8. Victims of Hostile Actions

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.

A **hostile action injury** is one of the following (on condition that the approving authority, which is appointed by the Ministry of Defense, has confirmed that the injury was caused by hostile action):

- Injury resulting from violent action by enemy forces hostile to Israel, including actions that occurred outside of Israel whose objective was to harm the Jewish people;
- Accidental injury caused as a result of hostile action by enemy forces, or accidental injury in circumstances in which it was reasonable to suspect an impending hostile action;
- Injury caused by a weapon intended for use during hostile actions by enemy forces, or injury caused by a weapon intended to combat such a hostile action, even if not used, excluding an injury suffered by a person aged 18 or over 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 orga-

The benefits are paid by the NII and funded by the Treasury

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¹ The Victims of Hostile Actions (Pensions) Law was approved by the Knesset in 1970 retroactively from June 1967 for those affected by hostile actions since February 1949. In March 1977 the Law was extended to apply also to anyone injured between May 14, 1948 and February 1949. Since March 1982, those injured between November 29, 1947 and May 13, 1948 have also been eligible for the benefit.

nization consisting of enemy forces, or an act of violence committed by order of or on behalf of such an organization.

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 outside of Israel if less than a year had elapsed since his residency expired;
- Any person who entered Israel legally;
- A foreign resident injured by hostile action abroad in the course of and due to his employment for an Israeli employer (approved for this purpose);
- A resident of the territories bearing an Israeli identity card who was injured within the limits of the Green Line;
- A resident of the territories bearing an entry visa issued by the commander of the military forces in the field, who was injured within the limits of the Green Line.

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

The amendments and revisions made to the Victims of Hostile Actions (Pensions) Law – 1970 since its enactment indicate a trend towards broadening the rights to benefits 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 covered by the Disabled Persons Law and the Bereaved Families of Fallen Soldiers Law, victims of hostile actions also include children, the elderly and mothers of children; furthermore, sometimes several members of the same family are injured during hostile actions. Therefore, the solutions proposed within the scope of the Disabled Persons Law and the Bereaved Families of Fallen Soldiers Law and the Bereaved Families of Fallen Soldiers.

In 2006, the definition of an injury resulting from 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, this expansion applies solely to residents of Israel.

The definition of injury from hostile action was again expanded, to include injury resulting from a violent act whose main purpose was to harm someone due to his ethno-national origin, whether deriving from the Israeli-Arab conflict or a violent act committed by a terrorist organization.

In 2005, two amendments were passed that concerned children who had lost both parents as a result of hostile action, and, in November 2008, the Knesset passed a legislative amendment (in effect from December 1, 2008), which specifies and expands the rights of these orphans. In 2011, the Knesset passed another amendment (in effect

The definition of injury from hostile action was again expanded, to include injury resulting from a violent act whose main purpose was to harm someone due to his ethnonational origin from August 1, 2011), that expands the rights of those **who lost both parents due to hostile action**, if they were orphaned before reaching the age of 37 (see box).

On November 23th, 2009 an amendment to the law was passed by which a woman widowed by hostile action who remarried would not lose her monthly benefit, as was the case until then. The amendment came into effect in February 2010, and regulations will be drawn up regarding setting off the marriage grant paid to widows who married in the last five years.

Children who have Lost Both Parents

One of the groups that differs in its nature and complexity in comparison to other groups eligible for benefits as victims of hostile actions is the group of those who have **lost both father and mother** as the result of hostile actions.

Orphans in general, and orphans who have lost both parents in particular, are handled by the Victims of Hostile Injuries Department and the Rehabilitation Department of the National Insurance Institute, and are eligible for emotional support and economic benefits, such as regular payments, grants and benefits whose amounts are determined according to the Bereaved Families of Fallen Soldiers Law, rehabilitation and so on. The benefits are given as an expression of the State's feeling of obligation towards people injured in circumstances linked to security¹. Because of the profound differences between the two populations – soldiers and their families and victims of hostile actions and their families – the Victims of Hostile Action (Pensions) Law did not provide a full response to the special needs of exceptional groups, including children who had lost both parents. In July 2011 the Knesset passed Amendment 30 to the Law, addressing this group. In October of that year, an amendment to the regulations was passed, regarding families who had taken on the job of raising such children.

Amendment 30, which came into effect on August 1st, 2011, extended the eligibility for benefits of orphans who lost both parents as a result of hostile action, if they were orphaned before reaching the age of 37. Following are the main points of the amendment:

- Those who lost both parents before the age of 37 are entitled to a benefit.
- Those under the age of 18 are eligible for 100% of the benefit paid to an independent orphan, with all the benefits due to an orphan from a hostile action.

On August 1st, 2011, the eligibility for benefits of orphans who lost both parents as a result of hostile action, if they were orphaned before reaching the age of 37, was extended

¹ Yanai, A., Prior, R. and Baer, S. (2005): Victims of Hostilities in Israel: Injuries, Needs, Legislation and the Provision of Treatment and Assistance, Jerusalem: National Insurance Institute, the Research & Planning Administration.

- Those who have reached the age of 18 are entitled to a lifelong payment equal to 100% of the pension paid to a widow without children, including all associated benefits.
- Those who marry or reach the age of 30, or those who purchase an apartment, will be entitled to double the grant paid in these cases. They will not be entitled to assistance in financing the purchase of an apartment or moving house.
- Payment to an orphan of both parents and the orphan's living allowance (paid by the Rehabilitation Department to those who have lost one parent) are duplicate benefits and one of them must be selected.
- Those who have lost both parents are entitled also to a mobility benefit, which is paid instead of the mobility grant of NIS 26,000, which was cancelled.
- Eligibility for the acclimation grant paid to orphans of both parents aged between 18 and 36, inclusive, was not changed.
- A retroactive grant of NIS 550,000 is paid to those who were orphaned before October 2000 and by August 1st, 2011 had reached the age of 21, if at the time of losing their parents they were aged under 37.
- A memorial grant (an annual memorial payment and a five-yearly payment for grave maintenance) will be paid to one of the children of each such family, for each parent.

Table 1 shows the breakdown of orphans of father and mother by age when orphaned and age in December 2012. It shows that at the time of being orphaned, about 66% were minors (under the age of 18). In December 2012, 38% of the orphans were aged 18 to 37 and about 37% were over 37, while the remainder were minors.

In December 2012 there were 99 orphans who had lost both parents, of whom 46 were being raised in 18 families. The number of children living in one family varied from one to 7. Nine families (half of those raising orphans) had agreed to raise two orphans, 4 families (22%) were raising one child (Table 2), and the remainder were raising 3-7 orphans.

Table 1Orphans who have Lost Both Parents, by Age When Orphaned
and Current Age, December 2012

	Current age			
Age when orphaned	Up to 18	18-37	37+	Total
Up to 18	24	16	25	65
18-37		22	12	34
Total	24	38	37	99

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Table 2 Adoptive Families by Number of Children Being Raised, December 2012				
Number of children in	Adoptive	families		
family	Number As percentage of famil			
1	4	22.2		
2	9	50.0		
3	1	5.6		
4	2	11.1		
6	1	5.6		
7	1	5.6		
Total	18	100.0		

As stated, in October 2011 an amendment to the regulations came into effect regarding families who were raising children who had lost both parents. The main feature of the amendment is that the grant paid to a guardian or family will vary according to the **age and number** of the children they are raising. The size of the payment reflects compensation for the economic burden placed on the family, and it varies from the amount of the average wage or the actual loss of income up to four times the amount of the average wage. At present payment is determined by the average wage.

As mentioned, families receive a fixed payment to pay for the costs of raising the children. Couples raising children aged under 18 receive a regular benefit. In 2011, a lump-sum retroactive payment (dating back to October 1st, 2000) was paid to parents with one or more children until the youngest child reached the age of 18. In December 2012² benefits paid to families raising children who had lost both parents amounted to NIS 88,340 and the payments to such orphans amounted to NIS 935,659.

2. We do not have the annual data, so the amounts are given for December 2012 only.

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 and with the approval of an NII physician) is eligible for a special monetary benefit during the period of the treatment, provided that he is receiving no 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.

In December 2012 benefits paid to families raising children who had lost both parents amounted to NIS 88,340 and the payments to such orphans amounted to NIS 935,659

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 (Benefits and Rehabilitation). A person with 100% disability receives 118% of the salary of a civil servant at grade 17 of the administrative grades.

The degree of disability of a person disabled by hostile action, who is subsequently injured by an additional hostile action, is re-determined, and the injuries sustained from all the hostile actions are deemed to have originated from 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 10%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 are paid for particular categories of disabled persons, such as a benefit increment for the severely disabled and an age increment, plus special benefits at increased rates, with eligibility and amounts being determined by the 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 fulfils the criteria pertaining to income and earning capacity. This benefit is paid in lieu of disability benefit, and eligibility for this benefit, for a maximum of one year, is determined by an NII committee.
- Benefit for the disabled with no income is paid to a disabled person whose degree of temporary or permanent disability is at least 10%, and who fulfils particular criteria pertaining to income and efforts to seek employment. Eligibility for this benefit is determined by a special committee and is paid in lieu of disability benefit (according to the degree of disability) for a limited period only.
- Benefit for a person disabled by a hostile action who dies entitles the family member named as 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 confirmation that the injury is recognized as caused by 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 recognized 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 with up to 19% disability 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 due to cutbacks at his workplace. Anyone with at least 20% disability who has not received funding for studies from the NII may receive NII assistance to set up 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, families of dependents 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.

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 mourning.

The data presented in this section relate solely to civilians injured by hostile actions and not to soldiers or police officers injured in such actions. Tables showing benefit recipients do not include injured persons who previously received a benefit and who are no longer eligible, or injured persons who never received a benefit.

D. Hostile Actions

Hostile acts have occurred throughout 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 numerous hostile actions and by casualties following every attack, but the number of casualties gradually diminished until September 2000, and 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 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 slightly injured and only received medical treatment, wounded who fully recovered after a fairly short period, and the severely wounded who became disabled. Out of approximately 4,500 persons injured during the Second Lebanon War, 37% suffered from some form of emotional trauma not accompanied by 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).

Table 1Number of Hostile Actions Confirmed by the ApprovingAuthority and Hostile Action Victims, 1947-2012

			Wounded		Fatalities	
Year of attack*	Number of incidents**	Total approved victims	Total	Thereof: approved	Total	Thereof: approved
Total	3,802	12,736	20,961	10,986	1,840	1,750
1957-1947	168	213	156	142	81	71
1976-1958	368	670	506	470	223	200
1993-1977	702	1,128	914	791	357	337
1999-1994	671	1,940	1,990	1,742	203	198
2004-2000	969	4,724	7,445	3,970	761	754
2005	93	365	633	320	50	45
2006	196	2,041	5,944	1,970	87	71
2007	141	242	362	231	12	11
2008	204	649	1,327	616	33	33
2009	112	366	1,012	360	6	6
2010	83	104	118	97	7	7
	94	294	554	277	20	17

* The division into years in the table 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 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.

The years 1994-1998 were characterized by numerous hostile actions and by casualties following every attack, but the number of casualties gradually diminished until September 2000, and the outbreak of the second intifada. Between 2003 and 2005, the number of hostile actions diminished. In 2006, there was a sharp increase in the number of fatalities and wounded as a result of the Second Lebanon War

In 2009-2010, there was a decrease in hostile actions, but in 2011 numbers again increased: there were 94 incidents during which 294 people were confirmed wounded for benefits purposes and 17 people died. In 2012 the number decreased again: 61 incidents in which 139 people were hurt (128 injured and 11 killed).

E. Recipients of Benefits

1. Recipients of a medical treatment benefit

Immediately after an attack, victims are eligible for a medical treatment benefit to compensate for their loss of physical capacity. Approximately 25.6% of the victims of hostile actions who received medical treatment benefit in 2012 were incapable of working or functioning for more than three months as a result of the injury. Another 31.8% were incapable of working or functioning for one to three months. In certain instances, such as of government employers, the employer pays the victim his full salary and the NII reimburses the employer. Table 2 shows 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 was working prior to being injured is eligible for a benefit 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 doing reserve duty (five times the average wage).
- Anyone who was not 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 medical treatment benefit under any circumstances. Children aged 14-18 are eligible for the benefit only if they were working prior to being injured.
- For a disabled person who returns to part-time work and whose potential for rehabilitation has not yet been determined (he is in employment and has an income but has not returned to full function at work due to his recognized injury) payment of a partial benefit during his period of disability may be considered.

2. Recipients of disability benefit

During 2012, a monthly average of 4,288 disabled victims received benefits. Table 3 shows the number of disabled victims of hostile actions who received monthly benefits in the years 2008-2012. Most of the increase in the number of disabled in those years occurred among those with the lowest levels of disability.

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The disabled are differentiated by their economic situation subsequent to their injury: the majority (59.2%) are classified as ordinary disabled persons, while a minority are classified as needy (4.0%) or without income (2.5%) Tables 4 and 5 show the demographic and economic characteristics of the disabled who are receiving a monthly benefit. 51.9% of recipients are men. The disabled are differentiated by their economic situation subsequent to their injury: the majority (59.2%) are classified as ordinary disabled persons, while a minority are classified as needy (4.0%) or without income (2.5%). Eligibility for a benefit as a disabled person who is needy or without income is 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 shown in Table 5.

3. Recipients of dependents' benefit

Widowers, widows, children and parents of persons killed during a hostile action are eligible for a dependents' benefit. Table 1 showed the number of hostile actions each year and the number of fatalities during those actions. Tables 6 and 7 shows the number of fatalities whose survivors receive dependents, by various cross-sections. In December 2012, benefits were paid to 1,939 families of various compositions for 1,564 fatalities – of which approximately 50% were paid to bereaved parents and 41% to widows/widowers with and without children.

Table 2Victims of Hostile Action who Received Medical Treatment
Benefit, by Number of Days of Incapacity, 2012

Days of incapacity	Total	Injured persons	Employers
Total	176	138	38
1-30 days	75	66	9
31-90 days	56	44	12
Over 90 days	45	28	17

Table 3 Victims of Hostile Actions Receiving Monthly Disability Benefits (annual average), by Degree of Disability, 2008-2012

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

Table 4 Disabled Victims of Hostile Actions who Received Monthly Benefits in December 2012, by Gender and by Age When Injured

Age when injured	Total	Men	Women
Total - Numbers	4,336	2,252	2,084
Percentages	100.0	100.0	100.0
Up to age 19	23.3	25.3	21.2
29-20	20.0	21.4	18.4
44-30	26.5	27.2	25.7
64-45	25.1	22.0	28.5
65+	5.1	4.0	6.2

Table 5

Disabled Victims of Hostile Actions who Received Benefits in December 2012, by Status and the Benefits Paid to Them (current prices)

Status	Recipients	Average actual monthly payment (NIS)*
Total	4,336	2,411
Ordinary	2,568	2,620
Needy	175	13,465
Without income	108	7,372
Benefit for deceased disabled person (36 months)	47	2,295
Disabled with 10%-19% degree of disability	1,358	**

Including monthly benefits and not including annual benefits. Receive a one-off payment and not a monthly benefit.

Table 7 shows the average monthly payments by family composition. The average benefit ranges from about NIS 3,800 in the case of an independent orphan to about NIS 10,500 for a family consisting of a widow/er with children.

F. Volume of Payments

In 2012 the volume of payments to victims of hostile actions (in current prices) declined, following a consistent rise in the previous three years (Table 8). In real terms, there was a mixed trend during these years. In 2011 there was a significant increase in the volume of payments: about NIS 476 million compared to NIS 413 million in 2010 - a real growth of 11.3%, due to the amendment in the law whereby retroactive payments were made to children who lost both parents as a result of hostile actions. In 2012 about NIS 466 million were paid to victims of hostile actions.

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Table 6 Casualties of Hostile Actions for whom Benefits are Paid, by Gender and Age at Death (percentages), December 2012

Age at death	Total	Men	Women
Total – Numbers	1,564	1,073	491
Percentages	100.0	100.0	100.0
Up to 18	17.8	14.1	25.9
29-19	22.1	20.6	25.3
49-30	36.7	40.4	28.7
64-50	16.8	17.5	15.1
65+	6.7	7.5	5.1

Table 7

Families of Deceased Victims who Received Benefits, by Family Composition and Monthly Benefit (annual average, current prices), December 2012

Family composition	Numbers	Monthly payment* (average, NIS)
Total	1,939	8,053
Widow/er without dependent children	103	7,876
Widow/er with adult children	441	8,608
Widow/er with dependent children	253	10,512
Independent orphans	27	3,804
Bereaved parents	962	7,328
Other	153	7,173

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

Table 8 Payments in the Victims of Hostile Actions Department (NIS thousand), 2008-2012

Year	Current prices	2012 prices	Real rate of change (%)
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%