

8. Hostile Action Casualties

A. General

The Victims of Hostile Actions (Pensions) Law was enacted by the Israeli government with the aim of ensuring the social benefits of victims of hostile actions and their families. Under this law (and its accompanying regulations), the benefits are paid by the NII and funded by the Treasury. The purpose of the law is to equate the rights of civilian victims of hostile actions with the rights and services granted to IDF soldiers and their bereaved families, which are handled by the Defense Ministry. The law underwent several stages of revision until it reached its present format and wording.¹ The innovations introduced by the law include the definition of a “hostile action,” the establishment of a designated “approving authority,” which confirms whether an incident is considered a hostile action, the definition of the principal rights under the law, full state funding of these benefits, the inclusion of past victims of hostile actions under the law and the transfer of the responsibility for handling cases to the NII.

An **injury caused by a hostile action** has been defined as one of the following:

- Injury resulting from a hostile action by enemy forces hostile to Israel, including actions that occurred outside of Israel whose objective was to harm the Jewish people;
- Unintentional injury inflicted by a person resulting from a hostile action by enemy forces, or an unintentional injury under circumstances whereby it had been reasonable to suspect an impending hostile action;
- Injury caused by a weapon intended for use during hostile actions by enemy forces, or an injury caused by a weapon intended to combat such a hostile action, even if not used, excluding an injury suffered by a person who is at least 18 years old while perpetrating a crime or other offense involving malice or criminal negligence;
- Injury resulting from an act of violence whose main objective was to inflict injury on a person because of his ethno-national origin, providing that it derives from the Arab-Israeli conflict;
- Injury resulting from an act of violence, whose main objective was to inflict injury on a person because of his ethno-national origin, which was committed by a terrorist organization that has been declared as such by the Israeli government pursuant to section 8 of the Prevention of Terrorism Ordinance, 5708 –1948, excluding an organization of enemy forces, or an act of violence committed by order of or on behalf of such an organization.

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1 The Victims of Hostile Actions (Pensions) Law was approved by the Knesset in 1970, retroactively from June 1967, for anyone injured during hostile actions since February 25, 1949. In March 1977, the law was expanded and also applied to anyone injured between May 14, 1948 and February 24, 1949. Since March 1982, persons injured between November 29, 1947 and May 13, 1948 are also eligible.

A person injured during a hostile action is eligible for a benefit if he is one of the following:

- An Israeli citizen, who was injured in Israel or in Judea, Samaria or the Gaza Strip, or was injured outside of Israel if less than a year has elapsed since he stopped being a resident;
- Any person who entered Israel legally;
- A foreign resident working abroad for an approved Israeli employer, who was injured during a hostile action abroad during and due to his employment;
- A resident of the territories bearing an Israeli identity card, who was injured within the bounds of the Green Line;
- A resident of the territories bearing an entry visa issued by a commander of the military forces out in the field, who was injured within the bounds of the Green Line.

B. Amendments and revisions to the Victims of Hostile Actions (Pensions) Law

The amendments and revisions made in the Victims of Hostile Actions (Pensions) Law – 1970 for the purpose of its enactment indicate a trend towards broadening the rights to a benefit and to additional and supplementary services, towards recognizing the entitlement of additional family members, and towards expanding the definition of hostile actions covered under the law. Unlike the population of injured persons addressed by the Invalids Law and the Bereaved Families of Fallen Soldiers Law, victims of hostile actions also include children, the elderly and mothers of small children; furthermore, sometimes several members of the same family are injured during hostile actions. Therefore, the solutions proposed within the scope of the Invalids Law and the Bereaved Families of Fallen Soldiers Law do not always address the needs of families who have become victims of hostile actions.

In 2004, the Minister of Welfare and Social Services appointed a committee to examine the rights of victims of hostile actions and their families, in order to propose solutions for the unique problems of this population. The committee's deliberations found that the primary issue lacking an adequate solution under the existing laws concerns the unique problems facing children who have lost both parents (orphaned minor and adult children), as well as family members who have taken it upon themselves to care for these orphans.

In 2006, the definition of an "injury resulting from a hostile action" was expanded to include injuries resulting from any action whose primary objective is to harm the Jewish people (section 18.A of the National Insurance Law). However, the said expansion applies solely to residents of Israel.

In 2005, two amendments were passed that addressed the issue of those orphaned of both parents in a hostile action, and, in November 2008, the Knesset passed a legislative

amendment (which came into effect on December 1, 2008), which specifies and expands the rights of these orphans. In 2009, an amendment was passed stating that a woman widowed by a hostile action who remarried would not lose her monthly benefit, as had been the case prior to the amendment. That amendment went into effect in February 2010.

In 2011, the Knesset passed another amendment (which came into effect on August 1, 2011), that expands the rights of those **who lost both parents in a hostile action**, so long as they were orphaned before turning 37.

Following are the main points of the amendment:

1. Someone orphaned of both parents is entitled to a monthly payment as an independent orphan of NIS 4,278, as well as all the benefits due to an orphan of a hostile action.
2. The benefit (at the rate of 100% of the benefit for an independent orphan) is canceled for a person orphaned of both parents who has reached the age of 21 but is not yet 27. Similarly, the benefit (at the rate of 80% of the payment to an independent orphan) is canceled for a person orphaned of both parents who is at least 27 but not yet 37. Instead, such an orphan will be paid, from age 18 and onwards, a benefit at the rate of that paid a widow with no children, including the benefits that accompany that payment, other than assistance in buying an apartment or moving house or any other double benefit. One of the children of each such family will be paid, for each parent, benefits for the purpose of memorializing them, i.e., an annual memorializing grant and a grant every five years to maintain their graves.
3. An orphan is entitled to choose between the benefit described in Clause 2 above (payment of a benefit equal to that given a widow with no children) and a living stipend, while studying a trade or pursuing general or professional education, under the Families of Soldiers Killed in Action Law.
4. The mobility grant of NIS 26,000 is canceled for a person orphaned of both parents who has not yet reached age 21.
5. The amount of the acclimation grant will be updated in accordance with the updates under the Families of Soldiers Killed in Action Law.
6. The mobility grant to the physical guardian has been canceled.

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C. Categories of benefits

1. **Medical treatment benefit** – Anyone who is prevented from working or functioning because he is receiving medical treatment (confirmed by a medical certificate) that is approved by an NII physician, is eligible for a special monetary benefit during the period of the treatment, provided that he is not receiving a salary or compensation during this period, and, if he is self-employed, provided that he has ceased to engage in his profession. This benefit is intended as short-term compensation, granted for a limited period, until the degree of disability is determined by a medical board.

2. **Disability benefits** – Anyone who has been certified by a medical board as at least 20% disabled is eligible for a monthly disability benefit. The amount of the benefit or pension is determined by the degree of disability and is equivalent in value to the benefits paid to disabled IDF veterans under the Invalids Law (Compensation and Rehabilitation). A person disabled as a result of a hostile action, who is subsequently injured during an additional hostile action, is re-examined, his degree of disability is re-determined, and all injuries sustained from all of the hostile actions are deemed as having originated during a single hostile action (aggregation of disabilities). Additional benefits and grants are added as needed – to pay for assistance from others, a mobility allowance, monthly and annual benefits and grants.

Lump-sum disability grant – is paid to anyone who has been certified by a medical board as having a permanent disability of between 10% and 19%. The amount of the grant is calculated by multiplying the sum deriving from the degree of disability by the number of months in the grant calculation. The grant calculation table specifies the number of months applicable for calculating each degree of disability. For example, for a person whose degree of disability is 10%, the sum is multiplied by 108 months, while for a person whose degree of disability is 19%, the sum is multiplied by 215 months.

In addition to the above ordinary benefits, **special increments for particular categories of disabled persons** are paid, such as a benefit increment for the severely disabled and an age increment, as well as special benefits at increased rates, with eligibility and benefit levels being determined according to degree of disability, earning capacity and potential for rehabilitation. Among the special benefits are:

- **Benefit for a needy disabled person** – is paid to a disabled person whose certified degree of disability is at least 50% and who fulfills the criteria pertaining to income and earning capacity. The benefit to a needy disabled person is paid in lieu of a disability benefit, and the eligibility for this benefit, for a maximum of one year, is determined by an NII committee.
 - **Benefit for the disabled lacking a means of livelihood** – is paid to a disabled person whose degree of temporary or permanent disability is at least 10%, and who fulfills particular criteria pertaining to income and efforts to seek employment. The eligibility for this benefit is determined by a special committee and is paid in lieu of a disability benefit (depending upon the degree of disability) for a limited period only.
 - **Benefit for a person disabled by a hostile action who subsequently died** – entitles the family member named the beneficiary by the disabled victim to continue receiving the benefit for a period of three years.
3. **Medical treatment** – Medical treatment includes hospitalization, treatment in a clinic, including dental treatment for damage caused by the attack, medicines, auxiliary

medical instruments, convalescence and medical rehabilitation. Treatment is provided on the basis of the NII's authorization that the injury is recognized as an injury caused by a hostile action and on the basis of a financial commitment from the NII.

Treatment is provided by state-authorized medical services, which are the government's health services and sick funds. First aid is provided to the injured victim by the first-aid organization Magen David Adom and by any physician or medical institution in the vicinity of the scene of the attack. Medical treatment to disabled persons whose degree of disability is up to 19% is provided by the sick funds under the National Health Insurance Law.

4. **Vocational and economic rehabilitation** – is intended to assist with the rehabilitation of a disabled person lacking a profession or needing retraining due to his disability, or as a result of layoffs at his workplace. Anyone with a degree of disability of at least 20%, who has not received funding for studies from the NII, may receive NII assistance to launch his own business or to put an existing independent business on firmer ground. Such a business must be economically viable and compatible with the disabled person's capabilities, know-how and physical limitations.
5. **Dependents' benefit** – is paid to the survivors of a person killed in a hostile action.

A monthly benefit – is paid to widowers, widows and orphans. The amount of the benefit is calculated as a percentage of the salaries of civil servants, to which fringe benefits are added as a monthly grossed-up payment. The rate of the benefit for a widow/widower is determined by the age of the widow/er and, if they have dependent children, also by the ages of their children. The increment for children continues to be paid as long as the child is serving his mandatory military service, even if he has already reached the age of 21. Once the child completes his mandatory military service, the widow/widower receives the same benefit as that paid to those with adult children. In special cases, orphans receive increased rates.

In addition to the monthly payments, dependent families are eligible for **rehabilitation, grants and additional fringe benefits**, such as payment for assistance with daily activities due to a medical handicap, help in purchasing a vehicle, loans and grants for housing, assistance with mobility, assistance with housing and a marriage grant for orphans, as well as other grants and fringe benefits.

Grants to cover mourning expenses – are paid to widows/widowers and to bereaved parents, and, lacking these, another surviving blood relation shall be eligible, the aim being to help with the expenses related to the mourning periods.

The data presented in this section solely relate to civilians who were injured during hostile actions and not to soldiers or police officers who were injured during hostile actions. Tables that present benefit recipients do not include injured persons who had received a benefit in the past and who are no longer eligible, or injured persons who did not receive a benefit ab initio.

D. Hostile actions

Hostile acts have occurred throughout the years of Israel's existence. The NII began collecting data only in recent years, and therefore, the data on the initial years of the state are incomplete. Apart from the period of the War of Independence (1948), during which many civilians were killed or injured, the years between 1946 and 1966, the country's initial years, were characterized by a relatively small number of hostile actions. Immediately after the Six Day War, there was a significant rise in the number of hostile actions, followed by a gradual decline in hostilities until the eruption of the first intifada (1988).

The years 1994-1998 were characterized by a large number of hostile actions and by casualties during every attack, but the number of hostile actions gradually diminished until September 2000, with the outbreak of the second intifada. At the end of 2000, and particularly during 2001 and 2002, the number and severity of hostile actions reached a

Table 1
Number of Hostile Actions Confirmed by the Approving Authority and Hostile Action Victims, 1947-2011

Year of the attack*	Number of incidents**	Total cases approved for benefits	Wounded		Fatalities	
			Total	Thereof: approved for benefits	Total	Thereof: approved for benefits
Total	3,660	12,312	20,270	10,599	1,796	1,713
1947-1957	163	201	156	142	67	59
1958-1976	368	662	498	465	220	197
1977-1993	698	1,122	904	785	356	337
1994-1998	614	1,818	1,850	1,627	195	191
1999	53	116	137	110	7	6
2000	191	395	467	370	25	25
2001	306	1,295	1,930	1,115	180	180
2002	187	1,702	2,926	1,397	308	305
2003	129	735	1,201	577	158	158
2004	138	583	885	497	87	86
2005	93	364	632	319	50	45
2006	196	2,033	5,926	1,963	87	70
2007	139	231	355	221	12	10
2008	200	624	1,288	593	31	31
2009	113	351	1,016	345	6	6
2010	72	80	99	73	7	7
2011	76	209	482	192	20	17

* The distribution of years as presented here is based on the data presented in the study entitled "Victims of Hostilities in Israel: Injuries, Needs, Legislation and the Provision of Treatment and Assistance" (2005), by A. Yanai, R. Prior and S. Baer, published by the National Insurance Institute, which divided the attacks into periods according to the nature of the attack.

** Each of the days on which missiles were fired into the region surrounding the Gaza Strip and during the Second Lebanon War was defined as a separate incident.

peak. The ratio between the number of confirmed casualties and the number of terrorist attacks in 2002 reached 9:1. Between 2003 and 2005, the number of hostile actions diminished (Table 1).

In 2006, there was a sharp increase in the number of fatalities and wounded as a result of the Second Lebanon War. The wounded included those who were lightly wounded and received medical treatment only, wounded who fully recovered after a fairly short period, and the severely wounded who became disabled. Out of approximately 4,500 persons hurt during the Second Lebanon War, 37% suffered from some form of emotional trauma not accompanied by a physical injury. In 2008, there were approximately 200 confirmed hostile actions (since November 19, 2008, each day of rocket attacks on the region surrounding the Gaza Strip is counted as an incident).

In 2009-2010, there was a decrease in hostile actions, while in 2011 there was another increase: there were 76 incidents during which 209 people were confirmed wounded for benefits purposes and 17 people died. Although there were only four more incidents in 2011 than in 2010, there were 2.5 more approved wounded, meaning the incidents were more serious.

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E. Recipients of benefits

1. Recipients of a medical treatment benefit

Immediately after an attack, victims are eligible for a medical treatment benefit, which is paid as compensation for the loss of physical capacity caused to them. Approximately 31% of the victims of hostile actions who received a medical treatment benefit in 2011 were incapable of working or functioning for more than three months as a result of the injury. Another 30% were incapable of working or functioning for one to three months. In certain instances, such as of government employers, the employer pays the victim's full salary and the NII reimburses the employer. Table 2 presents the recipients of the medical treatment benefit and the number of employers, by duration of the incapacity.

The level of the medical treatment benefit is determined according to the injured person's occupational status prior to the incident:

- Anyone who had been working prior to being injured is eligible for a benefit that is equivalent to his average earnings during the three months preceding the injury (net of income tax) up to the maximum benefit paid to a person in reserve service (five times the average wage).
- Anyone who had not been working prior to being injured is eligible for a benefit that is calculated according to 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 a medical treatment benefit under any circumstances. Children between the ages of 14 and 18 are eligible for a benefit only if they had been working prior to being injured.

Table 2
Recipients of a Medical Treatment Benefit,
by Number of Days of Incapacity, 2011

Days of incapacity	Total	Injured persons	Employers
Total	137	104	33
1-30 days	54	45	9
31-90 days	41	30	11
91+ days	42	29	13

- With regard to a disabled person who has returned to work part-time, but whose rehabilitation capacity has not yet been determined (the disabled person is in some framework of employment and has earnings, but has not returned to full functioning at work due to his recognized disability) – a partial medical treatment benefit may be considered during the period of his disability.

2. Disabled persons receiving a benefit

During 2011, a monthly average of 4,216 victims disabled as a result of hostile actions received benefits. Table 3 presents the number of victims of hostile actions who received

Table 3
Victims of Hostile Actions Receiving Monthly Disability Benefits
(annual average), by Degree of Disability, 2006-2011

Degree of disability	2006	2007	2008	2009	2010	2011
Total	3,022	3,274	3,564	3,860	4,113	4,216
Up to 39%	2,185	2,376	2,625	2,879	3,116	3,216
40-49%	203	209	219	234	238	240
50-59%	238	256	272	284	294	298
60-79%	216	234	247	259	263	260
80-99%	89	101	102	104	105	103
100%	91	98	99	100	97	99

Table 4
Disabled Victims of Hostile Actions who Received Benefits
in December 2011, by Gender and Age When Injured

Age when injured	Total	Men	Women
Total – numbers	4,271	2,258	2,013
percentages	100.0	100.0	100.0
Up to age 19	23.8	25.6	21.9
20-29	19.5	21.2	19.9
30-44	26.5	27.2	26.5
45-65	24.4	21.7	24.4
65+	5.4	4.3	5.4

During 2011 a monthly average of 4,216 victims disabled as a result of hostile actions received benefits.

The primary increase between 2010 and 2011 is in those receiving disability benefits for up to 39% disability

Table 5
Disabled Victims of Hostile Actions who Received Benefits
in December 2011, by Status (ordinary, needy and lacking income)
and the Benefits Paid to them (2011 prices)

Status	Recipients	Actual average monthly payment*
Total	4,246	2,227
Ordinary	2,556	2,453
Needy	163	12,418
Without income	100	6,733
Benefit for a disabled victim who died (36 months)	42	1,542
Disabled, whose degree of disability is between 10% - 19%**	1,358	-

* Including the monthly benefits, but excluding annual benefits.

** Receiving a one-time payment and not a monthly payment.

monthly benefits between 2006 and 2011. The primary increase between 2010 and 2011 is in those receiving disability benefits for up to 39% disability (the lowest level in the table).

Tables 4 and 5 present the demographic and economic characteristics of the disabled who are receiving a monthly benefit, with 52.9% of the recipients being men. The disabled are also differentiated by their economic situation subsequent to their injury. The majority (60.2%) are classified as ordinary disabled persons, while a minority are classified as needy (3.8%) or without income (2.4%). Eligibility for a benefit as a disabled person who is needy or without income is considered for a limited period only and requires periodic re-evaluation of the recipient's situation. The numbers of disabled persons, by status, and the average benefits for the various categories of disabled persons, are presented in Table 5.

3. Recipients of dependents' benefits

Widowers, widows, children and parents of a person who was killed during a hostile action are eligible for a dependents' benefit. Table 1 presents the number of hostile actions each year and the number of fatalities during those actions. Tables 6 and 7 present the number of fatalities for whom a dependents' benefit is paid to their survivors, by various cross-sections.

In December 2011, benefits were paid to 1,989 families of various compositions for 1,549 fatalities – of which, approximately 49% were paid to bereaved parents and approximately 41% to widows/widowers with and without children.

Table 7 shows that bereaved parents constitute about half of the victims' families that received benefits in December 2011. Table 8 presents the volume of payments in this insurance branch over the years.

Table 6
Fatalities During Hostile Actions for Whom Benefits were Paid
in December 2011, by Gender and Age at Time of Death

Age at time of death	Total	Men	Women
Total – numbers	1,549	1,064	485
percentages	100.0	100.0	100.0
Up to age 18	17.9	14.1	26.4
19-29	21.8	20.2	25.2
30-49	36.3	39.8	28.7
50-64	16.7	17.5	14.8
65+	7.3	8.4	4.9

Table 7
Bereaved Families That Received Benefits in December 2011,
by Family Composition and Monthly Benefit (current prices)

Family composition	Numbers	Average Monthly Benefit*
Total	1,989	7,207
Widow/er without children	108	7,170
Widow/er with adult children	440	7,711
Widow/er with minor children	264	9,516
Independent orphans	49	3,918
Bereaved parents	980	6,578
Other	148	-

* Including equalization, grossing up, health insurance and age increment.

Table 8
Volume of Payments in the Hostile Action Casualties Branch,
2006-2011 (NIS thousand)

Year	Current prices	2010 prices	Real year-to-year increase
2006	360,000	401,568	2.2%
2007	356,000	395,068	1.6%-
2008	388,365	412,055	4.3%
2009	400,000	410,775	0.9%-
2010	413,000	413,000	0.5%
2011	475,740	459,873	11.3%

3. Total payments

In 2006, approximately NIS 360 million were paid to victims of hostile actions, and, in 2007, the volume was slightly lower (decline of 1.6%). In 2008, a real increase of 4.3% was recorded compared with 2007, and, in 2010, a total of approximately NIS 413 million was paid to victims of hostile actions for various benefits. In 2011 there was a significant increase in the volume of payments by the Hostile Action Casualties Branch that totaled nearly NIS 476 million (a real increase of 11.3%). Because of amendments to the Victims of Hostile Actions (Pensions) Law, there were retroactive payments to orphans who had lost both their parents in a hostile action.