

## 8. Hostile Action Victims

### A. General

The Hostile Action Victims (Benefits) Law was enacted by the government of Israel with the aim of ensuring social benefits for victims of hostile actions and their families. The benefits under this Law (and under its accompanying regulations) are paid by the National Insurance Institute and funded by the State Treasury. The Law is intended to equate the rights of the civilian hostile action victims with the rights and the services provided to IDF soldiers and bereaved IDF families, handled by the Ministry of Defense. The Law has undergone several stages until reaching its present version<sup>1</sup>.

The revisions to the Law pertain to the definition of hostile action, the establishment of an approving authority that determines which incidents are deemed hostile actions, the definition of the principal rights under the Law, full state funding of these rights, inclusion of past hostile action victims under the Law and transferring the processing to the National Insurance Institute.

A **hostile action** is one of the following (provided that the approving authority, appointed by the Minister of Defense, has confirmed that the injury is a hostile action injury):

- Injury resulting from a hostile action of enemy forces that are hostile to Israel, including actions occurring outside Israel with the aim of causing harm to the Jewish people.
- Unintentional injury inflicted by a person resulting from hostile actions of enemy forces or unintentional injury under circumstances where there were reasonable grounds to suspect that a hostile action would be committed.
- Injury resulting from a weapon intended for use in hostile actions of enemy forces, or injury resulting from a weapon intended to combat such action even if not used, apart from an injury suffered by a person 18 years or older in the commission of a crime or other offense involving malice or criminal negligence.
- Injury resulting from an act of violence, whose principal aim is to inflict injury on a person due to his affiliation with a national – ethnic origin, provided that it stems from the Arab – Israeli conflict.
- Injury resulting from an act of violence, whose principal aim is to inflict injury on a person due to his affiliation with a national – ethnic origin, which is committed by a terrorist organization declared by the government as such under Section 8 of the Prevention of Terrorism Ordinance, 5708 - 1948, apart from an organization of enemy forces, or which is committed by order of or on behalf of such organization.

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1 The Hostile Action Victims (Benefits) Law was approved by the Knesset in 1970 retroactively from June 1967 for anyone injured during hostile actions as of February 25, 1949. In March 1997, the Law was extended and applied also to those injured between the dates May 14, 1948 to February 24, 1949. As of March 1982, also those injured from November 29, 1947 to May 13, 1948 are entitled to a benefit.

Any one of the following who was injured during a hostile action is entitled to a benefit:

- A resident of Israel who was injured in Israel or in Judea, Samaria or the Gaza Strip, or outside Israel, if less than a year has elapsed since his residency lapsed.
- Someone who enters Israel legally.
- A non-resident who was injured abroad in the course and as a result of his work for an Israeli employer (approved for this purpose.)
- A resident of the territories who possesses an Israeli ID card and was injured within the Green Line.
- A resident of the territories who possesses an entry permit from the commander of the military forces in the territory and who was injured within the Green Line.

### B. Amendments and Revisions in the Hostile Action Victims (Benefits) Law

The amendments and revisions undergone by the Hostile Action Victims (Benefits) Law since its enactment in 1970 indicate a trend towards broadening the rights to benefits and to additional services, recognizing the entitlement of additional family members and broadening the definition of hostile action incidents covered thereunder. Unlike the casualty population who are entitled under the Disabled Persons Law and the Families of Fallen Soldiers Law, hostile action victims also include children, the elderly and mothers of children – and sometimes hostile actions injure several members of one family. Given this, the solutions proposed under the Disabled Persons Law and the Families of Fallen Soldiers Law do not always correspond to the needs of families who are victims of hostile actions.

In 2006, the definition of a hostile action injury was broadened to include an injury resulting from an action whose principal aim was to cause harm to the Jewish people<sup>2</sup>. However, said broadening only applies to persons who are residents of Israel. The definition of a hostile action injury was further broadened to include an injury resulting from an act of violence whose principal aim is to inflict injury on a person due to his affiliation with a national – ethnic origin, whether arising from the Arab- Israeli conflict or that the act of violence was committed by a terrorist organization.

In 2005, two legislative amendments were adopted regarding orphans who lost both parents as a result of a hostile action and in November 2008, an amendment was adopted (in effect from December 1st, 2008), which specifies and broadens the entitlement of these orphans. In 2011, a further amendment was adopted (with effect from August 1st, 2011), which broadens the entitlement of orphans who lost both parents as a result of a hostile action if they were orphaned before reaching age 37.

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2 Section 18A of the National Insurance Law.

On November 23<sup>rd</sup>, 2009, an amendment adopted to the Law stipulated that a hostile action widow who remarried would not lose her monthly benefit, as was heretofore the case. The amendment is in effect as of February 2010, and regulations are to be enacted with regard to offsetting the marriage grant that was paid to widows who had remarried during the last 5 years.

### C. Categories of Benefits

1. **Medical treatment benefit** – A person who is unable to work or to function due to the receipt of medical treatment (according to a medical certificate) and by approval of an NII physician is entitled to a special monetary benefit during the treatment period, provided that he is not paid a wage or compensation during this period and, if he is a self-employed person, provided that he has ceased engaging in his profession. This benefit is short-term compensation granted for a limited period, until the disability is established by a medical committee.
2. **Disability benefit** – A person for whom a medical committee has established a disability degree of at least 20% is entitled to a monthly disability benefit. The amount of benefit is determined according to the disability degree and is equivalent to the benefit paid to disabled IDF veterans under the Disabled Persons (Benefits and Rehabilitation) Law. A disabled person with a degree of disability of 100% receives a benefit at a rate of 118% of the salary of a civil servant graded 17 on the administrative scale.

A person disabled as a result of a hostile action injury who sustains an additional hostile action injury shall have his degree of disability re-established and the impairments from all the hostile action injuries shall be deemed as having originated from a single hostile action injury (aggregation of disabilities). As needed, additional benefits are added, such as payment for assistance from others, mobility allowance, monthly and annual benefits and grants.

- **Lump-sum disability grant** – This is paid to a person for whom a medical committee has established a permanent disability degree of 10% - 19%. The grant amount is calculated by multiplying the amount derived from the disability degree by the number of months for calculating the grant. The grant calculation table indicates the number of months for calculating each disability degree. Thus, for instance, for a person whose disability degree is 10%, the grant is calculated for 108 months and for a person whose degree is 19%, the grant is calculated according to 215 months.

In addition to the regular benefits, special increments are paid to certain groups, such as a benefit increment for severely disabled persons and an age increment, as well as special benefits at increased rates, for which the entitlement and the levels are established according to the disability degree, earning capacity and rehabilitation potential of the particular disabled person. These special benefits are as follows:

- **Benefit for an indigent disabled person** – This is paid to a person whose established disability degree is 50% or higher and who satisfies the conditions pertaining to income and earning capacity. The benefit is paid in lieu of a disability benefit and the entitlement determined by a committee is for one year at the most.
  - **Benefit for a disabled person with no income** – This is paid to a person whose temporary or permanent disability degree is 10% or higher and who satisfies certain income and job search conditions. Entitlement to the benefit is determined by a special committee and the benefit is paid in lieu of a disability benefit (according to the disability degree) and for a limited period only.
  - **Benefit for a deceased disabled hostile action victim** – entitles the family member named by the disabled person to continued payment of the benefit, for three years.
3. **Medical treatment** – The medical treatment includes hospitalization, treatment in a clinic as well as dental treatment for damage caused as a result of the terrorist attack, medication, medical assistive devices, convalescence and medical rehabilitation. The treatment is provided based on certification of the National Insurance Institute that the injury has been recognized as a hostile action injury, and based on a financial commitment from the NII.

The treatment is provided through the state authorized medical services, which are the government health services and the sick funds that are recognized as an authorized medical service. First aid is extended to the injured person also by Magen David Adom and any physician or medical institution in proximity to the site where the injury occurred. Medical treatment to disabled persons whose disability degree is up to 19% is provided through the sick funds pursuant to the National Health Insurance Law.

4. **Vocational and economic rehabilitation** – intended to assist in the rehabilitation of a disabled person who has no vocation or who requires career retraining due to his disability or as a consequence of downsizing in his workplace. The NII can assist a person whose degree of disability is 20% or higher and who did not receive funding for studies from the NII in setting up an independent business or in establishing an existing independent business. The business must be economically viable and suited to the ability, know-how and physical limitations of the disabled person.
5. **Dependents' benefits** – benefits for the survivors of persons killed during a hostile action: widower, widow and orphans.

**Regular monthly benefit** – calculated as a percentage of the salaries of civil servants with social benefits added thereto as monthly gross-up. The benefit rate for a widower /widow is determined according to his / her age and whether they have children – also according to the age of the children. The increment in respect of children continues to be paid as long as the child serves in compulsory IDF service even if he has already reached the age of 21. Subsequent to the compulsory service, the widow / widower receives the same benefit as does someone whose children have reached adulthood. Orphans in special situations receive increased rates.

- **Rehabilitation, for grants and additional benefits**, such as payment for assistance with activities of daily living due to a medical limitation, assistance in purchasing a vehicle, housing loans and grants, assistance with mobility, assistance with housing and a marriage grant for orphans.
- **Grants for covering mourning expenses** – are paid to the widow / widower and to the bereaved parents. In their absence, any other blood-relative is entitled to the grant, with the aim of assisting with the mourning-related expenses.

The data presented in this section pertains to civilian hostile action victims only, not to soldiers or police officers who were injured in hostile actions. The tables presenting the benefit recipients do not include victims who had previously received a benefit and ceased being entitled, or victims who did not receive a benefit ab initio.

#### D. Hostile Actions

Hostile actions have occurred throughout the years of existence of the State, but the data on the early years of the State is deficient. Apart from the period of the War of Independence (1948), when many civilians were injured, the years 1946–1966, the early years of the State, are characterized by a fairly small number of hostile actions. Promptly following the Six Day War there was a significant rise in the number of hostile actions and subsequently a gradual decline until the beginning of the First Intifada (1988).

The years 1994-1998 were characterized by numerous hostile actions and by casualties in each incident; however up to September 2000, with the outbreak of the Second Intifada, there was a decline in the number of casualties. At the end of 2000 and particularly during the years 2001-2002, the number and severity of hostile actions reached a peak and the ratio of the number of confirmed casualties to the number of terrorist attacks in 2002 was 1:9. During the years 2003-2005, the number of hostile actions diminished (Table 1).

In 2006, in the wake of the Second Lebanon War, the number of persons killed and the number of persons wounded rose steeply. Among the wounded were minor casualties who received medical treatment only, casualties who fully recovered after a fairly short period and severe casualties who became disabled. 37% of the approximately 4,500 Second Lebanon War casualties suffered some form of psychological injury not accompanied by physical injury. In 2008, there were some 200 confirmed hostile action incidents (each day since November 19th, 2008, when rockets were launched at the Gaza Strip region, is counted as an incident).

During 2009-2010, a downward trend was observed in the number of hostile actions, but in 2011, their number rose again: there were 76 confirmed incidents, during which there were 209 casualties and the number of fatalities rose to 17. During 2012-2013 there was a further decline so that in 2013 there were 43 incidents during which 48 people were injured (47 wounded and one fatality).

**Table 1**  
**Hostile Action Incidents Confirmed by the Approving Authority**  
**and Hostile Action Victims, 1947-2013**

Year of attack*	Number of incidents**	Total confirmed casualties	Wounded		Fatalities	
			Total	There of: confirmed	Total	There of: confirmed
<b>Total</b>	<b>3,984</b>	<b>13,416</b>	<b>22,289</b>	<b>11,634</b>	<b>1,872</b>	<b>1,782</b>
1947-1957	170	216	159	143	83	73
1958-1976	372	679	510	475	228	204
1977-1993	706	1,140	922	797	363	343
1994-1999	671	1,939	1,991	1,741	203	198
2000-2004	972	4,739	7,450	3,984	762	755
2005	93	366	635	321	50	45
2006	196	2,049	5,952	1,977	87	72
2007	142	246	364	235	12	11
2008	207	668	1,345	635	33	33
2009	114	376	1,025	370	6	6
2010	86	107	122	100	7	7
2011	99	313	567	295	21	18
2012	113	530	1,174	514	16	16
2013	43	48	73	47	1	1

\* The distribution of years in the table was done according to the data presented in the study: Yanai A, Prior R. and Baer S. (2005). Hostile Action Victims in Israel: Injuries, Needs, Legislation and Extending Treatment and Assistance, published by the National Insurance Institute. The study divided the attacks by periods according to the nature of the action.

\*\* Each one of the days when rockets were launched at the Gaza Strip region and during the Second Lebanon War was defined as a separate incident.

## E. The Benefit Recipients

### 1. Medical treatment benefit recipients

25.6% of the hostile action victims who received a medical treatment benefit in 2013 could not work or function due to the injury for more than three months

Immediately following the injury, the victims are entitled to receive a medical treatment benefit, which is paid as compensation for the loss of capacity that they suffered. 25.6% of the hostile action victims who received a medical treatment benefit in 2013 could not work or function due to the injury for more than three months. An additional 31.8% could not work or function from one to three months. In certain cases, such as of government employers, the employer pays the victim his full salary and the NII reimburses the payment to the employers. Table 2 presents the medical treatment benefit recipients and the number of employers by the duration of the period of incapacity.

The level of the medical treatment benefit is determined according to the employment status of the victim prior to the incident:

- Whoever had been working prior to the injury is entitled to a benefit equivalent to his average income during the three months preceding the injury (after deducting

income tax) up to the maximum benefit paid to a person serving in reserve duty (five times the average wage).

- Whoever had not been working prior to the injury is entitled to a benefit calculated according to his family status and the number of children. The benefit is calculated as a percentage of a civil servant's salary.
- Children up to age 14 are not entitled to a medical treatment benefit under any circumstances. Persons aged 14 - 18 are entitled to a benefit only if they had been working.
- With regard to a disabled person who returned to work part time and whose rehabilitation capacity has not yet been established (he is indeed in an employment framework and he has income, but he has not returned to full functioning at work due to his recognized disability), a partial benefit payment may be considered during the disability period.

**Table 2**  
**Hostile Action Victims who Received Medical Treatment Benefits,  
by Number of Incapacity Days, 2013**

Incapacity days	Total	Victims	Employers
<b>Total</b>	<b>214</b>	<b>173</b>	<b>41</b>
1-30 days	70	63	7
31-90 days	72	58	14
91 or more days	72	52	20

## 2. Recipients of disability benefits

In 2013, a monthly average of 4,404 disabled persons received disability benefits, compared to 4,288 in 2012 (Table 3). Most of the growth in the number of disabled persons over the years was in the lower disability degree categories.

**Table 3**  
**Hostile Action Victims who Received Monthly Disability Benefits  
(annual averages), by Disability Degree, 2008-2013**

Disability degree	2008	2009	2010	2011	2012	2013
<b>Total</b>	<b>3,564</b>	<b>3,860</b>	<b>4,113</b>	<b>4,216</b>	<b>4,288</b>	<b>4,404</b>
Up to 39	2,625	2,879	3,116	3,216	3,283	3,391
40-49	219	234	238	240	239	245
50-59	272	284	294	298	297	298
60-79	247	259	263	260	267	269
80-99	102	104	105	103	104	101
100	99	100	97	99	98	100

**Table 4**  
**Hostile Action Victims who Received Monthly Disability Benefits, by Gender and Age at Time of Injury (percentages), December 2013**

Age at time of injury	Total	Men	Women
<b>Total</b>	<b>4,461</b>	<b>2,308</b>	<b>2,153</b>
Numbers			
Percentages	100.0	100.0	100.0
Up to 19	23.6	25.3	21.4
20-29	19.7	21.3	17.9
30-44	26.1	26.6	25.6
45-64	25.5	22.4	28.8
65+	5.1	4.0	6.3

**Table 5**  
**Hostile Action Victims who Received Monthly Disability Benefits, by Recipient's Status and Benefit paid thereto (numbers), December 2013**

Recipient's status	Number of recipients	Actual average monthly payment* (current prices, NIS)
<b>Total</b>	<b>4,461</b>	<b>2,407</b>
Regular	2,633	2,680
Indigent	175	14,001
With no income	105	7,381
Deceased disabled benefit (36 months)	35	3,263
10% - 19% degree of disability	1,513	**

\* Includes monthly benefits and excludes annual benefits.

\*\* Receiving a lump-sum payment and not a monthly payment.

51.7% of the monthly benefit recipients are men

51.7% of the monthly benefit recipients are men (Table 4). The disabled persons differ from one another in their economic status subsequent to the injury: most of them (59%) are regular disabled persons and a minority is indigent (4%) or has no income (2%) (Table 5). The entitlement to a benefit as an indigent person or a person with no income is for a limited period only and requires periodic re-assessment of his status.

### 3. Recipients of dependents' benefits

A widower, widow, children and parents of a person who was killed during a hostile action are entitled to a dependents' benefit<sup>3</sup>. In December 2013, benefits were paid to 1,914 families of various compositions in respect of 1,556 persons killed – about 52% of the benefits to bereaved parents and 40% to widowers / widows with and without children (Table 6). The average benefit ranges between approximately NIS 3,778 in the case of an independent orphan up to an average of NIS 10,787 per family consisting of a widower / widow with children (Table 7).

3 Table 1 presents the number of hostile actions each year and the number of persons killed therein.



**Table 6**  
**Persons Killed during Hostile Actions in respect of which Benefits were Paid, by Gender and Age at Time of Death (percentages), December 2013**

Age at time of death		Total	Men	Women
<b>Total</b>	<b>Numbers</b>	<b>1,564</b>	<b>1,073</b>	<b>491</b>
	Percentages	100.0	100.0	100.0
Up to 18		17.5	13.8	25.5
19-29		21.9	20.4	25.3
30-49		36.3	39.6	29.1
50-64		16.5	17.5	14.5
65+		6.7	7.4	5.1
Unknown		1.1	1.3	0.6

**Table 7**  
**Families of Persons Killed who Received Benefits, by Family Composition and Monthly Benefit Amount (numbers), December 2013**

Family composition	Number of families	Monthly benefit amount* (annual average, current prices, NIS)
<b>Total</b>	<b>1,914</b>	<b>8,435</b>
Widow / widower who does not have children	102	8,238
Widow / widower whose children have reached adulthood	454	9,567
Widow / widower with children	235	10,787
Independent orphans	23	3,778
Bereaved parents	945	7,458
Other	155	8,066

\* Including equalization, gross-up, health insurance and age increment.

## F. Volume of Payments

The volume of payments to hostile action victims in current prices has diminished from 2011 to date, following a consistent rise in the three years preceding 2011 (Table 8).

**Table 8**  
**Payments of the Hostile Action Victims Branch (NIS thousand), 2008-2013**

Year	Current prices	2013 prices	Real rate of change (percentages)
2008	388,365	433,561	4.3
2009	400,000	432,215	-0.3
2010	413,000	434,555	0.5
2011	475,740	483,875	11.4
2012	466,243	466,243	-3.6
2013	460,458	460,458	-2.7

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In 2013, NIS 461 million was paid to hostile action victims – a real decrease of 2.7% in payments compared to 2012

In 2011, there was a significant increase in the volume of payments –NIS 476 million compared to NIS 413 million in 2010 – a real increase of 11.3%. The increase stemmed from a legislative amendment, whereby payments were paid retroactively to children who had lost both their parents as a result of a hostile action. In 2013, NIS 461 million was paid to hostile action victims – a real decrease of 2.7% in payments compared to 2012.