

9. Victims of Terror

a. General

The Compensation for Victims of Hostile Action Act was enacted by the government to provide social benefits for victims of terrorism and their families. The benefits under the Act (and its associated regulations) are paid by the NII and funded by the state Treasury. The law is intended to bring the rights of civilian victims of terrorist acts into line with the rights and services granted to IDF soldiers and bereaved families handled by the Ministry of Defense. The Act went through several stages until it reached its current format¹.

Changes in the law affect the definition of terror, the establishment of an authority to confirm an incident as terrorism, the definition of fundamental rights and their full government funding, inclusion of past victims and transferring responsibility to the NII .

The following are defined as a terrorist act (providing they are confirmed by the appropriate authority, appointed by the Minister of Defense):

- Injury from an act carried out by enemy forces hostile to Israel, including events outside Israel designed to harm the Jewish people.
- Unintentional injury linked to hostile action by enemy forces, or in circumstances where there was a reasonable fear of a hostile action.
- Injury by a weapon intended for hostile activity by enemy forces, or by a weapon intended for use against such action even if not used, apart from an incident in which a person aged 18 or older was injured in the course of committing a crime or other offense involving malice or criminal negligence.
- Injury caused by violence whose main purpose is to attack someone because of their national-ethnic identity, providing that it derives from the Israeli-Arab conflict.
- Injury caused by violence whose main purpose is to attack someone because of their national-ethnic identity, carried out by a terror organisation as declared by the government pursuant to Section 8 of the Prevention of Terror Orders 5708-1948, excluding an organisation which is the enemy force or done at the bidding or on behalf of such an organisation.

Those injured by acts of terror, who meet the following conditions are eligible for the benefit:

- Resident of Israel, injured in Israel or in Judea & Samaria or the Gaza Strip, or outside Israel, if less than a year has passed since the expiry of residency.
- Entered Israel legally.

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 1 The Compensation for Victims of Hostile Action Act was approved by the Knesset in 1970 retroactively from June 1967 for people affected by terror from 25th February 1949 onwards. In March 1977 the Act was also applied to victims from 14th May 1948 to 24th February 1949. Since March 1982, those affected from 29th November 1947 to 13th May 1948 have also been eligible.

- A foreign resident who is injured abroad during and as a result of working with an Israeli employer (approved for this purpose).
- A resident of the territories holding an Israeli ID document who is injured within the Green Line.

b. Legislative changes

The changes that have been made in the Compensation for Victims of Hostile Actions Law since it was first enacted in 1970 indicate a trend towards extending rights to benefits and other services, recognising the eligibility of other family members, and broadening the definition of terror. Unlike injured persons eligible under the Disabled Veterans Act and the Families of Soldiers Killed in War Act, victims of terror include children, the elderly and mothers of children, as well as sometimes several members of one family. Consequently, the solutions proposed under the two Acts mentioned above are not always suited to the needs of families of victims of terrorism.

In 2006 the definition of injury from terror was expanded to include damage resulting from an act whose main purpose was to harm the Jewish people², but this only applies to residents of Israel. The definition of an injury from terror was further expanded in 2005–2006, to include damage resulting from a violent act whose main purpose was to harm people because of their national-ethnic identity – deriving from the Israeli-Arab conflict or inflicted by a terrorist organisation.

In 2005 two amendments to the Act were passed, dealing with children who had lost both parents as a result of a terror attack, and in November 2008 an amendment was passed specifying and extending the eligibility of such children. In 2011 a further amendment extended eligibility to individuals orphaned by terrorist activity if the incident occurred before they reached the age of 37.

In 2009 another amendment was passed, specifying that a woman widowed by a terrorist act would no longer lose her monthly benefit if she remarried. Regulations were introduced regarding offsetting the marriage grant paid to widows who remarried in the previous five years.

c. Types of Benefits

1. **Medical treatment benefit:** anyone who cannot work or function during medical treatment (according to a medical certificate) and with the approval of an NII doctor, is eligible for a special payment during treatment, on condition that they are not receiving a wage or compensation during this period, and if they are self-employed – on condition that they have stopped engaging in their trade. This is a short-term payment given for a limited period, until the degree of disability is determined by a medical committee.

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2 Section 18a of the National Insurance Act.

2. **Disability benefit** – a person whose degree of disability is defined as at least 20% by a medical committee is entitled to a monthly disability benefit. The amount depends on the degree of disability, and is equivalent to the benefit paid to disabled IDF veterans under the Disabled Veterans Act (benefits and rehabilitation). Individuals with 100% disability receive 118% of the salary of a grade 17 public employee on the administrative scale.

The victim of a terrorism act who is injured in an additional act of terror has his/her degree of disability revised so that all the terror injuries are regarded as though they are the result of a single act (cumulative disability). If necessary, he/she is also eligible for a remittance to fund assistance from others, mobility, as well as various monthly and annual benefits and grants.

- **One-time disability grant** - paid to anyone defined by a medical committee as having 10-19% permanent disability. The grant is calculated by multiplying the amount derived from the degree of disability by a number of months taken from a table showing the number of months for calculating each degree of disability. For example, for someone with 10% disability, the grant is calculated for 108 months, and for someone with 19% disability – for 215 months.

In addition to the normal benefits, **special supplements are paid to certain groups**, such as the supplement for the severely disabled, and age-related supplements, plus special benefits at increased rates, where eligibility is determined according to degree of disability, earning capability and potential for rehabilitation. The special benefits are:

- **Benefit for Disabled in Need**– paid to those whose degree of disability has been set at 50% or more and who meet the criteria relating to income and ability to earn a living. This benefit is paid instead of the Disability Benefit and eligibility is determined by a committee for one year at most.
 - **Benefit for Disabled without Income** – paid to persons whose fixed or temporary degree of disability is 10% or more and who meet certain criteria relating to income and seeking work. Eligibility is determined by a special committee and the benefit is paid instead of the Disability Benefit (according to degree of disability) and for a limited period only.
 - **Benefit for Deceased Disabled Victim of an Act of Terror**– benefit paid for three years to the family member designated by the deceased.
3. **Medical Treatment** – medical treatment includes hospitalisation, treatment at a clinic including dental treatment for damage caused by the terror act, medication, medical devices, recovery and medical rehabilitation. Treatment is given based on confirmation from the NII that the injury has been recognised as due to terrorism and with the NII's financial undertaking.

Treatment is given by the State's authorised medical services –government health services and the recognised health service providers. First aid may be given to the

injured person by the Magen David Adom or any doctor or medical institution close to the site of the injury. Medical treatment for disabled persons with up to 19% disability is provided by the health service providers according to the National Health Insurance Act.

4. **Vocational and financial rehabilitation** – designed to help the disabled who have no trade or need vocational retraining due to their disability or cutbacks at their workplace. Those with 20% or more disability who have not received funding for education from the NII, can be helped to set up an independent business or consolidate an existing one. The business must have an economic purpose and be suitable for the person's abilities, knowledge and physical limitations.
5. **Benefit for dependents** – for the widow/widower and orphans of a person killed by a terrorist act.

Fixed monthly benefit – calculated as a percentage of the wages of civil servants to which social benefits are added into a monthly amount. The benefit for a widow/er depends on age, and if there are children – on their ages as well. The supplement for children continues to be paid while the child is doing mandatory military service, even after the age of 21. After mandatory military service, the widow/er's benefit equals that of parents of adult children. Orphans in special circumstances receive increased rates.

- **Rehabilitation, grants and other benefits** such as payment for help with daily activities, assistance in purchasing a car, loans and grants for housing, help with mobility, and a marriage grant for orphans.
- **Grants to cover mourning costs** – paid to bereaved widow/er and families; in their absence, other blood relatives will be eligible for a grant to help cover the mourning costs.

The information in this chapter only relates to civilians who are injured in acts of terrorism and not to injured soldiers or police officers. The tables showing recipients of benefits do not include injured persons who previously received benefits and ceased to be eligible, or injured persons who never received a benefit.

d. Hostile actions

Acts of terror have occurred in every year of the State's existence, but data for the early years are incomplete. Apart from the War of Independence period (1948), in which many civilians were injured, the years 1946-1966 are characterised by a fairly small number of terror acts. Immediately following the Six Day War there was a significant increase in the number of such incidents, then a gradual decrease until the start of the First Intifada (1988).

Although there were numerous terror incidents in the years 1994-1998, with casualties in every incident, until 2000 and the Second Intifada there was a decrease in the number of people injured. From the end of 2000, and throughout 2001-2002 the number and

severity of terrorist acts reached a peak, and the ratio between the number of confirmed casualties and the number of attacks in 2002 was 9:1. In 2003-2005 the number of terrorism acts declined (Table 1).

In 2006, following the Second Lebanon War, the number of people killed and injured rose steeply. The wounded included those with slight injuries who received medical treatment, some who returned to normal health after a short period, and others who were seriously hurt and remained disabled. 37% of about 4,500 casualties of the Second Lebanon War suffered mental problems but no physical injury. In 2008 about 200 terror acts were confirmed³.

In 2009-2010 there was a decrease in the number of incidents, but in 2011 the number rose again. There was another decrease in 2012-2013, but in 2014, following the Protective Edge Campaign, the number of incidents and casualties rose considerably again: that year there were 249 incidents with 566 confirmed casualties (544 injured and 22 killed).

Table 1
Acts of Terror Confirmed by the Certifying Authority
and Victims of Terror, 1947-2014

Year*	Number of incidents**	Total confirmed casualties	Injured		Killed	
			Total	Of which: confirmed	Total	Of which: confirmed
Total	4,153	13,859	22,434	11,778	2,177	2,081
1957-1947	212	314	161	145	180	169
1976-1958	413	797	512	476	346	321
1993-1977	724	1,212	929	801	433	411
1999-1994	679	1,949	1,994	1,741	214	208
2004-2000	973	4,740	7,460	3,984	763	756
2005	93	367	635	322	50	45
2006	197	2,053	5,955	1,979	89	74
2007	142	248	365	237	12	11
2008	207	673	1,349	640	33	33
2009	115	381	1,031	375	6	6
2010	88	109	124	101	8	8
2011	103	323	572	304	22	19
2012	119	581	1,216	564	18	17
2013	88	112	131	109	3	3
2014	249	566	2,245	544	29	22

* The division of years in this table is according to the data shown in the study: Yanai, A., Prior, R. and Bar, S. (2005): Victims of Hostilities in Israel: Attacks, needs, legislation and providing treatment and help. Jerusalem: The National Insurance Institute. In this research attacks were divided by periods according to their nature.

** Each day that rockets were fired in the area around Gaza and in the Second

3 Each day from 19.11.08 when rockets were fired on the area around the Gaza Strip was counted as an incident.

e. Recipients of Benefits

1. Recipients of medical treatment benefits

Soon after the attack, the injured are eligible for a medical treatment benefit, paid as compensation on their loss of fitness. 24.2% of the injured who received this benefit in 2014 could not work or function for more than three months because of their injuries, another 36.3% could not work or function for between one and three months. In certain cases, such as government employers, the employer pays injured workers the full wage and the NII reimburses. Table 2 shows recipients of the medical treatment benefit and the number of employers by duration of unfitness for work.

The size of the benefit depends on the injured person's employment status before the incident:

- Those who worked before the attack are entitled to a benefit equal to their average income in the three months prior (after deducting income tax) up to the ceiling paid to soldiers on reserve duty (five times the basic amount).
- Victims who did not work before the attack are entitled to a benefit based on their family status and number of children, and calculated as a percentage of the wage of a state employee.
- Children aged up to 14 are not entitled to a medical treatment benefit at all, while 14-18 year olds are only entitled to this benefit if they were working.
- For a disabled person who returns to part-time work and whose capacity for rehabilitation has not yet been determined (he is in an employment framework and has some income but has not returned to full function due to his recognised disability) – payment of a partial benefit during the period of disability may be considered.

Table 2
Victims of Acts of Terror who Received the Medical Treatment Benefit
by Number of Days of Unfitness, 2014

Days of unfitness	Total	Injured	Employers
Total	273	226	47
1-30 days	108	94	14
31-90 days	99	81	18
91 days and over	66	51	15

2. Recipients of the Disability Benefit

In 2014, disability benefits were paid to some 4,521 people on average per month, compared to 4,404 in 2013 (Table 3). Most of the increase was at the lower levels of disability.

51.6% of recipients of the monthly benefit are men (Table 4). Victims differ in their financial situation after the attack: most of them are regular disabled, while a minority

Table 3
Victims of Acts of Terror Receiving Monthly Disability Benefits
(annual average) by Degree of Disability, 2008-2014

Degree of disability (%)	2008	2009	2010	2011	2012	2013	2014
Total	3,564	3,860	4,113	4,216	4,288	4,404	4,521
up to 39	2,625	2,879	3,116	3,216	3,283	3,391	3,504
49-40	219	234	238	240	239	245	248
59-50	272	284	294	298	297	298	299
79-60	247	259	263	260	267	269	271
99-80	102	104	105	103	104	101	100
100	99	100	97	99	98	100	99

Table 4
Victims of Acts of Terror who Received Monthly Disability Benefits
by Sex and Age at the Time of the Injury (percent), December 2014

Age at time of attack	Total	Men	Women
Total - numbers	4,607	2,376	2,231
Percentages	100.0	100.0	100.0
Up to 19	26.1	21.5	23.9
20-29	20.9	17.9	19.4
30-44	26.6	25.1	25.9
45-64	22.5	29.0	25.7
65+	4.0	6.4	5.1

are needy (4%) or without an income (2%) (Table 5). Eligibility for the benefit as a needy disabled or disabled without income is for a limited period only and requires review of the situation from time to time.

Table 5
Victims of Acts of Terror who Received the Monthly Disability Benefit
by Type and Amount of Benefit, December 2014

Type of Benefit	Number of recipients	Average actual monthly payment* (NIS, current prices)
Total	4,607	2,281
Normal	2,724	2,562
Needy	168	14,046
Without income	98	8,202
Benefit for deceased (36 months)	45	3,656
Benefit for 10%-19% disability	1,572	**

* Includes monthly benefits but not annual benefits.

** Receives one-time payment and not monthly benefit.

3. Recipients of Benefits for Dependents

The widow/er, children and parents of a person killed in a terrorism act are eligible for a dependent's benefit⁴. In December 2014 this benefit was paid to 1,942 families of different sizes for 1,587 deceased – about 49% to bereaved parents and 41% to widow/ers with or without children (Table 7). The average benefit ranges from NIS 3,658 for an independent child to NIS 12,718 for a family consisting of a widow/er with children (Table 7).

Table 6
Fatalities for Whom Benefits were Paid, by Sex and Age at Time of Death (percentages), December 2014

Age at time of death	Total	Men	Women
Total:			
Numbers	1,587	1,092	495
Percentage	100.0	100.0	100.0
Up to 18	17.7	14.0	25.9
19-29	22.1	20.4	25.7
30-49	36.1	39.5	28.7
50-64	16.4	17.3	14.5
65+	6.5	7.3	4.6
Not known	1.2	1.5	0.6

Table 7
Families of Those Killed who Received Benefits, by Family Composition and Monthly Sum* (NIS), December 2014

Family composition	Number of families	Monthly benefit* (annual average, current prices, NIS)
Total	1,942	8,588
Widow/er without children	102	8,103
Widow/er with grown children	468	9,025
Widow/er with children	223	12,718
Independent orphans	23	3,658
Bereaved parents	949	7,625
Other	177	7,436

* Includes balancing, grossing up, health insurance and age supplement.

f. Scope of Payments

In current prices, payments to victims of terrorist acts have decreased from 2011 to the present, after a steady increase in the previous three years (Table 8). In real terms, the trend was mixed. In 2011 there was a considerable growth in payments – about NIS 476

4 The number of terrorism acts each year and the numbers of people who died in them are shown in Table 1.

million compared to NIS 413 million in 2010 – real growth of 11.3%. The rise was due to an amendment in the law, so that payments were made retroactively to children who lost both parents as a result of terrorist activity. In 2014 about NIS 458 million was paid – a real drop of 1% compared to 2013.

Table 8
Payments to Victims of Hostile Action (NIS 000s), 2008-2014

Year	Current prices	2014 prices	Real rate of change (%)
2008	388,365	442,261	4.3
2009	400,000	440,887	-0.3
2010	413,000	443,276	0.5
2011	475,740	493,585	11.4
2012	466,243	475,610	-3.6
2013	460,458	462,650	-2.7
2014	457,850	457,850	-1.0

