

1. The Compensation For Hostile Action Casualties Law

The Compensation 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 the Law and under the accompanying Regulations are paid by the National Insurance Institute and funded by the State Treasury. The law is intended to bring the rights of civilian hostile action casualties into line with the rights and services awarded to IDF soldiers and bereaved families handled by the Ministry of Defense. The Law went through several stages until it reached its current format.

The changes in the law concern the definition of hostile action, the establishment of an authority to confirm 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 National Insurance Institute.

What Is Considered A Casualty Of A Hostile Action?

A casualty of a hostile action is one of these (provided that it was approved by the approving authority, appointed by the Minister of Defense):

- Casualty from a hostile action carried out by enemy forces hostile to Israel, including but not limited to actions outside Israel targeted at harming the Jewish nation.
- 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 offense 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 their national-ethnic identity, carried out by a terrorist organization as declared by the government¹ excluding an organization which is the enemy force or committed at the bidding or on behalf of such an organization.

Who Is Eligible For The Benefit?

Those injured by hostile actions, and is one of these:

- 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 during and as a result of working for an Israeli employer (approved for this purpose).
- A resident of the occupied territories holding an Israeli ID document 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.

2. Legislative Changes

The Compensation 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. 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 to the benefit.

The changes made to the Law over the years indicate a trend towards expanding 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 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

¹ Pursuant to Section 8 of the Prevention of Terrorism Orders 5708-1948.

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 2006, the definition of injury from hostile action was expanded to include damage resulting from an act whereby its main purpose was to harm the Jewish nation², but this only applies to residents of Israel.

In 2005, two amendments to the Law were passed regarding children who both of their parents died resulting from a hostile action, and in November 2008, an amendment was passed detailing and expanding the eligibility for these children. In 2011, an additional amendment was passed expanding eligibility of children who both of their parents died resulting from a hostile action, if they were orphaned before reaching 37 years old.

In 2009, an amendment to the law was made pursuant to which a hostile widow who remarries will still receive the monthly benefit as in effect at that time.

3. Types of Benefits

Medical Treatment Benefit

Whoever cannot 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, on condition that he is not paid a wage or compensation during this period, and if self-employed – on condition 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.

Disability Benefits

Whoever the medical board determined his disability to be at least 20% is eligible to a monthly disability benefit. The payment or benefit amount depends on the degree of disability, and is equivalent to the benefit 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.

2 Section 18A of The Compensation For Hostile Action Casualties Law.

A casualty of a hostile action who is injured in an additional hostile action has his/her 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, 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 board 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 states 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 Supplements

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 capacity 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 a board determines eligibility for one year at most.
- **Benefit For Disabled Without Income** - paid to persons whose permanent 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 board 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 Hostile Action Casualty** – benefit paid for three years to the family member designated by the deceased.

Medical Treatment

Medical treatment includes hospitalization, treatment at a clinic including but not limited to dental treatment for damage caused by the 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 recognized health service providers. First aid may 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 health service providers according to the National Health Insurance Law.

Professional 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 20% or more disability 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.

Benefit For Dependents

Benefit for the survivors of a person killed by a hostile action: widow, widower, and orphans.

Fixed Monthly Benefit

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 compulsory military service, even after the age of 21. After 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 someone killed in a hostile action are eligible for rehabilitation, grants and other benefits such as payment for help with daily activities due to a medical limitation, assistance in purchasing a car, loans and grants for housing, help with mobility, and a marriage grant for orphans.

Grants To Cover Mourning Costs

Grants to cover mourning costs paid to bereaved widow/er and parents; and in their absence, other blood relatives will be eligible for a grant to help cover the mourning costs.

The information in this chapter only concerns civilians who are hostile action casualties and not to injured soldiers or police officers. The tables showing recipients of benefits do not include casualties who previously received benefits and ceased to be eligible, or casualties who never received a benefit from the outset.

4. 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 following 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 2 shows the hostile action data approved by the authorities over time.

The years 1994-1998, although characterized by many hostile actions and casualties in every incident, however, until 2000 and the outbreak of the Second Intifada there was a decrease in the number of casualties. At the end of 2000, and primarily 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 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 hostile actions were confirmed.

In 2009-2010, there was a decrease in the number of hostile actions, but in 2011, the number rose again and in 2012-2013 the number declined again. In 2014, following the Protective Edge Operation, the number of incidents and casualties jumped to 308 incidents in which 27 were killed and 988 injured (in total 1,015 confirmed casualties). In 2015 there was a sharp decline in the number of incidents and number of casualties: there were 37 incidents in which 12 people were killed and 79 injured (in total 91 confirmed casualties).

Table 1
 Hostile Actions Confirmed by the Approving Authority
 and Casualties of Hostile Actions, 1947 - 2015

Injury Year*	Number Of Incidents**	Total Number Of Confirmed Casualties	Injured		Killed	
			Total	Of Which: Confirmed	Total	Of Which: Confirmed
Total	4,501	15,001	25,105	12,878	2,224	2,123
1947-1957	218	326	167	151	186	175
1958-1976	418	812	523	487	351	325
1977-1993	733	1,238	954	826	433	412
1994-1999	625	1,833	1,862	1,632	206	201
2000-2005	1,067	5,117	8,109	4,313	816	804
2006-2010	758	3,499	8,859	3,366	149	133
2011	105	329	579	310	22	19
2012	124	596	1,233	579	18	17
2013	91	119	135	115	4	4
2014	308	1,015	2,546	988	32	27
2015	73	91	190	79	20	12

* 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 this study the attacks were divided by periods according to their nature.

** Each day that rockets were fired in the area around Gaza and in the Second Lebanon War was defined as a separate incident.

5. Recipients of Benefits

Recipients Of Medical Treatment Benefits

Soon after the incident, the casualties are eligible for a medical treatment benefit, paid as compensation on the incapacity they sustained. 30% of the casualties who received this benefit in 2015 could not work or function for more than three months because of their injuries, another 30% could not work or function for between one and three months. In certain cases, such as government employers, the employer pays the 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 incapacity.

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 age 14 are not entitled to a medical treatment benefit under any circumstances. 14-18 year olds are only entitled to this benefit if they were working.
- 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 recognized disability) – payment of a partial benefit during the period of disability may be considered.

Table 2

Hostile Action Casualties who Received a Medical Treatment Benefit Pursuant to the Number of Incapacitated Days, 2015

Incapacitated Days	Total	Casualties	Employers
Total	295	232	63
1-30 days	120	104	16
31-90 days	87	62	25
91 days and more	88	66	22

Recipients Of Disability Benefits

In 2015, 4,717 persons received a disability benefit on average per month, in comparison with 4,526 in 2014 (Table 3). Most of the increase was at the lower degrees of disability.

Table 3

Hostile action Casualties who Received a Monthly Disability Benefit (yearly average), Pursuant to Degree of Disability, 2008 - 2015

Degree of Disability	2008	2009	2010	2011	2012	2013	2014	2015
Total	3,564	3,861	4,113	4,217	4,290	4,407	4,526	4,717
Up to 39	2,625	2,879	3,116	3,216	3,283	3,391	3,504	3,669
40-49	219	234	238	240	239	245	248	262
50-59	272	285	294	294	297	298	299	304
60-79	247	259	263	264	267	269	271	276
80-99	102	104	105	105	104	101	100	102
100	99	100	97	98	100	103	104	104

50.7% of those receiving a monthly benefit are men (Table 4). Benefit recipients differ from one another in regard to their financial situation following the hostile action: most of them are regular disabled (58%), whereas a minority are needy (3%) 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 4

Hostile Action Casualties who Received a Monthly Disability Benefit According to Gender and Age at the Time of the Hostile Action (percentages), December 2015

Age At The Time Of The Injury		Total	Men	Women
Total	Numbers	4,834	2,453	2,381
	Percentages	100.0	100.0	100.0
Up to 19		25.7	21.3	23.5
20-29		20.7	17.6	19.2
30-44		26.9	24.9	25.9
45-64		22.7	29.2	25.9
65+		4.0	7.1	5.5

Table 5

Hostile Action Casualties who Received a Monthly Disability Benefit According to Type of Benefit and Amount Paid, December 2015

Type of Benefit	Number of Recipients	Average Actual Monthly payment* (Current Prices, NIS)
Total	4,834	2,445
Regular	2,825	2,754
Needy	164	14,094
No Income	96	8,005
Benefit for Disabled Person Who Died (36 months)	44	2,837
Payment of 10%-19% disability	1,705	**

* Including monthly benefits and not including annual benefits.

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

Recipients of Dependents Benefit

The widow/er, children and parents of a person killed in a hostile action are eligible for a dependent's benefit. In December 2015, this benefit was paid to 1,943 families of different sizes for 1,599 deceased – about 49% to bereaved parents and 41% to widow/ers with or without children (Table 7). The average benefit in 2015 ranged from NIS

5,814 for an independent child to NIS 11,482 for a family consisting of a widow/er with children (Table 7).

Table 6

Fatalities who were Paid Benefits, According to Gender and According to Age at the Time of Death (percentages), December 2015

Age at the Time of Death		Total	Men	Women
Total	Numbers	1,599	1,083	516
	Percentages	100.0	100.0	100.0
Up to 18		17.4	13.6	25.6
19-29		22.2	20.9	25.0
30-49		36.0	39.2	29.1
50-64		16.7	17.8	14.3
65+		6.4	7.1	5.0
Unknown		1.3	1.4	1.0

Table 7

Families Of Those Killed Who Received Benefits, By Family Composition And Monthly Benefit Amount* (NIS), December 2015

Family composition	Number of families	Monthly benefit amount* (Yearly Average, Current Prices, NIS)
Total	1,943	8,684
Widow/er without children	103	8,448
Widow/er with adult children	477	9,197
Widow/er with children	207	11,482
Independent Orphans	24	5,814
Bereaved parents	947	7,960
Other	185	7,892

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

6. Scope of Payments

The scope of payments to hostile action casualties in current prices, decreased from 2011 to 2014, however again increased in 2015 (Table 8). In 2015, approximately 495 million NIS were paid to hostile action casualties - a realistic increase of 9% in payments in comparison with 2014.

Table 8

Payments In The Hostile Action Casualties Field (NIS Thousands) 2008 - 2015

Year	Current Prices	2015 Prices	Realistic change rate (Percentages)
2008	388,365	439,464	4.3
2009	400,000	438,099	-0.3
2010	413,000	440,472	0.5
2011	475,740	490,463	11.4
2012	466,243	472,602	-3.6
2013	460,458	459,723	-2.7
2014	457,850	454,954	-1.0
2015	495,830	495,830	9.0

