (2.7%). Eligibility for a benefit as a needy person or as a person without income is for a limited period only and necessitates periodic examination of the recipient's situation. Table 5 shows the number of disabled persons according to their status, as well as the average benefits for the various types of disabled persons.

Table 5
**Disabled as a Result of Hostile Actions who Received Benefits in December 2007,
 by Status (Regular, Needy and Without Income),
 and Benefit Paid to Them (2007 prices)**

Disabled person's status	Numbers	Actual average monthly payment*
Total	3,415	2,341
Regular	2,335	2,249
Needy	126	11,972
Without income	91	6,085
Benefit for deceased disabled (36 months)	22	3,120
Disabled with 10%-19% disability	841	**

* Including monthly benefits, and not including annual benefits.

** Recipients of lump-sum payment, not monthly payment.

H. Recipients of dependents' benefits

A widower, widow, children and parents of a person killed in a hostile action are eligible for a dependent's benefit. While Table 1 showed the number of hostile actions per year and the number of persons killed in those actions, Table 7 presents the number of deceased for whom dependants' benefits are paid to their survivors.

Table 6
**Persons Killed in Hostile Actions for whom Benefits Were Paid in December 2007,
 by Year of Death**

Year of death	Number killed
Total	1,458
Up to 1957	23
1958-1966	6
1967-1976	171
1977-1986	127
1987-1999	383
2000	22
2001	161
2002	242
2003	137
2004	72
2005	43
2006	61
2007	10

Table 7

Persons Killed in Hostile Actions for whom Benefits Were Paid in December 2007, by Gender and Age at Time of Injury

Age at time of injury	Total	Men	Women
Total – numbers	1,458	986	472
Percentages	100.0	100.0	100.0
Up to 18	18.5	14.1	27.8
19-29	21.5	19.8	25.1
30-49	36.0	40.6	26.3
50-64	16.7	17.4	15.2
65+	7.3	8.1	5.6

In December 2007 1,900 benefits were paid to bereaved families for 1,458 persons killed – including around 52% to bereaved parents and about 42% to widow/ers with or without children. The highest benefits were paid to widowers/ widows with children under age 21.

Table 9 contains the average monthly benefits, according to family composition.

Table 8

Families of Deceased who Received Benefits in December 2007, by Family Composition and Monthly Benefit (2007 prices)

Family composition	Numbers	Monthly benefit* (average)
Total	1,900	6,477
Widow/er without children	26	6,372
Widow/er with grown up children	440	7,880
Widow/er with children	329	9,106
Independent orphans	49	3,434
Bereaved parents	982	5,123
Other	74	...

* Including balance, grossing up, health insurance and increment for age.

Table 9

Payments of the Hostile Actions Casualties Branch, 2000-2007 (NIS thousand)

Year	Current prices	2007 prices	Real annual growth
2000	151,824	169,244	-
2001	202,567	223,309	31.9%
2002	302,000	314,970	41.0%
2003	348,536	360,978	14.6%
2004	339,000	352,512	-2.3%
2005	350,000	354,147	0.5%
2006	360,000	361,944	2.2%
2007	356,000	356,000	-1.64%

After the outbreak of the second intifada in 2001, there was a sharp rise – of 32% – in the payments of the Hostile Actions Casualties branch., The payments rose even more sharply in 2002 (41%), and in 2003 there was a further increase of 15%. In 2004, payments stabilized at a level of NIS 350 million-360 million. In 2007 a total of approximately NIS 356 million was paid in various benefits, in cash or in kind, to hostile action casualties.