

## Benefits for Hostile Action Casualties

The Benefits for Hostile Action Casualties Law was enacted by the Israeli government to guarantee social benefits for casualties of hostile actions and their families. The benefits under this Law and the accompanying Regulations are paid by the National Insurance Institute (NII) and funded by the State Treasury. The Law is intended to bring the rights of hostile action casualties among the civilian population into line with the rights and services provided to IDF soldiers and bereaved families handled by the Ministry of Defense. The Law went through several stages until it reached its current format and wording.

The changes in the Law concern the definition of hostile action, the establishment of an authority to certify an incident as a hostile action, the definition of the gist of the rights in the Law, full government funding of these rights, inclusion of past hostile action casualties and transferring responsibility to the NII.

Data presented in this chapter pertain only to civilian victims of hostile actions and not army or police casualties. Tables showing data related to benefit recipient do not include victims who were benefit recipients in the past and are no longer eligible, or those who did not receive a benefit at all.

### What is Considered an Injury from a Hostile Action?

An injury from a hostile action is an injury that was approved by the certifying authority appointed by the Minister of Defense, and one of the following:

- An injury from a hostile action carried out by enemy forces hostile to Israel, including actions occurring outside Israel targeted at harming the Jewish people.
- Unintentional injury by a person resulting from hostile actions by enemy forces, or in circumstances where there was a reasonable fear of a hostile action.
- Injury by a weapon intended for hostile actions 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 offence involving malice or gross negligence.

- Injury caused by an act of violence whereby the main purpose thereof is to attack someone because of his or her national-ethnic identity, providing that it derives from the Israeli-Arab conflict.
- Injury caused by an act of violence whereby the main purpose is to attack someone because of his national-ethnic identity, carried out by a terrorist organization as declared by the government<sup>1</sup>, excluding an organization which is the enemy force or committed at the bidding or on behalf of such an organization.

Are eligible for the benefit, those who were injured by hostile actions and are one of the following:

- A 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.
- Whoever entered Israel legally.
- A foreign resident who is injured abroad in the course and as a result of his employment with an Israeli employer (approved for this purpose).
- A resident of the occupied territories holding an Israeli identity card who is injured within the Green Line.
- A resident of the occupied territories holding an entrance visa from the military forces commander in the occupied territories and who is injured within the Green Line.

### **Legislative Changes**

The Benefits for Hostile Action Casualties Law was approved by the Knesset in 1970 (retroactively from June 1967) for casualties of hostile actions commencing from February 25, 1949.

The changes to the Law over the years indicate a trend towards expanding the rights to benefits and additional services, recognizing the eligibility of additional family members, and broadening the definition of hostile actions. Unlike casualties eligible under the Disabled Veterans Law and

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the Families of Soldiers Killed in War Law, hostile action casualties include children, the elderly and mothers of children, and sometimes hostile actions hurt several members of one family. Consequently, the solutions proposed under the Disabled Veterans Law and the Families of Soldiers Killed in War Law are not always suited to the needs of families of hostile action casualties.

- In 1977 the Law was expanded and also applied to whoever was injured between the dates 14.5.48 and through until 24.2.49, and from 1982, those injured from 29.11.47 through until 13.5.48 are also eligible for the benefits.
- In 2006, the definition of injury from a hostile action was expanded to include damage resulting from an act whereby its main purpose was to harm the Jewish nation<sup>2</sup> (only applies to residents of Israel).
- In 2005, two amendments to the Law were passed concerning children both whose parents perished in a hostile action, and in November 2008 the eligibility of these children was expanded. In 2011, this eligibility was expanded to anyone both whose parents perished in a hostile action, if they were orphaned before the age of 37.
- In 2009, the cessation of payments to remarried hostile action widows was abolished, and they continue receiving their monthly benefit even after remarrying.

## Benefits to the Disabled

### ■ Medical Treatment Benefit

Whoever is unable to work or function due to receiving medical treatment (according to a medical certificate), and with the approval of an NII doctor, is eligible for a special payment during the treatment period, provided that he is not paid a wage or compensation during this period, and if self-employed - provided that he stopped engaging in his profession. This is a short-term payment given for a limited period, until a medical board determines the disability

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<sup>2</sup> Article 18a of the Benefits for Victims of Hostile Actions Law

### ■ **Monthly Disability Benefit**

Whoever the medical board determined his disability to be at least 20% is eligible for a monthly disability benefit. The amount of the benefit or pension depends on the degree of disability and is equivalent to the benefits paid to disabled IDF veterans under the Disabled Veterans Law (Benefits and Rehabilitation). Individuals with 100% disability receive 118% of the salary of a grade 17 civil servant on the administrative scale.

Those disabled by a hostile action who are injured in an additional hostile action have their degree of disability revised so that all the hostile injuries are regarded as though they are the result of a single injury (cumulative disabilities). If necessary, they are also eligible for a remittance to fund assistance from others, mobility allowance, as well as various monthly and annual benefits and grants.

### ■ **One-Time Disability Grant**

Paid to anyone defined by a medical as having 10%-19% permanent disability. The grant is calculated by multiplying the amount derived from the degree of disability by the number of months to calculate the grant. The grant calculation table indicates the number of months to calculate each degree of disability. Thus, for example, for someone with 10% disability, the grant is calculated for 108 months, and for someone with 19% disability - the grant is calculated for 215 months.

### ■ **Special Increments and Benefits**

Special increments are paid to specific groups, such as increment for the severely disabled or age-related increment. Special benefits are paid according to the degree of disability, earning capacity and potential of rehabilitation:

- **Benefit for Needy Disabled** – paid to those whose degree of permanent disability is 50% or more and who meet the conditions relating to income and ability to earn a living. This benefit is paid instead of the Disability Benefit and eligibility is determined by a board for one year at most.
- **Benefit for Disabled Without Livelihood** – paid to those whose temporary or permanent degree of disability is 10% or more and who meet certain conditions relating to income and seeking work. Eligibility is determined by a special board, and the benefit is paid instead of the Disability Benefit and for a limited period only.
- **Benefit for a Deceased Disabled** – paid for three years following the death of a disabled person, to the family member designated by the deceased.

**■ Medical Treatment**

Medical treatment includes hospitalization, treatment at a clinic, including dental treatment, for damage caused by terrorist attack, medication, medical devices, recovery and medical rehabilitation. The treatment is given based on confirmation from the NII that the injury has been recognized as a hostile action injury and with the NII's financial undertaking.

Treatment is given by the State's authorized medical services – government health services and the health maintenance organizations (HMO) that are recognized as authorized medical service providers. First aid may also be given to the casualty 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 HMOs according to the National Health Insurance Law.

**■ Vocational and Financial Rehabilitation**

Designed to help the disabled who has no profession or needs vocational retraining due to his disability or cutbacks at his workplace. Those with a degree of disability of 20% or more who have not received funding for education from the NII, can be helped to set up an independent business or establish an existing one. The business must have an economic purpose and be suitable for the disabled person's abilities, knowledge and physical limitations.

**Benefits to Families of the Deceased****■ Monthly Benefit to the Widow/er and Children**

A monthly benefit is paid to the widow or the widower which is calculated based on their age, and if there are children – on their ages as well. The increment for children continues to be paid while the child is performing compulsory military service, even after the age of 21. Following the compulsory military service, the parent's benefit equals that of parents of adult children. Children in special circumstances receive increased rates. The benefit is calculated as a percentage of the wages of civil servants to which social benefits are added into a monthly amount.

**■ Rehabilitation, Grants and Other Benefits**

The survivors of a hostile action casualty are eligible for rehabilitation, grants and additional benefits, such as payment for help with daily activities due to medical disability, assistance buying a new car, residential loans and grants, assistance in mobility, residential assistance and marriage grants for the orphans.

### ■ Grants to Cover Mourning Costs

Grants for covering funeral costs are paid directly to the widow/er or to the bereaved parents, in whose absence they are paid to the next of kin, in order to assist in covering the costs of the funeral.

## Hostile Actions

Hostile actions 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, the first years of the State's existence, are characterized by a fairly small number of hostile actions. Immediately after the Six Day War there was a significant increase in the number of hostile actions, then a gradual decrease until the start of the First Intifada (1988). Table 1 shows hostile action data approved by the authorities in years 1947-2018.

The years 1994-1998, although characterized by many hostile actions and casualties in every incident, however, until September 2000 and the outbreak of the Second Intifada, there was a decrease in the number of casualties. At the end of 2000, and particularly in the years 2001-2002 the number and severity of hostile actions reached a peak, and the ratio between the number of confirmed casualties and the number of terrorist attacks in 2002 was 9:1. In 2003-2005, the number of hostile actions declined.

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 full strength after a fairly 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, approximately 200 hostile actions were confirmed.<sup>3</sup>

In 2014, as a result of the Protective Edge Operation, the number of incidents and casualties surged: 342 hostile incidents and 1,167 injured recognized (among them 30 killed). In 2018, the number of incidents reached 42 – a figure lower than in 2011, following a decreasing trend in incidents rate since 2015.

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<sup>3</sup> Starting 19.11.08, each day on which rockets were launched in the Gaza Envelope area was defined as a separate incident.

## Hostile Actions Casualties

Table 1: Hostile Actions confirmed by the Certifying Authority and hostile Action Casualties, 1947-2018

Year of attack*	Number of incidents**	Total number of confirmed casualties	Injured		Killed	
			Total	Of which confirmed:	Total	Of which confirmed:
<b>Total</b>	<b>5,014</b>	<b>16,092</b>	<b>26,564</b>	<b>13,886</b>	<b>2,309</b>	<b>2,206</b>
1947-1957	228	344	176	160	196	184
1958-1976	443	880	593	553	353	327
1977-1993	766	1,312	1022	897	436	415
1994-1999	683	1,962	2016	1754	214	208
2000-2005	1,069	5,136	8,128	4,330	818	806
2006-2010	775	3,537	8928	3,403	151	134
2011	110	338	586	317	24	21
2012	129	618	1258	601	18	17
2013	97	125	147	121	4	4
2014	342	1,167	2675	1,137	35	30
2015	174	337	495	312	25	25
2016	89	191	296	173	18	18
2017	67	87	104	77	10	10
2018	42	58	140	51	7	7

\* The distribution of the years in the table was done pursuant to data exhibited in the study: Yanai, A., Prior, R. and Bar, S. (2005). **Hostile Action Casualties in Israel: Attacks, needs, legislation and providing treatment and assistance**. Jerusalem: The National Insurance Institute. In the study the attacks were divided by periods according to their nature.

\*\* Each day that rockets were fired in the Gaza Envelope and in the Second Lebanon War was defined as separate incident

## Recipients of Benefits

### ■ Recipients of Medical Treatment Benefits

Soon after the incident, the casualties are eligible for a medical treatment benefit, paid as compensation for the incapacity they sustained. 38% of recipients of this benefit in 2018 were unable to work or function due to their injury for more than three months, and another 22% between one and three months. In certain cases (such as government employers), the employer pays the injured worker his full wage and the NII reimburses the employer.

Table 2 presents recipients of medical treatment benefit and the number of employers by duration of incapacity, and shows that for 43% of the victims, the number of incapacitated days reached 39 days at most.

The size of the benefit is determined in accordance with 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 maximum benefit paid to soldiers on reserve duty (five times the basic amount).
- Those 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 civil servant
- Children up to the age of 14 are not entitled to a medical treatment benefit under any circumstances. 14-18 years old are only entitled to a benefit if they were working.
- A disabled person who returned to part-time work and whose capacity for rehabilitation has not yet been determined (he is indeed in an employment framework and has some income, but has not returned to full function due to his recognized disability) – payment of a partial benefit during the period of disability may be considered.

Table 2: Hostile Action Casualties Who Received Medical Treatment Benefit, by Number of Incapacitated Days, 2018

Incapacitated Days	Total	Casualties	Employers
<b>Total</b>	<b>109</b>	<b>87</b>	<b>22</b>
1-30 days	44	37	7
31-90 days	24	18	6
91 or more days	41	32	9

#### ■ Recipients of Disability Benefits

In 2018, about 5,125 persons received disability benefits on average per month, in comparison with 5,060 in 2017 (Table 3). Most of the increase was at the lower degrees of disability. About half (50.5%) of monthly benefit recipients are men and nearly a quarter of the victims were under 19



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(Table 4). There is disparity between the recipients of benefits in their financial situation after the injury: most of them are regular disabled (57%) and some of them are in need (3%) or without livelihood (2%) (Table 5). Eligibility for the benefit as a needy disabled or disabled without livelihood is for a limited period only and requires a periodical reevaluation. More than a third of eligible people – 1,918 persons in 2018 – received a one-time payment for a relatively low degree of disability.

Table 3: Hostile Action Casualties Who Receive a Monthly Disability Benefit (Annual Average), by Degree of Disability, 2014-2018

Degree of Disability	2014	2015	2016	2017	2018
<b>Total</b>	<b>4,526</b>	<b>4,717</b>	<b>4,933</b>	<b>5,060</b>	<b>5,125</b>
Up to 39%	3,504	3,669	3,864	3,983	4,036
40%-49%	248	262	273	279	288
50%-59%	299	304	306	308	306
60%-79%	271	276	280	282	292
80%-99%	100	102	103	101	100
100%	104	104	107	107	103

Table 4: Hostile Action Casualties Who Receive a Monthly Disability Benefit (Annual Average), by Gender and Age at the Time of the Hostile Action (Percentages), December 2018

Age at Time of Harm	Total	Men	Women
<b>Total – Numbers</b>	<b>5,159</b>	<b>2,607</b>	<b>2,552</b>
<b>Percentages</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Under 19	23.4	25.4	21.5
20-29	19.2	20.8	17.6
30-44	26.5	28.0	24.9
45-64	25.8	22.1	29.5
65+	5.1	3.7	6.5

Table 5: Hostile Action Casualties Who Receive a Monthly Disability Benefit (Annual Average), by Type of Benefit and Amount Paid, December 2018

Type of Benefit	Number of recipients	Average actual monthly payment *
<b>Total</b>	<b>5,159</b>	<b>2,499</b>
Ordinary	2,968	3,165
Needy	153	15,479
No income	85	7,776
Benefit for deceased disabled person (36 months)	35	3,151
Benefit for disabled person with 10%-19% disability	1,918	**

\* Including monthly benefits and not including annual benefits.

\*\* Recipients of one-time payment and not monthly benefit.

#### ■ Recipients of Dependents Benefits

Widower, widow, children and parents of a person killed in a hostile action are eligible for a dependents' benefit (the number of persons killed since 1947 is shown in Table 1). In December 2018, this benefit was paid to 1,910 families of different sizes for 1,587 casualties – approximately 41% to bereaved parents and 41% to widows / widowers with or without children. The average benefit in 2018 ranged from NIS 3,851 for an independent child<sup>4</sup> and up to NIS 11,704 for a widow/er with children (Table 7).

Table 6: Casualties Who Were Paid Benefits, by Gender and Age at the Time of Death (Percentage), December 2018

Age at time of death	Total	Men	Women
<b>Total – Numbers</b>	<b>1,597</b>	<b>1,080</b>	<b>517</b>
<b>Percentages</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Under 18	17.3	13.6	25.0
19-29	22.2	21.0	24.8
30-49	36.6	39.6	30.2
50-64	16.2	17.3	13.9
65+	6.5	7.0	5.4
Unknown	1.2	1.4	0.8

<sup>4</sup> A child receiving a benefit on his own behalf.

Table 7: Families of Those Killed Who Received Benefits, by Family Composition and Monthly Benefit Amount (NIS), December 2018

Family Composition	Number of families	Monthly benefit amount* (Annual average, current prices, NIS)
<b>Total</b>	<b>1,910</b>	<b>9,265</b>
Widow/er without children	102	9,120
Widow/er with adult children	487	9,724
Widow/er with children	185	11,704
Independent orphans	30	3,851
Bereaved parents	909	8,413
Other	197	8,812

\* Includes balancing, grossing-up, health insurance and age increment

### Scope of Payments

In 2018 the scope of payments to hostile action casualties increased by 3,6% - after a decline by a similar rate in 2017, and reached the amount of NIS 506 million (Table 8). Overall, between 2014 and 2018, benefit payments rose by a cumulative rate of 10%.

Table 8: Payments in the Hostile Action Casualties Branch (NIS Thousands), 2014-2018

Year	Current prices	2018 prices	Rate change in real terms (Percentage)
2014	456,487	455,869	-1.0
2015	495,044	497,520	9.1
2016	501,971	507,246	1.9
2017	484,356	488,263	-3.7
2018	506,249	506,249	3.6

\* Including general administrative payments such as evacuation from the scene of a terrorist attack, quality assurance and payments to the volunteers.