

The Benefits for Hostile Action Casualties Law

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.

What is Considered an Injury from a Hostile Action?

An injury from a hostile action is one of the following (provided that it was approved by the certifying authority, appointed by the Minister of Defense):

- An injury from a hostile action carried out by enemy forces hostile to Israel, including actions occurring 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 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 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?

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. 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.

The changes made to the Law over the years indicate a trend towards expanding the rights to benefits and additional services, recognizing the eligibility of additional family

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

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

In 2005, two amendments to the Law were passed regarding children who both of their parents died as a result of a hostile action, and in November 2008, an amendment was passed detailing and expanding the eligibility of 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 the age of 37.

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

Types of Benefits

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.

Disability Benefits

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

In addition to the ordinary benefits, special increments are paid to certain groups, such as the increment for the severely disabled, and age-related increments, as well as 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 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 Income** – 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 (in accordance with the 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 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 for Dependents

Benefits 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 increment for children continues to be paid while the child is performing 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, housing loans and grants, help with mobility, housing assistance and marriage grant for orphans.

Grants to Cover Mourning Costs

Grants to cover mourning costs paid to widow/er and bereaved parents; and in their absence, other blood relative 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.

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 over time.

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 confirmed³.

3 Each day from 19.11.08, the day on which rockets were fired in the Gaza Envelope was defined as a separate incident.

In 2009-2010, there was a decrease in the number of hostile actions, but in 2011 and 2012, the number rose again and in 2013 the number declined again. In 2014, as a result of the Protective Edge Operation, the number of incidents and casualties surged to 327 hostile incidents in which 29 were killed and 1,070 injured (in total 1,099 confirmed casualties). In 2015 a decrease was observed in the number of both hostile incidents and casualties, a continued trend in 2016 as well, there were indeed, that year, 55 incidents causing 113 confirmed casualties – 97 were injured and 16 killed.

Table 1

Hostile Actions Confirmed by the Certifying Authority and Hostile Action Casualties, 1947-2016

Year of attack*	Number of incidents**	Total number of confirmed casualties	Injured		Killed	
			Total	Of which: Confirmed	Total	Of which: Confirmed
Total	4,749	15,550	25,918	13,377	2,275	2,173
1947-1957	221	333	168	152	193	181
1958-1976	420	814	529	489	351	325
1977-1993	734	1,239	955	826	434	413
1994-1999	680	1,952	2,007	1,745	213	207
2000-2005	1,067	5,123	8,113	4,318	817	805
2006-2010	762	3,517	8,885	3,384	149	133
2011	108	334	584	315	22	19
2012	126	605	1,244	588	18	17
2013	94	123	139	119	4	4
2014	327	1,099	2,610	1,070	34	29
2015	155	298	463	274	24	24
2016	55	113	221	97	16	16

* 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. 34% of the casualties who received the

benefit in 2015 could not work or function for more than three months because of their injuries, another 26% could not work or function for 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. 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 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 a Medical Treatment Benefit, by
Number of Incapacitated Days, 2016

Incapacitated Days	Total	Casualties	Employers
Total	218	182	36
1-30 days	80	72	8
31-90 days	60	48	12
91 or more days	78	62	16

Recipients of Disability Benefits

In 2016, 4,933 disabled persons received disability benefits on average per month, in comparison with 4,717 in 2015 (Table 3). Most of the increase was at the lower degrees of disability. 50.5% of the recipients of a monthly benefit are men and almost a quarter of the casualties were aged up to 19 (Table 4). Benefit recipients differ from one another in regard to their financial situation following the hostile action: most of them are regular disabled (57%), whereas a minority are needy (3%) or without income (2%) (Table 5).

Table 3

Hostile Action Casualties Who Received a Monthly Disability Benefit (Yearly Average), by Degree of Disability, 2008-2016

Degree of disability	2008	2009	2010	2011	2012	2013	2014	2015	2016
Total	3,564	3,861	4,113	4,217	4,290	4,407	4,526	4,717	4,933
Up to 39	2,625	2,879	3,116	3,216	3,283	3,391	3,504	3,669	3,864
40-49	219	234	238	240	239	245	248	262	273
50-59	272	285	294	294	297	298	299	304	306
60-79	247	259	263	264	267	269	271	276	280
80-99	102	104	105	105	104	101	100	102	103
100	99	100	97	98	100	103	104	104	107

Table 4

Hostile Action Casualties Who Received a Monthly Disability Benefit, by Gender and Age at the Time of the Hostile Action(Percentages), December 2016

Age at time of injury	Total	Men	Women
Total – Numbers	5,022	2,535	2,487
Percentages	100.0	100.0	100.0
Up to 19	23.0	25.1	20.8
20-29	19.1	20.6	17.7
30-44	26.2	27.4	25.0
45-64	26.0	22.7	29.4
65+	5.6	4.1	7.1

Table 5

Hostile Action Casualties Who Received a Monthly Disability Benefit, by Type of Benefit and Amount Paid to Them, December 2016

Type of benefit	Number of recipients	Average actual monthly payment* (current prices, NIS)
Total	5,022	2,413
Ordinary	2,880	2,759
Indigent	163	14,331
No income	89	8,920
Benefit for disabled person who died (36 months)	45	2,454
Benefit for 10%-19% disability	1,845	**

* Including monthly benefits and not including annual benefits.

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

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.

Recipients of Dependents Benefits

The widow/er, children and parents of a person killed in a hostile action are eligible for a dependent's benefit (the number of persons killed since 1947 is shown in Table 1). In December 2016, this benefit was paid to 1,952 families of different sizes for 1,611 deceased – approximately 49% to bereaved parents and 40% to widow/ers with or without children. The average benefit in 2016 ranged from NIS 3,641 for an independent child⁴ to NIS 11,192 for a family consisting of a widow/er with children (Table 7).

Table 6
Fatalities who were Paid Benefits, by Gender and Age at Time of Death (Percentages), December 2016

Age at time of death	Total	Men	Women
Total – Numbers	1,611	1,090	521
Percentages	100.0	100.0	100.0
Up to 18	17.3	13.5	25.3
19-29	22.0	20.7	24.8
30-49	36.3	39.6	29.4
50-64	16.7	17.8	14.4
65+	6.4	7.0	5.2
Unknown	1.2	1.4	1.0

Table 7
Families of Those Killed Who Received Benefits, by Family Composition and Monthly Benefit Amount* (NIS), December 2016

Family composition	Number of families	Monthly benefit amount* (annual average, current prices, NIS)
Total	1,952	8,645
Widow/er without children	105	8,581
Widow/er with adult children	481	9,851
Widow/er with children	201	11,192
Independent orphans	26	3,641
Bereaved parents	954	7,687
Other	185	7,888

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

4 An independent child is a child who receives the benefit for himself. In 2015 the average amount was NIS 5,814, because it included payments of unusual differentials.

Scope of Payments

After a consistent increase in 2008-2010, the scope of payments to hostile action casualties in current prices decreased from 2011 to 2014 and then increased by 9% (Table 8). In 2011, the payments increased significantly in real terms compared to 2010, from approximately NIS 413 million to approximately 476 million – an increase of 11.3%. The increase derived from the Law amendment following to which payments were made retroactively to children who lost both of their parents as a result of a hostile action. In 2016, approximately NIS 506 million were paid to hostile action casualties – a real increase of 2.7% in payments in comparison with 2015.

Table 8
Payments in the Hostile Action Casualties Branch (NIS Thousands), 2008-2016

Year	Current prices	2016 prices	Rate change in real terms (percentage)
2008	388,365	437,069	4.3
2009	400,000	435,712	-0.3
2010	413,000	438,072	0.5
2011	475,740	487,791	11.3
2012	466,243	470,027	-3.6
2013	460,458	457,218	-2.7
2014	457,850	452,475	-1.0
2015	495,830	493,128	9.0
2016	506,220	506,220	2.7

