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GPPi Report

Scoping study: what works in protection and how do we know?

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Acronyms

ADH	Geneva Academy of International Humanitarian Law and Human Rights
ALNAP	Active Learning Network for Accountability and Performance in Humanitarian Action
CRP	Civil Rights Project
DCHR	Danish Centre for Human Rights
DFID	United Kingdom Department for International Development
DG ECHO	European Commission's Directorate-General for Humanitarian Aid
DRC	Democratic Republic of Congo
ERD	Evaluative Reports Database
HD Centre	Centre for Humanitarian Dialogue
IASC	Inter-Agency Standing Committee
ICC	International Criminal Court
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the former Yugoslavia
IDPs	Internally displaced persons
IHL	International Humanitarian Law
LRRD	Linking relief, rehabilitation and development
M&E	Monitoring and evaluation
MSF	Médecins sans Frontiers
NGO	Non-Governmental Organization
NRC	Norwegian Refugee Council
OCHA (UN)	Office for the Coordination of Humanitarian Affairs (UN)
OECD	Organization for Economic Co-operation and Development
OFDA	United States Office of Foreign Disaster Assistance
OHCHR (UN)	Office of the High Commissioner for Human Rights (UN)
R2P	Responsibility to Protect
SGVB	Sexual and Gender-Based Violence
UN	United Nations
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
US	United States
USAID	United States Agency for International Development

Executive Summary

Ever since accountability reforms were folded into the aid sector in the 1990s, humanitarian organizations and the larger relief system have developed and improved their ability to evaluate the impact of their work. Relief organizations have, in general, found it easier to measure the impact of their interventions in relation to material needs than activities geared to enhancing protection. For this reason, this scoping study asks “what works in protection and how do we know?” Three related questions will be discussed in the following order. The first is how to define humanitarian and human rights protection. The second is how to define success for different types of humanitarian and human rights protection interventions. The third question is how to measure the impact of different protection-oriented interventions.

Scope and methods of the scoping study

The primary responsibility for protecting civilian populations from violence and other forms of harm rests with national state authorities (e.g., the police, armed forces or the judiciary), international state actors (e.g. the UN, regional organizations, international justice institutions) and non-state authorities that control territory. A key objective for humanitarian and human rights actors is to change the policies and behavior of such primary “duty bearers” who have or may have a negative effect on civilian safety and well being. But the scope of humanitarian protection organizations is significantly broader. They implement specific measures to mitigate protection risks to communities and affected individuals and deliver specialized services to address the after-effects of violence and other patterns of harm. The research focus of this scoping study is limited to defining and reviewing the effects of different protection activities implemented by humanitarian and human rights organizations. However, while it is not the ambition here to assess the effectiveness of non-humanitarian protection efforts, this report does discuss the potential influence of political and military actors on the larger success or failure of humanitarian and human rights protection.

This scoping study was commissioned by DFID as a desk study and undertaken by a team of two GPPi researchers and one independent consultant. Given that there is great variation in the way ‘protection’ is defined or understood at the operational or program level, the team reviewed 173 documents, including academic works, evaluation reports and other grey literature, such as “how to” handbooks and guidelines, protection standards or policies. This includes 12 articles discussing the effectiveness of interventions in related fields, such as peacekeeping, peacebuilding or child protection in developments settings (see chapter 2). The study also draws on 40 semi-structured interviews with key informants from the UN, the Red Cross/Crescent Movement, non-governmental organizations, academia and Western donor governments.

Summary of protection trends

In the context of humanitarian action,¹ protection was traditionally the preserve of international law specialists and a few organizations mandated by international treaties and United Nations (UN) resolutions. After the end of the Cold War a diverse range of humanitarian and human rights organizations started to deploy staff to emergency settings where they engaged in efforts to enhance the protection of civilians. Today, protection has become an important element of the mission statement of a large number of humanitarian actors. Furthermore, the contextual scope of protection activities has broadened: In the past, only situations of armed conflict were seen as creating protection challenges, whereas now there is an increased recognition of protection needs in disaster settings associated with natural hazard events. Many of the latter also occur in situations of weak or contested governance or armed conflict settings.

However, although there is more attention to protection than before, this scoping study revealed a tendency to consolidation in the protection sector. After more than two decades of continuous expansion of protection activities and multiplication of actors, “the pendulum may be swinging back,” as one interviewee put it. Incorporating protection perspectives into the design and delivery of relief programs is regarded as a minimum obligation by most humanitarian organizations but there is also a growing recognition that only a limited number of actors have the experience and will to engage primary duty bearers (i.e. state forces and armed groups) in a protection dialogue.

Defining success for different types protection interventions

In this study, the term “humanitarian and human rights protection” in emergency settings refers to a set of activities that are concerned with countering violence and other patterns of harm such as sexual exploitation, discrimination, forced displacement and separation of families. Different protection activities are classified into three distinct types of interventions:²

- Protection intervention type 1: Providing remedy to individual victims of harm

1 This report uses the notion of humanitarian action to refer to activities aimed at a) providing material aid and services that are essential to the survival of the civilian population and b) ensuring the physical safety and, more broadly, the respect for the rights of civilian populations in emergency situations arising from armed violence and natural hazard events.

2 This classification, which was developed for the scoping study, draws on a review of guidance material produced by humanitarian and human rights protection actors. See bibliography, annex 2.

This involves delivering material and non-material remedy to victims of violence and other patterns of harm and helping them to gain access to reparation and specialized care (e.g. medical assistance for rape victims, psychosocial counseling, legal aid, family tracing services). Such remedial action is essentially responsive. It attempts to mitigate suffering in emergency situations and does not attempt to reduce the incidence of particular patterns of violence or harm. To measure the effectiveness of such interventions, it is necessary to determine whether they helped to restore the dignity and well being of assisted victims and to prevent further harm.

- Protection intervention type 2: Reducing risk exposure

This involves implementing specific risk mitigating measures to avoid or reduce the immediate exposure of civilian populations to violence and other patterns of harm. Mine-risk awareness campaigns are an example. Protection mainstreaming also falls under this category. Closely related to the “do no harm” principle, protection mainstreaming refers to efforts aimed at incorporating protection concerns into overall relief programming. While preventive in nature, risk-mitigating measures do not seek to address the deeper causes of violence and harm against civilians rooted in the policies or behavior of relevant state authorities or armed groups. Type 2 protection interventions prove successful when they help to reduce the incidence of particular incidents of harm (e.g. sexual violence) or physical injury (e.g. caused by anti-personnel mines) in specific geographic locations.

- Protection intervention type 3: Changing harmful behavior of primary duty bearers

Effective protection goes beyond efforts to reduce risk exposure and remedy the after-effects of sustained harm. It aims to secure an end to ongoing patterns of violence and harm that are detrimental to civilians and to inhibit their future occurrence. To persuade actors engaged in harmful practices to change their policies and behavior, humanitarian and human rights organizations carry out different forms of advocacy. The extent to which private and public advocacy helps to reduce the incidence of patterns of violence and harm in the affected country or sub-national region is the main determinant of success.

The scale of ambition that underlies each intervention varies considerably. For each of the three protection interventions, success is also defined differently. Humanitarian protection initiatives may be highly effective, for instance, in providing specialized care to the victims of violence – and thereby contribute to reduced civilian suffering – but they may fail to eliminate or at least reduce certain risks associated with harmful behavior. Thus, unqualified claims of general “failure to protect” need to be critically examined. Any attempt to determine the relative success or failure of humanitarian and human rights protection needs to distinguish between the three different types of interventions.

What works in protection: key findings emerging from the literature review

The literature review revealed only a few sophisticated attempts at measuring the success of different types of protection interventions. Three main reasons account for the scant evidence on what works in protection across different contexts:

- **Quantity of information:** Reviewed works focus on implementation challenges linked to capacity gaps, coordination issues and other practical matters. Questions of impact are addressed at the margins.
- **Quality:** About half of the different academic works reviewed lack an explicit research design and method, but clarity on design and method is a precondition for generating reliable data.
- **Comparability:** They lack a common conceptual framework to assess success in protection restricts the comparability of the findings that are presented in evaluative reports and scholarly enquiries.

It is generally easier to find negative examples of humanitarian protection efforts than positive ones – a central finding of the review. Analyzing past mistakes may yield important insights on what might work, but it does not provide concrete evidence of the circumstances under which certain types of interventions do prove effective.

Questions for further research

The report concludes with research recommendations based on the review of the literature and consultations with interviewees. The three research questions outlined below have been identified to address the current lack of a common methodology for indicator development and, more generally, to further our understanding about what works in protection:

- What are common protection problems and related modes of action used across different contexts and organizations?
- What are appropriate methods and processes for determining impact and change triggered by different types of protection interventions?
- What are common external factors that enhance or limit the success of different protection interventions across contexts?

Some of the challenges in measuring and attributing success in relation to humanitarian and human rights protection are similar to those encountered in complex

development interventions. Where relevant, the final chapter refers to the wider literature pertinent to this topic and discusses the potential value and relevance of solutions devised for development interventions and related fields, such as international peacebuilding.

1 Introduction

In the context of humanitarian action, protection was traditionally the preserve of a few organizations mandated by international treaties and United Nations (UN) resolutions – the International Committee of the Red Cross (ICRC), the UN High Commissioner for Refugees (UNHCR) and the UN Children’s Fund (UNICEF). Towards the end of the 1990s, the Office of the High Commissioner for Human Rights (OHCHR) started to deploy staff to crisis settings where they also engaged in efforts to enhance protection. Today, protection has become part of the organizational “DNA” of a much larger number of humanitarian actors. In the words of one interviewee, integrating and mainstreaming a protection perspective into all humanitarian operations, including the delivery of relief goods and basic services, “constitutes one of the main achievements of the past decade.”³ Furthermore, the contextual scope of protection activities has broadened: In the past, only situations of armed conflict were seen as creating protection challenges, whereas now there is also an increased recognition of protection needs in natural disaster contexts.⁴

At the same time, this scoping study revealed a certain degree of consolidation in the protection sector. After more than two decades of continuous expansion of protection activities and multiplication of actors, “the pendulum may be swinging back.”⁵ Protection mainstreaming is regarded as an obligation for all humanitarian organizations. But there is a growing recognition that only a limited number of actors have the experience and will to engage in so-called stand-alone protection activities, such as promoting policy and behavioral change among “duty bearers” and addressing the effects of violence and other patterns of harm through specialized care (see section 3.1).

A key concern among practitioners since the early 1990s has been the development of commonly accepted professional standards for humanitarian and human rights protection.⁶ The question of measuring the effects of protection activities is relatively recent. One senior researcher, who was closely involved in the accountability reforms introduced in the humanitarian sector during the 1990s, noted that it took several years until the evaluation community crossed paths with protection actors. The first protection “guide” for humanitarian agencies, which

3 Phone interview with a donor representative, 07/12/2012.

4 In 2011, the Inter-Agency Standing Committee (IASC) issued specific guidelines on *The Protection of Persons in Situations of Natural Disasters*. The 2011 guidelines draw on an earlier IASC document on human-rights based approaches to disaster assistance, published in 2006. Available at <http://ochanet.unocha.org/p/Documents/Operational%20Guidelines.pdf>. Last accessed on 15/12/2012.

5 Phone interview with a researcher, 05/12/2012.

6 The ICRC initiated a dialogue in 1996 in an attempt to share experience among different humanitarian and human rights actors engaged in protection in order to define the meaning of protection and to set professional standards. See Giossi-Caveriasio (2001). *Strengthening Protection in War*.

discusses particular monitoring and evaluation (M&E) challenges in protection, was published only in 2005.⁷ Three years later, the ICRC published a handbook titled *Enhancing Protection for Civilians in Armed Conflict and Other Situations of Violence* with a dedicated chapter on M&E in protection.⁸ At the time of this study's writing, humanitarian and human rights actors were engaged in various initiatives to complement and improve this first generation of M&E guidance. These initiatives focus on the collection of additional best-practice examples of outcome and impact measurement tested at the field-level in recent years (see also section 2.3). They seek to address the current lack of a common methodology for indicator development in protection. Despite continuous efforts to improve the ability to measure the success of protection activities, however, general agreement exists among experts that demonstrating what works in protection remains challenging.⁹ The core task of this scoping study is to identify key obstacles in defining and measuring what works in protection.

This remainder of this report comprises four chapters. Chapter 2 describes the research approach and methods used to gather and analyze data. Chapter 3 presents the conceptual framework of the study that guides the subsequent discussion on the effects of different types of protection interventions implemented by humanitarian and human rights actors. Drawing on academic literature and evaluation reports, chapter 4 provides a summary description of the quantity and quality of available evidence on successful protection interventions. Chapter 5 sketches out three possible questions for further research into the effects of humanitarian and human rights protection.

7 Hugo Slim and Andrew Bonwick (2005). *Protection: An ALNAP guide for Humanitarian Agencies*. Available at <http://www.alnap.org/pool/files/alnap-protection-guide.pdf>. Last accessed on 28/01/2013

8 ICRC (2008). *Enhancing Protection for Civilians in Armed Conflict and other Situations of Violence*. Available at http://www.icrc.org/eng/assets/files/other/icrc_002_0956.pdf. Last accessed on 15/12/2012. Note that the manual is currently being revised.

9 This point was made in all interviews conducted for this study and is supported by the literature reviewed in chapter 4.

2 Research approach and methods used

This scoping study was commissioned as a desk study to be conducted within a total of 55 working days. Its research question asks, “What works in protection and how do we know?” To this end, it identifies a problem that has not been explored in depth – measuring the effects of humanitarian and human rights protection. Among academics, policymakers and practitioners, interpretations vary as to *what* success means for humanitarian protection and *how* it should be measured. An appropriate research approach for an issue not clearly defined is exploratory research.¹⁰ Exploratory research helps to determine the best research design and data collection method for a given research question. The results of a scoping study can inform future research but cannot guide DFID’s policy decisions. To be useful, exploratory research needs a restricted research focus.

2.1 Research focus

While this study focuses primarily on humanitarian protection actors, it also takes account of protection activities by human rights organizations in situations of armed violence and natural disaster. Humanitarian and human rights organizations both seek to change the policies and behavior of actors, whether state or non-state authorities, that have a negative effect on civilian safety and well being, but they use different methods to further their objectives. For example, in relation to advocacy, human rights organizations are typically more outspoken than many relief organizations. In contrast, the development of a confidential dialogue with state and non-state authorities or other concerned actors often constitutes the preferred mode of operation for humanitarian organizations.¹¹ Notwithstanding differing approaches towards promoting policy and behavioral change, lessons learned by human rights organizations working in situations of armed conflict and natural disaster can inform the work of humanitarian actors and vice versa.

The scope of humanitarian protection is much broader than that of human rights organizations engaged in protecting civilians in situations of armed conflict and natural disaster. It goes beyond activities aimed at promoting behavioral change. Humanitarian organizations, for example, often implement specific measures to

¹⁰ Van Evera (1999). *Guide to Methods for Students of Political Science*.

¹¹ Different approaches to dealing with politically sensitive information are rooted in both normative and practical considerations. Disclosing information on patterns of violence into the public domain may compromise the neutrality of humanitarian organizations in the eyes of state and non-state authorities and thereby entail negative operational consequences. Political and military actors may limit physical access for humanitarian organizations to vulnerable populations. Yet, being able to access areas affected by armed violence and natural disaster, including through large-scale relief programs, is a primary objective for humanitarian actors. Speaking out against abuse remains an option of last resort, used only in situations where other forms of private advocacy have failed to produce any results (see also section 4.2).

mitigate protection risks and deliver specialized services to address the after-effects of violence and other patterns of harm. Defining and reviewing the effects of humanitarian and human rights protection efforts specific to humanitarian action is part of the overall research focus of this scoping study.

As a general rule, neither humanitarian nor human rights actors can physically protect civilians from armed violence or other patterns of harm associated with crisis and disaster settings.¹² Rather, they encourage or wait for other (non-humanitarian) protection actors to do so. Under specific circumstances, however, humanitarian organizations may seek a certain degree of collaboration with non-humanitarian protection actors, such as UN peace-enforcement or peacekeeping missions. UN peacekeepers, for instance, may have a role in protecting camps for internally displaced persons from attack. While it is not the ambition here to discuss the effectiveness of such efforts, this scoping study does acknowledge the potential influence of political and military actors on the larger success or failure of humanitarian and human rights protection interventions.

2.2 Research process

The research process was organized around three main steps.

Step 1: Information collection

In line with the terms of reference (see annex 1), this report does not provide a “fully comprehensive systematic review” of the literature but discusses a sample of relevant literature. Chosen works are those that (i) sketch out different modalities of humanitarian protection and (ii) discuss particular challenges of measuring the effects of different protection modalities or humanitarian protection in general. The study draws on information gathered from 173 documents. The list of consulted literature in annex 2 is divided into three thematic sub-categories: evaluation reports, academic literature and other grey literature.¹³ The third category comprises all documents that do not fall within the first two categories: handbooks, protection standards, guidelines, project descriptions, protection policies of donors and operational actors.

12 A 1996 evaluation of the international response to the Rwandan genocide also stresses the fact that humanitarian action cannot substitute for politico-military action. See Eriksson et al. (1996). *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience*. Available at <https://www1.oecd.org/derec/sweden/50189495.pdf>. Last accessed on 07/02/2013.

13 DFID’s operational guidance note *Assessing the Quality of Social Science Research Evidence* uses the term grey literature to refer “to document types produced by government, academics, businesses, organisations and other institutions in formats not controlled by the commercial publishing industry. The latter includes discussion papers, working papers, government ‘white’ and ‘green’ papers, conference proceedings, presentation notes, blogs and other websites and so on,” p.3.

Review of evaluation reports: The Active Learning Network and Accountability Project (ALNAP) served as a main online resource for the identification of reports assessing protection activities. The ALNAP Evaluative Reports Database (ERD) counts some 1,100 “evaluative reports,” such as audits, evaluations, lessons learned and good practice studies.¹⁴ Among these, 136 evaluative reports published since 1990 are tagged “protection, human rights and security.” We classified the 136 documents into four distinct categories: reports with a (i) central, (ii) balanced, (iii) marginal or (iv) no specific focus on humanitarian and human rights protection (see assessment matrix in annex 5). A total of 33 reports with a central focus on protection were reviewed in greater detail for this scoping study. Additional evaluative reports were retrieved from the following online databases: ReliefWeb; online coordination platforms (UN Office for the Coordination of Humanitarian Affairs, IASC, global protection cluster and UN country team online spaces);¹⁵ websites of different humanitarian organizations; think tanks. A total number of 46 evaluative reports have been reviewed.

Academic monographs and research articles: The search for relevant academic literature began with a review of articles from the International Review of the Red Cross, Perspective, Journal of Humanitarian Assistance, Forced Migration Review and Humanitarian Exchange. Searches for relevant monographs and articles were also conducted through Amazon, Google Books, Google Scholar and the online catalogue of the library of the London School of Economics. In total, 58 monographs and academic articles were reviewed (see annex 2). This includes six articles that study the effects of military protection strategies implemented by peacekeeping forces.¹⁶

Semi-structured interviews: The research team conducted 40 semi-structured, open-ended telephone and face-to-face interviews with key informants (interview questions see annex 4). Representativeness served as the main criteria for the selection of interviewees. Interviews were conducted with the following stakeholder groups: (i) UN humanitarian agencies, (ii) the Red Cross/Crescent Movement, (iii) international humanitarian and human rights NGOs engaged in protection, (iv) the UN Office of the High Commissioner for Human Rights, (v) academia and think tanks and (vi) Western donor governments (see annex 3).

14 See ALNAP webpage, <http://www.alnap.org/resources/evaluativereports/types.aspx>. Last accessed on 30/10/2012.

15 UN OCHA (<http://www.unocha.org/>); IASC (<http://www.humanitarianinfo.org/iasc/>); Global protection cluster (<http://www.globalprotectioncluster.org/>). Last accessed on 15/12/2012.

16 See: Punga (2011); Schütte (2011); Kahn, C. (2010); Reich et al. (2009); Waszink (2011); Williams (2010).

Step 2: Assessment of the academic literature

The quality of academic literature was assessed on the basis of the criteria developed in DFID's note *Assessing the Quality of Social Science Research Evidence*. This includes the following criteria and related assessment questions:¹⁷

Principles of quality	Associated assessment question
Openness and transparency	Does the study acknowledge existing research? Does the study construct a conceptual framework? Does the study pose a research question? Does the study outline a hypothesis?
Appropriateness and rigor	Does the study identify a research design? Does the study identify a research method? Does the study demonstrate why the chosen design and method are good ways to explore the research question?
Validity	Has the study demonstrated measurement validity? Is the study internally valid?
Reliability	Has the study demonstrated measurement reliability? Has the study demonstrated that its selected analytical technique is reliable?
Cogency	Does the author "signpost" the reader throughout? Are the conclusions clearly based on the study's results?

Step 3: Identification of priorities for future research

As specified in the terms of reference, one objective of this scoping study was to set out questions for further research with a view to developing solutions to the problem of measuring the effectiveness of humanitarian and human rights protection. Some of the challenges in measuring and attributing success in relation to humanitarian and human rights protection are similar to those encountered in complex development interventions. To assess the value and relevance of solutions devised in related fields, this study reviewed six recent articles on impact measurement in development and peacebuilding.¹⁸ These articles were identified through additional online research, using the same databases as the ones referred to above. In addition to written sources, views gathered through different expert interviews served to identify knowledge gaps and formulate three questions for future research, which are set out in chapter 5.

17 See DFID's note on *Assessing the Quality of Social Science Research Evidence*. p. 7.

18 See: Foglesong (2012); Rogers (2008); Bamberger (2012); Care International UK (2012); OECD (2012); Vogel (2012).

2.3 Limitations

This study encountered four key limitations.

- 1 The criteria included in the DFID note on *Assessing the Quality of Social Science Research Evidence* proved useful to gauge the overall quality of academic literature. Yet, the judgment of whether a certain piece of research meets any, some or all of the quality criteria is subjective. A good way to at least partially counter this limitation is a “four-eyes principle” (i.e. involving a minimum of two people in the assessment). Given the time constraints of the study, this approach could only be applied to a limited degree.
- 2 The main problem emerging from the review of evaluative reports was not only the limited quality of evidence, but the limited quantity of reports seeking to assess impact. Most evaluative reports focus on operational challenges linked to managerial issues, the timeliness of the response, co-ordination and staffing. The question of impact is only addressed at the margins. Chapter 4 will elaborate on this point.
- 3 The study coincided with a number of initiatives aimed at improving M&E in protection. Different humanitarian actors engaged in protection have launched initiatives to gather best practices. Interviewees with protection experts involved in these projects served to gather information on initial findings,¹⁹ but additional knowledge gained through these recent initiatives was only partially available. At the time of writing, for instance, the ICRC was in the process of revising the 2009 Professional Standards on Protection in consultation with a broad array of implementing organizations, research institutes and donors. The new edition is scheduled to be published in April 2013. It will present new ways of measuring outcomes and impact piloted by practitioners in recent years.²⁰ Another project titled “Results-Based Protection” was launched in October 2012 by InterAction’s protection working group. The aim of this initiative is to provide humanitarian practitioners with “guidance on methods and tools to design results-based programs for protective impact.”²¹

19 Note that the global Child Protection Monitoring and Evaluation Reference Group is also in the process of developing operational guidance on ethical data collection on violence against children. See Child Protection Monitoring and Evaluation Reference Group: www.cpmerg.org. Last accessed on 11/01/2013.

20 A draft was reviewed as part of this scoping study (not included in the literature list).

21 One output of the project will be a compendium of best practice examples, including on the design of logical frameworks and indicators in protection. Interaction Project Brief, October 2012, [http://www.interaction.org/sites/default/files/6031/RBA%20Project%20Brief_Final%20\(2\).pdf](http://www.interaction.org/sites/default/files/6031/RBA%20Project%20Brief_Final%20(2).pdf). Last accessed on 13/12/2012.

- 4 The questions raised in the terms of reference are complex and broad (see annex 1). Many interviewees found it difficult to develop their views and answer questions in a single face-to-face meeting or telephone discussions. Some stakeholders asked the team to conduct follow-up interviews. Due to time constraints, only one follow-up group interview was conducted to deepen the discussion on what works in protection.

3 Defining success in protecting civilians

The primary responsibility for protecting civilian populations from violence and other forms of harm rests with state authorities and public administrations, such as the police, armed forces or the judiciary (i.e. primary duty bearers). Non-state armed groups and de facto authorities controlling territory, which are not party to the Geneva Conventions are also bound to respect principles derived from international customary law, such as the need to distinguish civilians from combatants.²²

In case national authorities are unable or unwilling to effectively protect civilians under their jurisdiction, other states that are UN members and parties to the Geneva Conventions or relevant human rights treaties bear protection duties.²³ The responsibility of the international community to step in when other states neglect their protection obligations lies at the heart of the “responsibility to protect” (R2P) – an evolving international norm.²⁴ The R2P concept provides that states have a collective duty to protect civilian populations against genocide, war crimes, ethnic cleansing and crimes against humanity. Since the adoption of R2P at the 2005 UN World Summit, the number of UN peacekeeping missions vested by the UN Security Council with protection mandates has steadily increased.²⁵

In an attempt to end impunity for the most serious crimes committed in situations of armed conflict, states have created so-called ad hoc tribunals, such as the International Criminal Tribunal for the former Yugoslavia (ICTY).²⁶ In 1998, a group of states agreed to set up the International Criminal Court (ICC), which came into being in 2002. As a permanent court, the ICC is mandated to prosecute war crimes, crimes against humanity and genocide. Like national courts and investigation agencies, international justice institutions have a role to ensure the protection of civilian populations. In addition, affected communities frequently play a central role in reducing threats or augmenting their own security.

22 Some specialized NGOs such as Geneva Call engage with non-state armed groups to encourage them to sign “deeds of commitments,” which are derived from international law (e.g. for adherence to the ban on landmines). Available at <http://www.genevacall.org/resources/deed-of-commitment/f-deed-of-commitment/doc.pdf>. Last accessed on 15/12/2012.

23 ICRC (2009), *Enhancing Protection for Civilians in Armed Conflict and other Situations of Violence*. Geneva: International Committee of the Red Cross, p. 29. Available at http://www.icrc.org/eng/assets/files/other/icrc_002_0999.pdf. Last accessed on 15/01/2013.

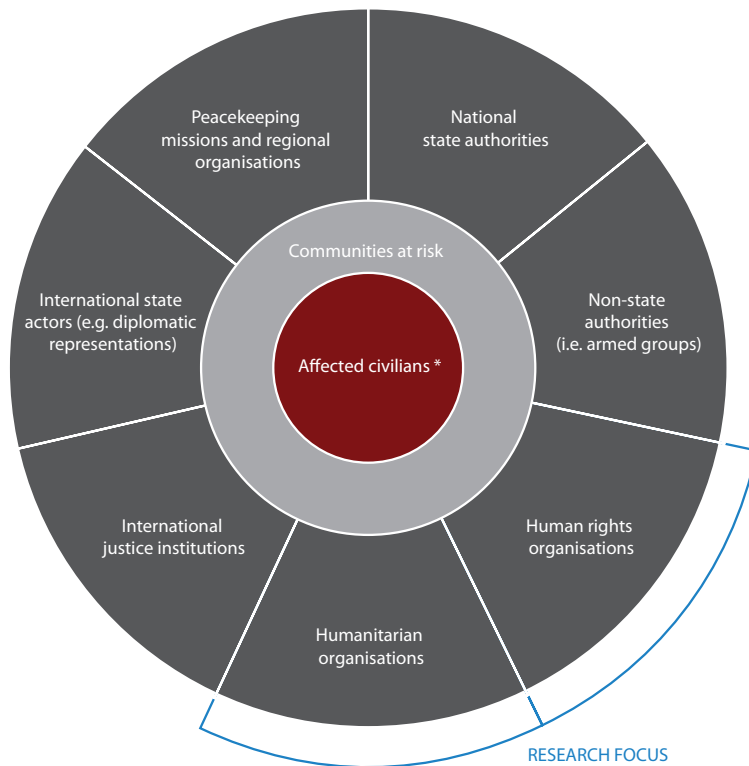
24 The document outlining the R2P concept, which was presented at the high-level plenary meeting of the 60th session of the General Assembly in September 2005, is available at: <http://www.un.org/summit2005>. Last accessed on 16/01/13.

25 According to Gentile, former head of the ICRC’s protection department, the proliferation of multilateral military missions with a specific protection mandate constitutes a key development affecting the protection architecture since 2009. See podcast interview available at <http://intercrossblog.icrc.org/blog/washington-revising-standards-protection-work>. Last accessed on 10/12/2012.

26 The ICTY was established by the Security Council in 1993 as a UN body.

Humanitarian and human rights actors operate alongside this diverse range of political, military and judicial actors drawing on complementary legal mandates and distinct organizational means and resources. This complex constellation of national and international actors with protection responsibilities can be referred to as the global protection architecture.²⁷

THE GLOBAL PROTECTION ARCHITECTURE



* Note: Protection also includes activities in support of people deprived of freedom (e.g. prisoners of war, security detainees) and missing persons. Due to practical considerations (time constraints and limited availability of literature on the impact of, for instance, humanitarian activities carried out inside detention facilities), the focus of this scoping study is restricted to protection of civilians.

Source: GPPI

To assess what humanitarian and human rights organizations can realistically achieve within the context of the global protection architecture, it is necessary to clarify both the particular meaning and the limits of humanitarian and human rights protection.

27 ICRC (2009) *Protection Standards*. See: http://www.icrc.org/eng/assets/files/other/icrc_002_0999.pdf, p. 29.

3.1 What is humanitarian and human rights protection?

During a series of workshops hosted by the ICRC between 1996 and 2001, humanitarian and human rights actors defined protection as “all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law (i.e. human rights law, international humanitarian law and refugee law).”²⁸ Later adopted by the Inter-Agency Standing Committee (IASC), this definition has been subject to controversial debate. The ICRC/IASC definition allows for conflicting interpretations regarding the scope of humanitarian and human rights protection. The inclusion of human rights law in particular makes it difficult to distinguish protection from other humanitarian activities aimed at providing material assistance to civilian populations in situations of armed violence or natural disaster. Many relief actors are of the view that almost any relief activity can be linked to the realization of human rights. Emergency food distributions and primary health care projects, for instance, enable civilians to enjoy their right to adequate food and health care.²⁹ One of the challenges that arise from such a broad definition is that protection becomes indistinguishable from human rights-based development programming. In fact, some humanitarian agencies label anything they do as protection.

Despite its generally acknowledged shortcomings, the ICRC/IASC definition continues to be used by humanitarian actors consulted for this scoping study as their formal definition. Interviewees agreed that humanitarian and human rights protection should be grounded in law but needs to be translated into operational programs. To clarify the practical meaning and scope of protection, practitioners have developed activity-based definitions of humanitarian and human rights protection. Which programs or projects deemed protection interventions continues to vary across organizations.³⁰ Yet, despite differing interpretations regarding selected thematic areas, an overall consensus has emerged in recent years as to what constitutes core protection activities.

The 2011 *Sphere Handbook* considers protection and assistance as two distinct though closely related, interdependent dimensions of humanitarian action.³¹ In

28 Giossi-Caveriasio (2001). *Strengthening Protection in War*, p. 19.

29 The International Covenant on Economic, Social and Cultural Rights (ICESCR) recognizes the right to adequate healthcare, food and freedom from hunger as fundamental rights.

30 For instance, “mine action” is part of the global protection cluster, whereas some agencies view it as a distinct technical activity.

31 The Sphere Project (2011). *Humanitarian Charter and Minimum Standards in Humanitarian Response*. Available at <http://www.spherehandbook.org/en/how-to-use-this-chapter-5/>. Last accessed on 15/01/2013. Note that the conceptual separation of humanitarian relief assistance from protection predates the revised 2011 Sphere handbook. The distinction is reflected in the doctrine and operational guidance, for instance, of the ICRC and the UNHCR. See Forsythe (2001). *Humanitarian protection: The International Committee of the Red Cross and the United Nations High Commissioner for Refugees*.

line with this understanding, this study uses the term *humanitarian and human rights protection* to refer to a specific set of activities addressing violence and other patterns of harm such as sexual exploitation, discrimination against marginalized groups, forced displacement and separation of families. Based on existing guidance produced by humanitarian and human rights protection actors, protection activities can be classified into three distinct types of interventions:³²

Protection intervention type 1: Providing remedy to individual victims of harm (remedial action)

Humanitarian protection actors aim to provide material and non-material remedy to victims of violence and other patterns of harm by helping them to gain access to reparation and specialized care (e.g. medical care for rape victims or psycho-social counseling). Some humanitarian organizations deliver specific protection services that address non-medical consequences of violence and harm. Child protection agencies, for instance, seek to reunify unaccompanied minors with their families through so-called tracing activities. Remedial action also includes legal support services to displaced, returnees and other vulnerable groups who seek access to housing, land, other lost property and reparation in general.³³

To measure the success of remedial action, it is necessary to determine whether different services helped to restore or at least enhance the dignity and well-being of civilian victims. Remedial action is essentially responsive. It addresses civilian suffering in emergency situations and does not attempt to reduce the incidence of particular patterns of violence or harm.

Protection intervention type 2: Reducing risk exposure

Humanitarian organizations also implement specific measures to avoid or at least reduce the immediate exposure of civilian populations to violence and other patterns of harm (e.g. sexual violence or negative discrimination during the selection of beneficiaries). Protection mainstreaming efforts fall under this category. Protection mainstreaming refers to an activity or process by which humanitarian actors address protection concerns in the context of their overall assistance program design and delivery.³⁴ This means, for instance, that practitioners involved

32 Operational standards, policies and “how to” guidance reviewed for this study are included under the sub-category “other grey literature” included in the literature review (see annex 2).

33 For additional information on legal support activities provided by the Norwegian Refugee Council (NRC) in emergencies linked to armed violence and natural hazard events, see *NRC’s Core Activity Policy Document* available at: http://www.nrc.no/arch/_img/9567626.pdf. Last accessed on 18/01/2013.

34 See World Vision (2012). *Minimum Inter-Agency Standards for Protection Mainstreaming*. Available at http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_3752.pdf. Last accessed on 15/01/2013. The notion of protection mainstreaming has become part of the standard vocabulary of most operational actors. Some donors require their partners incorporate or mainstream measures that address protection concerns into all their operations. The October 2012 edition of the USAID/OFDA funding guidelines, for instance, introduced specific guidance for protection mainstreaming for different sectors and “requires all proposals to address protection issues and concerns in each sector.”

in the design and implementation of a water distribution project need to ensure that, among other things, water distribution points are located in areas where women do not run into additional risks of sexual violence.³⁵ Protection mainstreaming is closely linked to the “do no harm principle.”

Humanitarian organizations also implement protection activities to enable affected communities to cope with specific protection risks on their own. A common example of community-based protection activities are mine-risk awareness programs. These programs seek to sensitize communities to threats from anti-personnel mines and help them develop effective coping mechanisms. As mentioned by one interviewee, helping civilians to protect themselves – which used to be a niche activity – has become an increasingly important element of humanitarian protection.³⁶

Different activities that aim to reduce risk exposure have a clear preventive dimension. When successful, they help to reduce the incidence of particular patterns of harm (e.g. sexual violence) or physical injury (e.g. caused by anti-personnel mines) in predetermined geographic locations, such as different program implementation sites (e.g. refugee camps and mine-infested areas). While preventive in nature, these activities do not seek to address the deeper causes of violence and harm against civilians rooted in the behavior of primary duty bearers (i.e. states and non-state authorities). They will not reduce the predisposition among certain actors to perpetrate violence and harm against civilians. Rather, the ambition behind remedial action is to (a) help civilian avoid certain risks and (b) avoid contributing to further harm through “bad” programming.

Protection intervention type 3: Changing harmful behavior of primary duty bearers

Protection goes beyond efforts to reduce risk exposure and address the after-effects of sustained harm. It includes putting an end to ongoing violence and harm against civilians and preventing their future occurrence. To persuade actors engaged in harmful practices to change their policies, administrative practices and behavior that negatively affect civilian safety and well being, humanitarian and human rights organizations carry out different forms of advocacy or other activities to promote change. This may include, for instance, public communication campaigns to denounce non-discriminatory military tactics that cause civilian death or suffering. It also covers legal training as well as confidential discussions with state and non-state authorities on specific violations of International Humanitarian Law and other bodies of relevant law.

35 Depending on the context, it may require the transportation of water from the point of extraction (e.g. wells or spring catchments) to the intended users (i.e. target populations or beneficiaries).

36 Community-based, local approaches to protection are particularly important in contexts where humanitarian actors are unable to maintain a regular presence, for instance, due to security restrictions or access barriers imposed by government authorities.

The target population of different advocacy efforts are primary duty bearers in the outer circle of the global protection architecture diagram: states and non-state authorities exerting de-facto control over territory and civilian populations. Activities aimed at promoting behavioral change do not “merely” seek to reduce risk exposure of certain communities through protection-sensitive relief programming or the implementation of different mitigating measures. Rather, their ambition is to eliminate or at least reduce certain risks associated with harmful behavior. The extent to which different advocacy and negotiation efforts help to reduce the incidence of addressed patterns of violence and harm is the main determinant of success.

This report refers to these three types of activities as “protection interventions” (see table next page). Activities implemented as part of different interventions may be closely related and interdependent. For instance, humanitarian organizations may facilitate access to specialized health care for rape victims while implementing activities aimed at changing harmful policies and behavior (e.g. documenting and presenting cases of rape to the leadership of armed organizations perpetrating sexual violence). Yet, from an analytical perspective, the distinction between the three interventions is important for several reasons. First, the three types of interventions require entirely different skill sets to ensure adequate program design and implementation. Second, as explained above, the scale of ambition underlying each intervention varies considerably. Third, for each of the three protection interventions, success is defined differently. For instance, humanitarian protection actors may be highly effective in providing specialized care to the victims of violence – and thereby contribute to reduced civilian suffering – but they may fail to eliminate or at least reduce certain risks associated with harmful behavior. Thus, unqualified claims of general “failure to protect” need to be critically examined. Any attempt to determine the relative success or failure of humanitarian and human rights protection needs to distinguish between the three different types of interventions.

THREE TYPES OF PROTECTION INTERVENTIONS

Type of intervention	Examples of activities	Target population
1. Providing redress to victims	<p>Facilitate access to specialized care and welfare entitlements</p> <p>Trace family members of children separated by armed conflict and natural hazard</p> <p>Provide legal counseling for victims claiming reparation and access to lost property</p> <p>Help victims access welfare entitlement through orientation and liaison with public and private service providers</p>	Individual victims of violence and other patterns of harm
2. Reducing risk exposure	<p>Install adequate lighting in camp sanitation facilities to reduce risk of rape</p> <p>Conduct mine-risk awareness campaigns and help communities cope with risks from unexploded ordnance</p> <p>Support establishment of early-warning systems</p> <p>Disseminate information about natural hazards and other types of protection risks</p>	Communities and social groups (e.g. women, children) at risk
3. Changing harmful behavior	<p>Systematic documentation of protection “incidents”</p> <p>Raise awareness of particular patterns of harm through public advocacy messages/campaigns</p> <p>Develop a confidential dialogue with members of state security forces and armed groups, including through written representations</p> <p>Implement legal trainings with armed actors to increase awareness of their obligation to protect civilians from violence and harm</p>	Primary duty bearers (states and non-state authorities)

3.2 What are the limits of humanitarian and human rights protection?

In *The Politics of Humanitarian Protection*, Ferris (2011) critically reviews humanitarian protection interventions.³⁷ She recognizes positive results achieved by certain organizations in specific contexts, but her overall assessment of humanitarian protection efforts remains predominantly negative. Ferris stresses that humanitarians are unable to directly stop physical violence against civilians. She argues for a hu-

manitarian protection paradigm “grounded in humility and the realization that humanitarians cannot and should not be expected to physically protect people.”³⁸

Ferris’s critique is not a radical assertion. Calls for humanitarian organizations to acknowledge the limits of their protection interventions are widespread in the literature.³⁹ Consider the following quote from the ICRC Protection Standards:

The scope of the protection work of humanitarian and human rights actors has its limits. Protection actors must therefore take into account the roles, responsibilities and expertise of other actors when planning and implementing activities. Assessing which of these actors is best positioned to procure a certain type of impact also requires some degree of interaction, and a will to identify and encourage positive synergies.⁴⁰

Attempts to determine the impact of any intervention requires a careful appreciation for the influence of other actors on documented results.⁴¹ A central proposition of this report is that the success of humanitarian and human rights protection, particularly type 2 and 3 interventions aimed at mitigating risks and promoting behavioral change, cannot be assessed in isolation from the wider protection architecture. In many contexts, positive and negative change generated by humanitarian and human rights protection actors is intrinsically linked to external factors outside their influence. The activities, attitudes and interests of political, military and judicial actors may both enhance or limit the effects of protection interventions carried out by humanitarian and human rights actors. As will be shown in the following chapter, limited recognition for contextual factors in the literature is a key limitation when trying to gather empirical evidence on successful humanitarian and human rights protection.

38 Idem, p. 274.

39 Médecins Sans Frontiers (MSF) executive director, Marc Dubois, for instance, writes that humanitarians need to realize “that with important (though comparatively insignificant) exceptions, protection (in the sense of providing physical safety) of civilians during periods of violent crisis is not our job.” This view largely reflects that of the different protection experts interviewed as part of this scoping study. See Marc Dubois (2009). *Protection: the new humanitarian fig-leaf*, p. 2. Available at http://www.urd.org/IMG/pdf/URD_HEM_2_UK.pdf. Last accessed on 15/12/2012.

40 ICRC (2009), supra note 20, p. 33.

41 This scoping review uses the OECD Development Assistance Committee definition of impact: positive and negative, primary and secondary long-term effects produced by an intervention, directly or indirectly, intended or unintended. Available at: <http://www.oecd.org/dac/evaluationofdevelopmentprogrammes/dcdndep/evaluatingdevelopmentimpacts.htm>. Last accessed on 24/01/2013.

4 What does and does not work in protection: the evidence base

This review of empirical evidence concerning the impact of humanitarian and human rights protection draws on academic research, evaluative reports and other grey literature (see chapter 2 for additional details). It is easier to find negative examples of humanitarian protection efforts than positive ones – a central finding of the review. Three main reasons account for the scant evidence on what works in protection across different contexts:

- 1** *Quantity of information:* Evidence provided in evaluative reports and policy-oriented research remains scattered and scarce as only a limited number of successful protection interventions in any given country are documented. Most of the evaluative reports discuss implementation challenges linked to capacity gaps, coordination issues and other practical matters. If at all, questions of impact are addressed at the margins.
- 2** *Quality:* About half of the different academic works reviewed lack an explicit research design and method. Yet, clarity on design and method is a precondition for generating reliable and comparable data. In addition, evaluations that actually look at impact generally do not report against quantitative and qualitative indicators included in logical frameworks underlying interventions under review. It is not clear whether indicators included in logical frameworks are inappropriate for measuring impact or whether M&E systems failed to collect relevant data.
- 3** *Comparability.* The way the reviewed evaluations and scholarly enquires are designed restricts the comparability of their findings. They lack a common conceptual framework to assess success in protection. This makes it difficult to aggregate findings and draw general conclusions applicable to other interventions in different geographic locations and thematic areas (this point will be further elaborated in section 5.1).

4.1 Summary of findings generated through the literature review

A key limitation inherent to evaluative reports assessed for this scoping study is the lack of reliable data on overall protection trends. This is particularly evident in the area of sexual and gender-based violence (SGBV). Without basic information on patterns of SGBV, it is impossible to assess the impact of efforts aimed at eliminating or mitigating the risk of rape and other forms of sexual violence (in-

tervention type 2 and 3). The independent *Evaluation of DG ECHO's Actions in the Democratic Republic of the Congo* serves to illustrate these constraints.⁴² The evaluation report includes a special section on SGBV, which starts with an assessment of general trends using data received from referral centers and hospitals, academic research projects and newspaper articles. Despite the variety of sources consulted, the evaluation concludes that the quality and quantity of available data remain insufficient to adequately assess the effects of the “SGBV response by the international community”:

The first limitation is the lack of systematic and reliable data of the phenomenon and its contributing factors. This affects the eventual dimension and adequacy of the response, the necessary adaptation to different contexts and profiles of SGBV. [...] DG ECHO is clearly advocating for this deficit of data to be addressed, and the evaluation was unable to uncover why the UN mandated agency (UNFPA) does not invest more resources and capacity to address the issue.⁴³

Another limitation emerging from the reviewed literature relates to the scope of evaluations. The reports tend to limit their analysis to operational gaps and questions of process and efficiency rather than effectiveness and impact.

Legal support to victims of violence and harm (intervention type 1)

Interventions that seek to provide remedy to past violence and harm through reparation and rehabilitation include the provision of legal support and other services helping individual victims to access specialized services (e.g. health care and family tracing services), other welfare services and reparation (see section 3.1). The ALNAP Evaluative Report Database comprises two reports that assess legal aid programs implemented by the Norwegian Refugee Council (NRC) in former Yugoslavia (2002) and Sri Lanka (2008).⁴⁴ Both programs aimed to support IDPs and other vulnerable individuals to claim their rights and entitlements, primarily with regard to access to land and property.⁴⁵ One additional report discusses a UNHCR program designed to help urban refugees in India, Yemen and

42 DARA (2010). *Evaluation of DG ECHO's Actions in the Democratic Republic of the Congo*. Available at: http://reliefweb.int/sites/reliefweb.int/files/resources/D31C17D7846B54A9492577D8001A35A1-Full_Report.pdf. Last accessed on 12/12/2012.

43 Idem, p. 65.

44 Kerrigan et al. (2002). *Legal Aid Against the Odds Evaluation of the Civil Rights Project (CRP) of the Norwegian Refugee Council in former Yugoslavia*. DCHR, T & B Consult. Available at <http://www.alnap.org/pool/files/erd-3143-full.pdf>. Last accessed on 24/01/2013.

45 Asiimwe (2008): *NRC Sri Lanka: promoting the rights of displaced persons through legal aid information, counselling and legal assistance programme in Sri Lanka*. Available at <http://www.alnap.org/pool/files/erd-3607-full.pdf>. Last accessed 28.01.2013. For additional information on these activities see NRC Core Activity Policy Document available at: http://www.nrc.no/arch/_img/9567626.pdf. Last accessed on 18/01/2013.

Egypt access social services and claim other legal entitlements.⁴⁶ Impact is not a central element of these three reports.⁴⁷ Their main focus is limited to analyzing challenges linked to program management, coordination and implementation.

Family tracing in emergency contexts (intervention 1)

The number of relevant reports in the ALNAP database is equally limited with respect to family tracing activities. Only two evaluations assess tracing programs, a standard protection activity. This includes a 2003 review of the “Sub-Regional Separated Children Programme” implemented in several West African states. The document does not analyze the larger impact of the program on the target population. A more recent report produced by Save the Children identifies gaps in the protection of children following the Indian Ocean Tsunami.⁴⁸ It provides ample quantitative data from Aceh Province in Indonesia, South India and Sri Lanka on the tsunami’s impact on children, focusing on the separation of family links. Like the 2003 review of the child-related protection interventions in West Africa, it does not provide an in-depth analysis of the impact of the family tracing activities.

The ALNAP database does not include any other evaluations that analyze the impact of child reunification activities in a systematic manner, for instance through a comparative analysis of different programs implemented in different contexts. Web-based resources yielded only one additional result. A Save the Children report titled *Misguided Kindness: Making the Right Decisions for Children in Emergencies* discusses, among other things, reunification of children and families in emergencies.⁴⁹ The report draws attention to potential negative impact of child protection programs, such as putting up orphans for adoption who actually still have families that would be willing to take care of them. It offers relevant insights into what does not work in protection rather than provide evidence of success.

Other evaluative reports review several programs or projects that fall under intervention type 1. A meta evaluation assessing activities implemented by UNICEF and its partners between 2002 and 2007 under the Protective Environment Framework addresses the following protection concerns: violence against chil-

46 Umlas (2011). Cash in hand: Urban refugees, the right to work and UNHCR’s advocacy activities. <http://www.unhcr.org/4dc7f82c9.html>. Last accessed 28/01/2013.

47 The NRC report, which is a mid-term review, states that the provision of legal aid enabled 34,000 IDPs to access official documents (such as birth or death certificates), thereby increasing their opportunities to seek remedies to sustained harm. Yet, the review does not provide a detailed assessment of whether and how official documents helped individuals to actually claim their rights, p. 42, supra note 40.

48 Dunn, Parry-Williams & Petty (2006). *Picking up the pieces: Caring for children affected by the Tsunami*. Available at <http://www.alnap.org/pool/files/795.pdf>. Last accessed on 20/01/2013.

49 Save the Children (2010). *Misguided Kindness: Making the Right Decisions for Children in Emergencies*, chapter 3. Available at http://www.savethechildren.org.uk/sites/default/files/docs/Misguided_Kindness_3.pdf. Last accessed on 18/01/2013.

dren, child labor, juvenile justice reform, trafficking, discrimination and support for children deprived of parental care;⁵⁰ chapter 10 of the evaluation report looks at different child protection activities in emergencies:

- Protection and care of separated/unaccompanied children and children associated with armed groups.⁵¹
- Psychosocial support interventions.⁵²

The evaluation summarizes implementation gaps and other operational challenges related to these two programs. It does not assess their impact in different country contexts. The overall conclusion of the report is that the available evidence on the impact of different activities implemented under the Protective Environment Framework “is largely atemporal and ad hoc: approximately 64% of the reports [assessed] have no longitudinal data and 80% lack sampling plans.”⁵³

Protection mainstreaming and community-based protection (intervention type 2)

This scoping study reviewed two evaluative reports and two academic articles that are directly linked to intervention type 2: a 2001 evaluation of a firewood distribution project in Dabaab, Kenya;⁵⁴ a 2009 inter-agency evaluation of community-based child protection mechanisms;⁵⁵ a study on protection and livelihoods drawing on empirical evidence gathered in Darfur, Chechnya, Sri Lanka and the Occupied Palestinian Territories;⁵⁶ and a study exploring positive “field examples” of protection interventions carried out by humanitarian organizations

50 UNICEF (2008). *Child Protection Meta-Evaluation*. Available at http://www.unicef.org/protection/Final_CP_meta_Eval_15_May08.pdf. Last accessed on 15/12/2012.

51 Idem, p. 120.

52 Idem, p. 121.

53 Idem, p. 16.

54 UNHCR (2001). *Evaluation of the Dabaab firewood project, Kenya*. Available at <http://www.alnap.org/resource/2953.aspx>. Last accessed on 15/01/2013.

55 Wessels (2009). *What Are We Learning About Protecting Children in the Community?* Available at <http://childprotectionforum.org/wp/wp-content/uploads/downloads/2012/05/What-We-Are-Learning-Full-Report.pdf>. Last accessed on 15/12/2012.

56 Jaspars and O’Callaghan (2010). *Challenging choices: protection and livelihoods in conflict: Case studies from Darfur, Chechnya, Sri Lanka and the Occupied Palestinian Territories*. Available at <http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/6008.pdf>. Last accessed on 15/12/2012. For another research paper discussing the connections between livelihoods and protection, see Narbeth & McLean (2003). *Livelihoods and protection Displacement and vulnerable communities in Kismaayo*. Available at <http://www.odihpn.org/hpn-resources/network-papers/livelihoods-and-protection-in-kismaayo-somalia>. Last accessed on 15/01/2013.

to support local capacities for “self-protection.”⁵⁷ They all present little quantitative data on the impact of these activities. For instance, in their study on Darfur, Chechnya, Sri Lanka and the Occupied Palestinian Territories, Jaspars and O’Callaghan (2010) give some examples of field situations where the integration of protection and livelihood activities helped to reduce the risk exposure of particularly vulnerable communities. However, the evidence provided on the effectiveness of these activities is usually limited to the perception of “some” or even “one” member of the targeted group. Moreover, the examples of self-protection by Berry and Reddy (2010) remain largely descriptive, providing little evidence on impact. The 2009 report on community-based child protection states that available quantitative data “were typically for output or process indicators”; the overall evidence regarding the impact of child-focused community groups is described as “largely anecdotal, impressionistic, unsystematic, and underdeveloped.”⁵⁸

Changing harmful behavior (intervention type 3)

Acknowledgment of failure is a central thread running through the literature concerned with efforts aimed at changing harmful behavior by promoting the respect for relevant bodies of international law. While looking at the application of international law in Sudan prior to the secession of the South, Zaat (2006) analyzes the effects of humanitarian and human rights advocacy on the IDP policies of the Sudanese authorities. She concludes that the Government of Sudan consistently failed to meet its obligations to protect IDPs.⁵⁹ More recently, the case of Sri Lanka has drawn considerable international attention following the leak of a UN report that pointed to a “systemic failure” in protecting civilians during the last months of the armed conflict in 2009 between the Sri Lankan government and the Tigers of Tamil Eelam (LTTE).⁶⁰ A review of the humanitarian response during the same period, which was commissioned by NRC, supports this conclusion.⁶¹ It criticizes the decision taken by NRC and other humanitarian organizations (e.g. UNHCR, UNICEF and Oxfam) to assist the war’s survivors held in government-controlled closed camp internment conditions. According to the evalu-

57 Berry and Reddy (2010). *Safety with Dignity: Integrating Community-based Protection into Humanitarian Programming*. Available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/0115AB92A180B1864925770B00219C33-networkpaper068.pdf>, last accessed on 15/12/2012.

58 Wessels (2009), p. 38, supra note 51.

59 Zaat (2006). *The Protection of Internally Displaced Persons in the Sudan: Applying International Law at the Field Level*, p. 29. Available at <https://sites.tufts.edu/jha/archives/25>. Last accessed on 15/12/2012.

60 BBC News (13 November 2012). *UN 'failed Sri Lanka civilians', says internal probe*. Available at <http://www.bbc.co.uk/news/world-asia-20308610>. Last accessed on 15/12/2012.

61 Nash (2012). *Protecting or Facilitating: A review of the humanitarian response to IDP detention in Sri Lanka, 2009*, http://www.fieldviewsolutions.org/fv-publications/Protecting_or_Facilitating-Sri_Lanka_2009.pdf. Last accessed on 15/12/2012. This is an interesting but rare example of an independent report on the mistakes made in a particular context, which was commissioned and published by an operational actor. Note that specific conclusions drawn from the NRC experience in Sri Lanka are summarized in an internal report, which was shared mid-2012 with a restricted number of recipients.

ation, by providing assistance, humanitarian organizations “legitimized” unlawful government practices of interning people in closed camps, where they were subjected to interrogation and torture and some were taken away and killed. It was only after some donors decided to no longer fund food assistance to the internees in October 2009 that political advances were made toward restoring the freedom of movement of civilians confined in government camps.⁶² The NRC case study adds to the existing body of evidence of failure. Analyzing past mistakes may yield important insights on what *might* work, but it does not enhance our knowledge of the circumstances under which certain types of interventions do work.

To understand what humanitarian and human rights protection actors can achieve within the generally recognized limits of their potential influence, this scoping study looked at other bodies of literature, such as policy-oriented publications on mediation and humanitarian engagement with non-state armed groups. One report published by the Geneva Academy of International Humanitarian Law and Human Rights (2011) discusses protection interventions that promote the respect for basic humanitarian principles and human rights among armed non-state authorities.⁶³ It includes several best practice examples of successful engagements, for instance by the Humanitarian Dialogue (HD) Centre in Darfur: Following direct negotiations in 2008 and 2009 between UNICEF and representatives of Darfur opposition movements, which were facilitated by the HD Centre, the Justice and Equality Movement signed a memorandum of understanding on the protection of children in July 2010. This is the only publicly available report included in the literature review, which assesses the effects of confidential humanitarian negotiations (i.e. private advocacy).

This scoping study found two articles that show that exposing particular patterns of harm through evidence-based reporting can have a positive impact. Looking at the case of Afghanistan, Niland (2008) argues that a systematic investigation, analysis and reporting of incidents involving civilian casualties, coupled with discrete diplomacy with both groups of warring parties and other concerned actors including politicians helped to reduce the impact of the war on the Afghan population.⁶⁴ This initiative was launched in 2008 by the Human Rights Unit of the UN Assistance Mission to Afghanistan. Though civilian casualties continued to increase, they did not keep pace with a surge in warfare.⁶⁵ Another research arti-

62 Nash (2012), *idem*, p. 9.

63 ADH (2011). *Rules of Engagement Protecting Civilians through Dialogue with Armed Non-State Actors*. Available at: http://afg.humanitarianresponse.info/sites/default/files/Rules_of_Engagement_Protection_Civilians_through_Dialogue_with_armed_non-state_actors.pdf, last accessed on 15/12/2012.

64 Niland (2010). *Protective Space and Civilian Casualties: Insights from Afghanistan*. Note that as head of the UNAMA Human Rights Unit, Norah Niland was directly involved in this initiative. She also contributed to this scoping study.

65 For a detailed analysis of the impact of the war on the civilian population see for instance UNAMA (2010). *Annual Report on Protection of Civilians in Armed Conflict*. Available at <http://unama.unmissions.org/Portals/UNAMA/human%20rights/March%20PoC%20Annual%20Report%20Final.pdf>. Last accessed on 15/01/2013.

cle by Barnett and Jefferys (2008) analyzes how the initiation of the UN's Monitoring and Reporting Mechanism (MRM) contributed to a reduction in child recruitments by armed actors in three countries under review (DRC, Côte d'Ivoire and Nepal).⁶⁶

The search for human rights literature concerned with the dynamics of policy and behavioral change in situations of armed violence yielded two additional works. Both provide an in-depth analysis of the impact of evidence-based protection efforts aimed at changing harmful behavior. The documents analyze efforts by the Office of the UN High Commissioner for Human Rights (OHCHR) in Colombia to expose extrajudicial executions by Colombian armed forces. One of them was written by Salazar-Volkman, who was the director of the OHCHR's office in Colombia from 2009 to 2012.⁶⁷ The second work is a book by Mahony and Nash (2012), who offer a more independent perspective.⁶⁸ In chapter 7, Mahony and Nash present a detailed case study of OHCHR's efforts to reduce the number of extra-judicial killings in Colombia (see text box).

THE "FALSOS POSITIVOS" SCANDAL

Following an aggressive and partly effective military campaign launched by the Colombian Army in 2002 to regain control over territory dominated by different guerrilla forces, Colombia witnessed a stark increase in extrajudicial killings. Government forces captured and killed civilians and presented them as guerrilla fighters "killed in combat." The widespread practice of unlawful killing was known as "false positives" or "falsos positivos." Systematic documentation by human rights and humanitarian organizations of disappearances and executions resulted in a criminal investigation in 2009. As a consequence, 28 military officers were fired, including the commander general of the Colombian army.

The response to extrajudicial killings in Colombia is a rare example of a well-documented, effective protection intervention aimed at eliminating and preventing violence against civilians through the promotion of policy and behavioral change.

66 Barnett & Jefferys (2008). *Full of promise: How the UN's Monitoring and Reporting Mechanism can better protect children*.

67 Salazar-Volkman (2012). *Evaluating the Impact of Human Rights Work: The Office of the United Nations High Commissioner for Human Rights and the Reduction of Extrajudicial Executions in Colombia*.

68 Mahony and Nash (2012). *Influence on the Ground: Understanding and Strengthening the Protection Impact of United Nations Human Rights Field Presence*. The report was financed by the UN Office of the High Commissioner for Human Rights (OHCHR), the governments of Switzerland, Denmark and the United Kingdom. Available at: http://www.fieldviewsolutions.org/fv-publications/Influence_on_the_Ground.pdf, last accessed on 15/12/2012.

It is interesting to note in this respect that the first cases of extrajudicial killings linked to the “falsos positivos” scandal were documented as early as 2004.⁶⁹ It took human rights and humanitarian organizations more than five years to generate positive change and end or limit impunity. This shows that measuring success for protection interventions can require a large time frame far beyond single project cycles. Still, all evaluative reports reviewed look at much shorter timeframes.

One important limitation of the study by Mahony and Nash on extrajudicial killings relates to the wider applicability of their findings beyond the particular context of Colombia. The authors do not provide an in-depth analysis of various factors that may have influenced the decision of the Colombian government to hold responsible army officers to account. Mahony and Nash attribute success primarily to the work of the OHCHR. They acknowledge the role of national human rights organizations, but parallel efforts made by other international actors are only discussed at the margin. The OHCHR maintains only a comparably small and relatively recent field presence in Colombia. Other organizations with a protection mandate, such as the ICRC, established a much larger field presence long before the OHCHR opened its office in 1996.⁷⁰ Perhaps most importantly, the authors do not explain how the United States (US) administration may have influenced the initiation of a criminal investigation. Successive US governments have been major providers of military aid to Colombia. It is reasonable to assume that US officials had a vital interest in putting an end to IHL violations committed by an army that they had financed for years.⁷¹ Mahony and Nash do not examine intervening factors beyond the direct control of the OHCHR, which contributed to the successful implementation of an advocacy campaign against extrajudicial killings in Colombia. Such an analysis, however, is necessary in order to gain a better understanding of the chances of success or failure for similar interventions in other contexts.

4.2 What are the main challenges for data collection?

Barring a few exceptions, limited sustained and sophisticated attempts have been made at evaluating impact in humanitarian and human rights protection. The review of academic literature confirmed the widely acknowledged scarcity of quantitative and qualitative data showing the success of humanitarian and human rights interventions. What are the main constraints for data collection be-

69 Idem, p. 68.

70 In 2011, the OHCHR office in Colombia had a total of 76 staff members and a budget of 9 million USD. Available at: http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report2011_web/allegati/22_Americas.pdf. Last accessed on 12/12/2012.

71 Note that in an open letter addressed to Hilary Clinton, US Secretary of State, three US Senators call for a re-evaluation of US assistance to Colombia. The letter, dated 21 January 2010, makes explicit reference to the “falsos positivos” scandal. Available at: <http://justf.org/files/primarydocs/100121sena.pdf>. Last accessed on 07/02/2013.

yond general restrictions, which apply to any intervention implemented in emergency contexts, not only to humanitarian and human rights protection? Based on information retrieved from operational guidelines, policy documents and interviews, it is possible to identify three particular challenges for determining the success of different protection interventions:

- 1 Protection outcomes are less amenable to quantification than the provision of goods and services. It is comparably easy, for instance, to measure whether the distribution of clean drinking water led to a reduction in waterborne diseases among the beneficiaries of a specific WASH program. Determining whether protection interventions increase the safety and well being of the civilian population is a more complex undertaking.
- 2 Disclosing sensitive information on protection interventions and related patterns of violence and harm against civilians can compromise the neutrality of humanitarian organization and entail negative operational consequences. Most external evaluations commissioned by donors are released into the public domain. To avoid “negative” reporting, concerned state and non-state authorities may restrict physical access for humanitarian and human rights actors to areas affected by natural disaster and armed violence. Non-governmental human rights organizations can, at times, maintain an undercover presence in disaster and conflict-affected countries and continue with their work. This is not an option for humanitarian organizations that rely on a much larger and more visible field presence to deliver relief goods and services to people in need. Reaching out to populations requires, at a minimum, the passive consent of state authorities or non-state actors controlling territory and people. This is the main reason why humanitarian organizations tend to prefer private over public advocacy. It is also at least a partial explanation for data scarcity.⁷²
- 3 Collecting data can put civilians at risk. To gather information on the frequency of protection “incidents,” humanitarian and human rights organizations rely to a large extent on networks that include interviews with community leaders, individual victims and their families, police, media actors and others with a knowledge of particular events. As mentioned in the 2009 ICRC protection standards, conducting individual interviews may put civilians at risk “because mere participation in the process can cause these people to be stigmatized or targeted.”⁷³ As a measure of self-protect-

⁷² Note that some interviewees indicated that their respective organizations commissioned external evaluations of their activities, which are not publicly available.

⁷³ ICRC (2009): “Professional standards for protection work carried out by humanitarian and human rights actors”, p. 57,; http://www.icrc.org/eng/assets/files/other/icrc_002_0999.pdf , p. 57, last accessed on 15/12/2012. See also UNHCR (2011): “UNHCR and its partners recognise that any data collection or research on SGBV can have harmful social, physical, psychological or legal consequences if personal experiences of SGBV are disclosed. Any results produced using data collection tools therefore need to be subject to a broader protection analysis that anonymises sources and individual data”; “Action against Sexual and Gender-Based Violence: An Updated Strategy,” p. 11, <http://www.unhcr.org/refworld/pdfid/4e01ffeb2.pdf>. Last accessed on 15/12/2012.

tion, individuals will only share information with third parties when they feel that this will not further compromise their own security.

Practitioners interviewed for this study mentioned additional, more practical obstacles to data collection. All respondents agreed on the need for greater efforts to show results in protection, but the pressure to generate “hard” evidence and to quantify results was viewed with a certain degree of unease. Respondents noted that the collection of quantitative data absorbs an increasing share of their time and resources. These concerns point to a real challenge and need to be taken into account when developing new ways of measuring impact in protection.

5 Questions for further research

In this final chapter, we put forward three research questions that will help to further our understanding about what works when in protection. The research questions build on our definition of success for the three different types of protection interventions, which were outlined in chapter 3 and the results of the literature review. They address key challenges linked to comparability of findings generated through evaluation and research, measurement problems and the acknowledgment of external factors that influence the success of different humanitarian and human rights protection interventions.

5.1 Defining common protection problems and related modes of action

Evaluative reports reviewed for this scoping study follow a similar logic: They assess projects or programs that address different target groups (e.g. women, children, IDPs, prisoners) or thematic areas (e.g. sexual violence, protection mainstreaming, community-based protection). While this approach is in line with common evaluation methods, the possibility of comparing findings of program-based evaluations is limited because of a lack of a common conceptual framework. This is linked to the fact that the objectives of different programs are, invariably, highly context specific. Instead of analyzing and comparing the success of specific programs, looking at how humanitarian organizations addressed common protection problems may further our understanding of what works in protection. Humanitarian and human rights organizations can in principle implement an unlimited number of activities to address different protection problems. Yet, drawing on the conceptual distinctions between different types of interventions, it is possible to identify a restricted number of operational approaches or “modes of action” used by humanitarian and human rights actors to respond to specific protection problems. A classification of generic modes of action could serve as a common conceptual framework for future evaluations and academic research into the effects of protection.

We recommend addressing the following research question as a first step towards a better understanding of what works in protection: What are common protection problems and related modes of action used across different contexts and organizations?

The existing ICRC classification of modes of action

The ICRC distinguishes five generic modes of humanitarian action: persuasion, mobilization, denunciation, support and substitution.⁷⁴ These modes of action are

⁷⁴ See ICRC (2012), *Enhancing Protection for Civilians in Armed Conflict and other Situations of Violence*, p. 29. Available at <http://www.icrc.org/eng/resources/documents/publication/p0956.htm>. Last accessed on 15/01/2013.

specific to the mandate and particular work of the ICRC. They are not used as a common reference by all humanitarian and human rights organizations engaged in protection. For instance, the notion of persuasion is not part of the standard protection vocabulary. Advocacy is the more widely used term to refer to activities aimed at influencing decisions and behavior of abusive actors (e.g. national authorities, armed groups and international actors) and other relevant audiences (civil society groups or journalists). Moreover, public advocacy and routine public reporting that draws attention to particular patterns of violence and harm is a mode of action used by human rights and some humanitarian actors to enhance protection but it does not fit clearly into any of the five ICRC modes action.

A typology of common problems and related modes of action

Future research should be organized around two steps. First, it is necessary to identify protection problems common to different contexts. Based on the review of the literature it is possible to establish a tentative list of problems that humanitarian and human rights actors frequently seek to address, including sexual and gender based violence, child recruitment, separation of family members, harmful military tactics or humanitarian access restrictions imposed by primary duty bearers. This list needs to be complemented through the identification of additional protection problems arising for other vulnerable groups, such as migrants, asylum seekers, prisoners or the elderly.

As a second step, future research should identify different modes of action, commonly used by different organizations to address specific protection problems. For instance, to address the problem of sexual violence, humanitarian and human rights actors typically organize their protection activities around the following generic modes of action:

Delivering specialized services (intervention type 1):

To provide remedy to the victims of sexual violence, humanitarian protection actors directly deliver specialized services (e.g. medical assistance to rape victims, psychosocial counseling or family tracing services).

Facilitating access to services (intervention type 1):

Humanitarian actors help individual victims of sexual violence to access services provided by others (e.g. the state) through advocacy and the establishment of referral systems.

Establishing safe environments (intervention type 2):

To reduce the immediate exposure to physical violence and other patterns of harm, humanitarian actors create safe environments in geographically restricted areas (e.g. IDP camps). Reducing the exposure to risk is the rationale under-

lying different mainstreaming measures. One well-known example is the provision of adequate lighting inside IDP camps to reduce the exposure of women to sexual violence at night. Other measures seek to keep vulnerable groups inside protected environments.⁷⁵

Reporting and advocating on particular patterns of violence and harm (intervention type 3):

Humanitarian and human rights actors seek to mobilize domestic and international audiences through the documentation and reporting of information on particular patterns of violence and harm. The aim is to exert pressure and encourage concerned state and non-state authorities to stop violence and prevent its future occurrence.

Engaging non-humanitarian protection actors (intervention type 3):

Humanitarian and human rights organizations engage non-humanitarian protection actors to increase awareness of certain protection problems and to develop effective solutions. Under certain circumstances, protection actors seek the direct participation of non-humanitarian actors in certain modes of action, such as the establishment of safe environments. Peacekeeping forces, for instance, may have a role to protect IDP camps from attack.⁷⁶

Promoting respect for relevant bodies law (interventions type 3):

To increase awareness among primary duty bearers of their legal obligations derived from international law, humanitarian and human rights actors implement training programs with primary duty bearers. They also conduct different advocacy efforts that encourage states to ratify relevant treaties and conventions and provide technical assistance to help them incorporate international law into domestic legislation.

Engaging perpetrators (intervention type 3):

A restricted number of humanitarian and human rights organizations seek to develop a confidential humanitarian dialogue, for instance, with the leadership of armed forces or non-state armed groups responsible for the perpetration of sexual violence.

⁷⁵ The objective, for instance, behind the distribution of firewood and fuel stoves inside IDP camps is to reduce the necessity for women to collect firewood in surrounding areas where the risk exposure to sexual violence may be greater than inside the camp.

⁷⁶ The Ford Institute conducted three research projects to assess, among other things, the role and effectiveness of peacekeeping forces in protecting IDPs. See Ford Institute for Human Security. (2009). *Protecting Civilians. Key Determinants in the Effectiveness of a Peacekeeping Force*. Available at <http://www.fordinstitute.pitt.edu/LinkClick.aspx?fileticket=GBfHgZYqMQw%3D&tabid=473>. Last accessed on 24/01/2013.

Some protection problems may require additional modes of action. For example, in situations where anti-personnel mines are a key concern, humanitarian actors engage with affected communities to increase awareness to risks emanating from unexploded ordnance and help them adapt their behavior (intervention type 2). Future research should establish a more exhaustive list of common protection problems and related modes of action.

What are the expected benefits? As mentioned above, many of the concepts or notions used in protection mean different things to different actors. Using modes of action will help to avoid more elusive notions, such as humanitarian advocacy. Rather than asking whether different humanitarian advocacy efforts helped to change harmful behavior, we can develop more specific questions to assess what works in protection: Have direct engagements with perpetrators produced positive change? What was the effect of the documentation and public reporting of particular patterns of harm?

Summary

Future research should identify different modes of action used across different contexts and organizations in response to common protection problems. Such a classification will provide a common conceptual framework to generate and analyze information on impact in protection. Generic modes of action may provide more specific units of enquiry, making it possible to compare findings of evaluations and academic research across context.

5.2 Developing appropriate methods and processes for assessing positive change

Indicators provide a measurement against which positive and negative change can be documented through the collection of quantitative or qualitative information. The lack of data inherent to many evaluations and studies reviewed for this report suggests that existing indicators may either be inappropriate to capture change or unrealistic (e.g. in terms of the resources available to collected relevant data). A common but disputed solution to existing measurement problems is the development of standard indicators. Interviewees cautioned against such an approach, arguing that indicators need to be constructed locally. Rather than prescribing indicators, future research should examine common challenges to measuring positive change for each of the three different types of protection interventions and identify solutions to recurrent problems experienced by implementers.

We recommend addressing the following research question as a second step towards a better understanding of what works in protection: What are appropriate methods and processes for assessing impact triggered by different types of protection interventions?

Measuring individual dignity and wellbeing (intervention type 1)

For interventions that seek to provide remedy to victims of violence, impact is reflected in the dignity and well being of individual victims receiving assistance. It can be difficult to measure individual well being both directly and through proxies. Well being is subjective to every individual and a fluid sentiment that changes over time. For instance, the number of unaccompanied children reunited with their families through a particular child protection or “tracing” program provides a weak evidentiary foundation for the well being of targeted individuals. Consider a boy who has been separated from his parents at a very young age. He may have become emotionally attached to the tutor or adoptive parents he grew up with; in which case, a reunification with his biological parents may be traumatizing. Quantitative measurements need to be combined with qualitative information, for instance through follow-up discussions with children and parents targeted through family tracing activities. Even then, the results may differ depending on when the discussion takes place (directly after the reunification, a month later, a year later). There might simply be no straight forward answer to the question whether the intervention enhanced or decreased the boy’s well being. In epistemological terms, measuring well being is a methodological and ontological challenge. Interventions to address the effects of violence and harm in development contexts or in the Global North face similar measurement challenges.

Future research should take into account experiences made in other areas. For instance, Foglesong (2012) advocates for an experimental approach to indicator development since “both the precise nature of the challenge [in indicator development] and the character of possible solutions vary by country and development context.”⁷⁷ He begins with an analysis of “an unavoidable series of complications” in indicator design for development activities aimed at reducing violence against women.⁷⁸ He then develops a framework to address each of the identified complications. Following a similar logic, future research should identify common measurement challenges for different types of protection interventions and ask how implementers have dealt with them.

Future research should also dare to go beyond the development of adequate indicators. It should explore the opportunities and challenges of approaches to impact assessments that do without indicators – discussed, for instance, in complexity science.⁷⁹

77 Foglesong (2012). *Aligning Indicators and Ambitions: How to Improve Indicators Used in Programs to Reduce Violence Against Women and Girls*. Available at: http://www.hks.harvard.edu/var/ezp_site/storage/fckeditor/file/pdfs/centers-programs/programs/criminal-justice/Indicators-VAWG.pdf. Last accessed on 18/01/2012.

78 Idem, p. 2.

79 See Patton (2011). *Developmental Evaluation: Applying Complexity Concepts to Enhance Innovation and Use*; Snowden & Boone (2007). *A Leader’s Framework for Decision Making*.

Measuring the success of risk mitigation activities (intervention typo 2)

To ascertain whether type 2 interventions produce the intended positive change, implementing organizations need to measure the incidence of particular patterns of violence or harm among target populations. Take the example of an intervention that seeks to mitigate protection risks through the creation of supervised spaces within an IDP camp: A common approach adopted by UNICEF and its partners is to reduce the risk exposure of children through the creation of so-called Child Friendly Spaces.⁸⁰ Within the framework of such programs, positive change can be determined by assessing whether certain incidents of harm, such as forced labor, decreased among children who have access to Child Friendly Spaces. It is also comparably easy to address the counterfactual problem – that is, to establish what would have happened in the absence of the intervention. Implementing organizations may compare incidents of forced labor among children that spent time inside Child Friendly Spaces with those who did not.

At first sight, classic impact measurement by indicator seems to be methodologically and ontologically less problematic in the context of protection interventions type 2. However, as the example of mine-risk awareness programs shows, it will be important for future research to also infer the best process for measuring success. To determine the success of mine-risk awareness programs, humanitarian actors need to measure the incidence of mine accidents among the target population. Depending on the context, gathering such information – for instance, through household surveys – may be viewed with suspicion by armed actors who use anti-personnel mines. As mentioned above (section 4.2.), gathering sensitive information can in itself put civilians at risk. Humanitarian protection actors need to locate proximate measures of success, such as patterns of civilian movements in mine-affected areas.

Measuring behavioral change (intervention type 3)

To understand whether protection efforts aimed at changing harmful behavior have produced the intended result, it is not sufficient to ask whether advocacy efforts have been successful in persuading state and non-state authorities to accept specific international norms. Rather, it is necessary to assess whether accepting these norms actually translated into tangible improvements for civilian populations. Changing behavior and attitudes may take years, even decades. Efforts aimed at generating behavioral change will rarely produce results within a single project cycle of 12 to 18 months.

80 Save the Children defines Child Friendly Spaces as “supervised environments in which parents and caregivers can leave their children while they collect food and water, rebuild homes or seek new income-generating activities.” See Save the Children (2008). *Child Friendly Spaces in Emergencies: A Handbook for Save the Children Staff*. Available at http://toolkit.ineesite.org/toolkit/INEEcms/uploads/1064/Child_Friendly_Spaces_in_Emergencies_EN.PDF. p. 2. Last accessed on 12/12/2012.

Furthermore, attributing success is particularly difficult with respect to type 3 interventions. Consider the example of an intervention aimed at reducing child recruitments by a non-state armed group. In the case where the incidence of child recruitments reduces in a targeted country or sub-national region, adequate answers need to be found to the following question: Has the armed group refrained from recruiting children in response to advocacy efforts pursued by humanitarian and human rights actors? Several alternative explanations may account for recorded change. If child recruitments have become less frequent, women with their boys may have fled the area. Or child recruitments may have decreased because state forces have launched a military campaign, pushing the armed group into a neighboring region or country.

Future research on how to assess what works in protection must inquire about the feasibility of longitudinal studies in humanitarian contexts. In addition, it should assess how decision makers (e.g. country program directors, donors, humanitarian coordinators) could best deal with the attribution gap. The attribution gap is a longstanding challenge in evaluation; it is not specific to protection interventions. It is unlikely that future research on methods and processes for assessing what works in protection will solve the problem. Therefore, it should focus on approaches for how to *deal* with the problem.

Summary

Future research should address the question of how best to measure the effects of different types of protection interventions. This research question is of an epistemological nature (how can we know?) and should touch upon five elements: possible success indicators; alternative approaches to impact measurement (e.g. appreciative inquiry); the feasibility of longitudinal studies; appropriate processes for impact measurement; and ways for decision makers to deal with the attribution gaps.

5.3 Acknowledging the influence of external factors on success in protection

When asked what works in protection, several practitioners interviewed for this scoping study immediately responded “it depends.” The fact that success in protection is dependent on contextual factors is self-evident and does not require further elaboration. The question is whether it is possible to identify *common* external factors that enhance or limit the success of certain types of interventions across contexts. Based on current evidence, it is not possible to make a valid judgment on the existence and relevance of such common external factors. Interviewees were generally interested in the idea of developing a comparative research project that “isolates” external factors and preconditions affecting the ability of humanitarian and human rights actors to generate positive change across different contexts.

We recommend addressing the following research question as a third step towards a better understanding of what works in protection: What are the common external factors that enhance or limit the success of different protection interventions across contexts?

One promising way to explore the role of context during the design, implementation and assessment of protection efforts in future research are theories of change. Development actors and peacebuilding organizations have turned to theories of change in response to limitations associated with common approaches to designing and evaluating development interventions in complex environments. Future research on external factors influencing the success of protection interventions should build on experiences in the development and related fields with this approach. One of the benefits associated with theories of change is a strengthened awareness of external factors that influence the impact of an intervention, including the motivations and contributions of other actors.⁸¹ So far, the potential advantages of developing theories of change for protection interventions have not been discussed in depth within humanitarian and human rights circles. Only two interviewees referred to theories of change. Therefore, we first outline what a theory of change for a specific protection intervention could look like and then we lay out a more refined research agenda.

Articulating theories of change for protection interventions

To define the theory of change concept, it is easiest to start by saying what it is not. As Vogel (2012) points out in a *Review of the Use of “Theory of Change” in International Development*, theories of change are generally not understood as planning “tools”; they are better described as conceptual frameworks for critical thinking about how interventions are expected to work in highly complex and fast changing environments.⁸² Theories of change include the following components:⁸³

- 1 A result chain or framework showing the connection between lower level and higher level results (e.g. activities, outputs, outcomes and impact).
- 2 Assumptions underlying the intervention embedded in a narrative.
- 3 An appreciation for external factors contributing to positive and negative change.

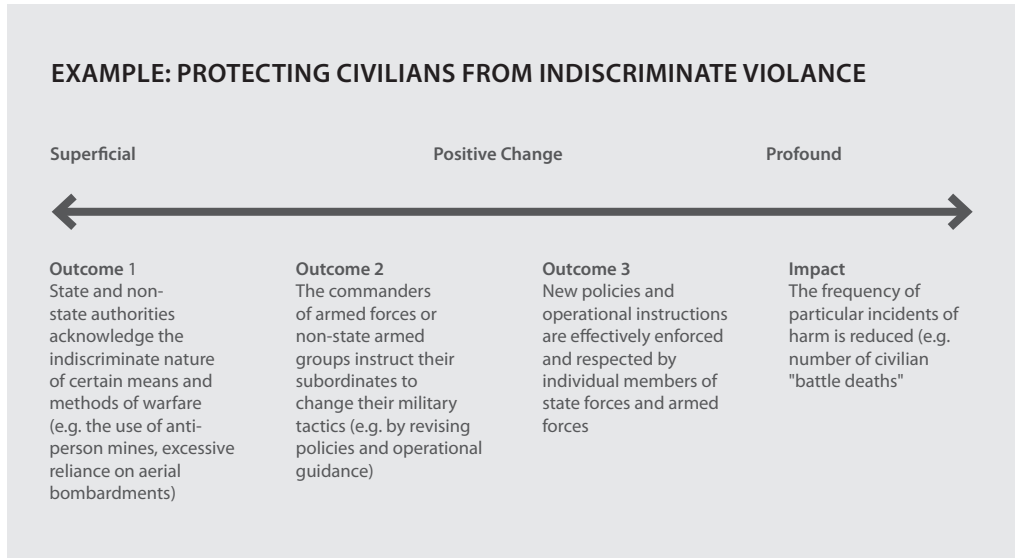
81 Vogel (2012). *Review of the use of ‘Theory of Change’ in International Development*, p. 9. Available at http://www.dfid.gov.uk/r4d/pdf/outputs/mis_spc/DFID_ToC_Review_VogelV7.pdf. Last accessed on 18/01/2013. Care International UK (2012). *Peacebuilding with Impact: Defining Theories of Change*, pp. 7-8. Available at <http://www.careinternational.org.uk/research-centre/conflict-and-peacebuilding/155-peacebuilding-with-impact-defining-theories-of-change>. Last accessed on 18/01/2013. Rogers (2008). *Using Programme Theory to Evaluate Complicated and Complex Aspects of Interventions*, pp. 6-7.

82 Vogel (2012), *idem*, p. 19.

83 The distinction made between three core elements draws on a review of three articles referred to above, *supra* note 76.

The following example of an intervention aimed at changing harmful behavior (type 3) illustrates these three components.⁸⁴

Component 1: results chain



Component 2: assumptions

The way that different results are ordered corresponds to the rationale of the logical framework approach. Outcomes 1 to 3 are intermediary steps from the acknowledgment of a problem (indiscriminate violence), to commitment (changing “rules”) and compliance (enforcing new rules). A central idea of the theory of change approach is to articulate explicit assumptions about how outcomes are expected to contribute to higher-level impact (reduced incidence of violence).⁸⁵ Each protection intervention within or across countries will be based on different assumptions about how positive change is expected to occur (i.e. how to move from the left end of the arrow in the above diagram towards the right). Assumptions may be articulated around the following key questions:

- 1 What is the receptiveness of state and non-state actors (i.e. primary duty bearers) to humanitarian petitions?

⁸⁴ It would be possible to articulate theories of change for any of the three types of protection interventions. The choice of this example was premised on the following consideration: Interviewees concurred that the significance of contextual factors was most evident for type 3 interventions, aimed at changing harmful behavior.

⁸⁵ Standard logical framework formats include a column for assumptions on how an intervention is expected to work (see above) and risks that may influence outcomes and impact. As Vogel points out (2012), however, the “risks and assumptions column” is rarely used for critical reflection on contextual factors and related attribution problems. See Vogel (2012). *Review of the use of ‘Theory of Change’ in International Development*, p. 19.

- 2 What is their willingness to comply with petitions and desist from certain harmful practices?
- 3 What is their capacity to enforce related policy decisions at different organizational and geographic levels?

As Glaser (2005) points out in *Humanitarian Engagement with Non-state Armed Groups*, it is necessary to distinguish the willingness of an armed group to respond to humanitarian petitions from its capability to do so.⁸⁶

Component 3: external factors

In principle, an unlimited number of external factors exist that may influence protection outcomes and impact. The question is whether it is possible to identify *common* external factors linked to particular policies, motivations, actor constellations and other structural conditions that influence the success of protection interventions across contexts. Hypothetical examples for such common external factors include:

- International political dynamics: Non-state armed groups seeking international recognition and legitimacy prior to or during political peace negotiations may be more receptive to specific protection concerns.
- Domestic politics: A government that does not acknowledge the existence of an armed conflict on its national territory may not be willing to engage with humanitarian and human rights actors who seek to enhance the protection of civilians from armed violence.
- Financial aid flows: National governments whose budget depends on foreign aid contributions may be more willing to listen to private advocacy efforts by humanitarian and human rights groups as well as other actors, including political allies and donors.
- Anti-terrorism legislations: An armed group listed as a terrorist organization by a government may be less inclined to listen to advocacy messages articulated by humanitarian organizations financed by the same government.

Designing future research into the role of external factors

Future research should build on existing scholarly inquiries into the role of contextual factors – for instance, on the viability of political engagements with armed groups. In an article titled *Armed Groups' Organizational Structure and their Stra-*

86 Glaser (2005), *Humanitarian Engagement with Non-state Armed Groups: The Parameters of Negotiated Access*. Available at <http://www.odihpn.org/hpn-resources/hpn-event-reports/humanitarian-engagement-with-non-state-armed-actors-the-parameters-for-negotiated-access>, p. 13. Last accessed on 09/01/2013.

tegic Options, Sinno (2011) analyzes how the organizational structure of armed groups and other factors, such as the existence of territorial safe heavens, determines the viability of (among other things) political engagements and peace negotiations.⁸⁷ The findings presented in this article and in related research could help to identify external factors that enhance or limit success of particular protection interventions.

The suggestion here is not to develop generic theories of change. Instead, future research should analyze (implicit) theories of change underlying ongoing or past protection interventions. Such an approach requires buy-in and collaboration from implementing organizations. Similar initiatives piloted in related fields, such as peacebuilding, may inform the design of a future research project. CARE International UK, for instance, reviewed 19 peacebuilding projects by different organizations in three conflict-affected countries to retroactively construct underlying theories of change.⁸⁸

Summary

Future research should address the question of what common external factors affect the impact of different protection interventions. This research could focus on theories of change as a useful analytical approach to better capture the role of external factors. It should be a comparative study based on literature review and empirical analysis of past and on-going protection interventions.

87 Sinno (2011). *Armed groups' organizational structure and their strategic options*.

88 Care International UK (2012), *supra* note 76.

Annex 1: Terms of Reference

Scoping Exercise to Identify What works in Protection and how do we know?

August 2012

Purpose

Just as there are several definitions of humanitarian protection, there are accordingly several methodologies for measuring the success of protection activities. But where is the evidence base for what works to afford effective protection for people caught in both conflict and natural disaster contexts? How do we measure what is effective and how can we be sure we are doing no harm in all protection activities?

The recent ALNAP State of the Humanitarian System report indicated that funding for protection activities, especially child protection, decreased in 2009/2010 compared to the previous two years. With fewer resources available, funds need to be targeted to activities that donors are confident work and provide value for money.

The same report noted that there is (still) a lack of technical knowledge amongst some actors working to implement protection activities and that country-based strategies are not in place in many contexts where protection issues are critical.

This study will inform DFID and other Government departments on implications for policy and practice and help to shape a further, larger, piece of research that will look at this subject both operationally and at policy level and further inform both policy and practice.

Objectives

This study will be the first step in quantifying who does what, why and how they know their actions afford protection. The study will look at information gained from recent guidelines, evaluations, policies and grey literature as well as how/if innovations (such as the use of mobile phones through tracing the missing, informing on situational updates etc.) have improved the effectiveness of protection activities. Other information collection methodologies can be employed.

Complementarities with current work (DFID funded) of the British Red Cross to look at 'principles in practice' and of UNHCR to 'strengthen global protection capacity through policy and legal advice, learning and partnerships' and other similar research work may be sought. This research will also have synergies with another DFID research scoping study into the remote management of aid delivery.

This study is concerned to establish what is known regarding the relative effectiveness of different interventions to provide protection to civilians and how we measure them. Specifically, it is concerned to establish:

- Where states are neither willing nor able to protect their citizens how do we know which protection interventions by humanitarian agencies are most likely to work?
- Which frameworks for measuring the impact of protection outcomes are evidence-based and appropriate for use by all protection actors?

This will be achieved through

- 1 A review of the literature, identifying the current ‘state of play’. Where relevant, it should draw on the wider literature regarding how to monitor and evaluate protection interventions, for example in relation to children and sexual and gender based violence.
- 2 An initial analysis of trends in protection activities and design of a protection ‘results chain’.
- 3 Identification of how success is measured.
- 4 Identification of the evidence base for effectiveness of different protection activities.
- 5 Flagging of knowledge gaps and defining further research questions/areas.

Differential attention will be given to conflict, natural disaster and urban situations and the role of the military and peacekeeping operations in affording protection, including methodologies used for measuring their protection effect.

The study will also clearly identify gaps in the evidence base behind the practice of protection with suggestions for addressing those gaps in the form of further research questions.

This note sets out the scope, timelines and processes for this exercise.

Context

A key issue in humanitarian assistance is the provision of protection for those affected by disasters or crises, a concept incorporated into International Humanitarian Law and a founding pillar for agencies such as ICRC and the UNHCR. Protection of Civilians has become a key issue for UN Security Council debates whilst the UN General Assembly has endorsed the principle of ‘responsibility to protect’ of the international community. The UK Government has placed strong

emphasis on protection through its 'Building Stability Overseas' strategy (BSOS) and its involvement in the MoD/FCO/DFID led 'Protection of Civilians Strategy'.

There is strong evidence that without protection from violence and abuse, other forms of humanitarian assistance will have only a marginal effect on saving lives.

The definition of protection can be interpreted as both ensuring physical safety and security and the more broad 'full respect of rights of the individual under international humanitarian and human rights law'. Measuring the impact of protection activities to meet these definitions is made harder by having to quantify *what didn't happen*.

This research is commissioned by DFID's humanitarian policy team -the focal point for DFID on protection issues. The policy team are being asked more and more often 'what activities can we support that will effectively afford protection to our affected communities?'

The research aims to identify what protection activities and methodologies work and how we know they work, in order to inform further specific research for policy and practical application.

Scope of Work

Mapping what we do, how we do it and why. How do we know we have achieved success in protecting vulnerable peoples?

This work will comprise three main elements:

- 1 A strategic literature review. Because of timing constraints, an experienced protection researcher(s) will be employed to review recent developments in protection definition, implementation, and measurement, rather than a fully comprehensive systematic review. The methodology for the literature 'sample' will be reviewed and agreed prior to starting and the quality of the evidence will be ranked throughout the piece.
- 2 Other evidence gathering.
- 3 Development of a suggested set of refined research questions for further research.

The primary focus of the study is the effectiveness of the interventions by mandated, humanitarian organizations. However, it will draw on the wider literature to understand how international military and political actors assess the impact of their interventions on protection outcomes.

The quality of the evidence will be ranked throughout the piece.

And will have three main areas:

1 Context (this section will be brief –maximum 3 pages).

This section will aim to map- What are the respective contributions of mandated and NGO humanitarian organizations with regard to protection, in relation to each other and to other national and international actors? The ‘egg’ model used by ICRC might be one approach to mapping this.

2 Measuring success

How do agencies go about measuring success in relation to protection? What are the methodological issues in monitoring and evaluating the effectiveness of protection interventions and how have these been addressed? What are the common indicators used to measure success?

3 The evidence base

What evidence is there regarding the effectiveness of different protection interventions? How much information is available, particularly in the public domain on this issue? How good is this evidence? What does it tell us?

Identification of a maximum of four further research questions to explore ‘what works in protection and how do we know’? This will allow DFID to explore:

- 1** What modalities of providing protection have the greatest impact in differing contexts and with differing implementers?
- 2** What activities/actions have a negative effect on protection and the humanitarian space?
- 3** What can DFID/agencies do more/better/less to improve the provision of protection for people affected by crises?

Expected Deliverables

A report of maximum 30 pages (not including annexes).

- Chapter one-standalone summary including the ‘context’ section and a ‘results chain’ showing cause and effect for the different types of intervention used in protection activities and their impact.
- Chapter two- summary of the challenges in defining success in protection activities.
- Chapter three-commentary of the quality and quantity of evidence used.

- Chapter four- the evidence base and key evidence gaps.
- A full bibliography will be attached as an annex.

A presentation/workshop will be held at DFID with key stakeholders to present/discuss the final report at a date to be agreed.

Timeframe

- Start 8 October 2012:
- 21 Dec 2012 Production of draft research paper mapping the question: What works in protection and how do we know? Discussion/circulation and revision with the internal steering group.
- 28 January 2013 Production of final report.
- A date to be agreed in January/Early Feb 2013- present findings at a workshop with possible external audience at DFID London.

Profile

One or more researchers with protection research backgrounds and previous work in results/evaluations.

Because of timing constraints it will be important to review recent developments in protection definition, implementation, and measurement, rather than undertake a comprehensive systematic review.

The methodology for the 'sample' of literature will be discussed in the expression of interest and agreed before the work commences.

Inputs and Management

An internal steering group will guide and comment on the work from its inception. The scope of the group is to review the methodology proposed, review a first draft of the paper including results chain and make recommendations for the final report.

The researcher(s) will lead the production of the final paper in collaboration with the steering group. This piece of work has a short deadline and must be completed in 12 weeks.

The research will be managed by the humanitarian adviser for protection issues in the humanitarian policy team, DFID.

A draft structure of the report should be discussed and agreed with DFID and a draft product delivered to DFID for comment by 17 December. A final product should be agreed by 28 January 2013.

Annex 2: Bibliography

Sub-category 1: Academic Literature

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Annex 3: List of Interviewees

Last name	First name	Position	Affiliation
Martin	Maria Clara	Chief Americas & Santiago	OHCHR
Baker	Sonia	Deputy Chief of Rapid Response & Peace Mission Support	OHCHR
Rooney	Patrick	Programme Officer	OHCHR
Rico	Rachel	Programme Officer	OHCHR
Frazer	Fiona	Acting chief of Europe and Central Asia	OHCHR
Minelli	Flaminia	Policy, Planning, Monitoring & Eval Service	OHCHR
Erik	Friberg	Policy, Planning, Monitoring & Eval Service	OHCHR
Buhren	Karin	Policy, Planning, Monitoring & Eval Service	OHCHR
Ferris	Elizabeth	Co-director of the Brookings-LSE Project on Internal Displacement	Brookings Institute
Malley	Anita	Humanitarian Policy & Global Engagement Division	OFDA/USAID
Lee	Amra	Humanitarian Protection Adviser	World Vision Australia
Aubin	Louisa	Global Prot Cluster Lead	HCR
Bagshaw	Simon	Protection Officer	OCHA
Cantor	David	Lecturer in International Human Rights Law	University of London
Svoboda	Eva	Research Fellow	ODI
Schenkenberg	Ed	Director	ICVA/Sphere
Kenny	Erin	Humanitarian Response Branch	UNFPA
Slim	Hugo	Senior Research Fellow	Oxford Institute for Ethics, Law and Armed Conflict
MacDonald	Ingrid	NRC Geneva Representative	NRC
Kaene	Jenny	Child Protection Specialist	UNICEF
McAvoy	Jenny	Director of Protection, Policy and Practice	Interaction
Jo-Hannah	Lavey	Head of Protection Programme	AUSAID
Heissler	Karin	Child Protection Specialist	UNICEF

Last name	First name	Position	Affiliation
Boone	Laura	Senior Technical Adviser for Child Protection	IRC-UK
Levine	Ian	Programme Director	HRW
Kent	Randolph	Humanitarian Futures Programme	Kings College London
Polastro	Riccardo	Head of Evaluations	DARA
Tiller	Sandrine	Programme Advisor, Humanitarian issues	MSF
O'Callaghan	Sorcha	Head of Humanitarian Policy	BRC
Geoffroy, de	Veronique	Director of operations	URD
	David	M&E Officer	OCHA-DRC
John	Mitchell	Director	ALNAP
Bell	Bill	Head of Child Protection	ScF-UK
Smith	Rebecca	Child Protection Advisor	ScF-UK
Morgan	Jennifer	Senior Child Protection Advisor	ScF-UK
Hastie	Rachel	Protection Adviser	Oxfam-GB
Drumtra	Jeff	Policy Program Officer	BPRM/US Dept. of State
Shepardson,	Nicole	Policy Team Leader	BPRM/US Dept. of State
Gaertner	Nicole	Senior Program Officer for UNHCR and Gender/Children/Youth Issues	BPRM/US Dept. of State

Annex 4: Interview Questions

1 Define protection

Q 1.1: How do you / your agency define “humanitarian protection”?

Q 1.2: What are the different ‘modalities’ or operational approaches used in protection?

Q 1.3: Is it useful to distinguish between protection and assistance (why/why not)?

Q 1.4: What is the role of other (non-humanitarian) actors engaged in protecting civilians in situations of armed conflict and natural disaster?

2 Operational trends

Q 2.1: To what extent has the understanding of protection evolved since the late 1990s?

Q 2.2: Operational actors: What protection activity/ies does your agency currently undertake?

Q 2.3: Operational actors: Has the remit of protection activities implemented by your organisation expanded in recent years?

3 Protection programming

Q 3.1: Operational actors: How do you select and prioritize specific protection issues to address?

Q 3.2: Are you aware of any methodology or guidance on how to assess threats to civilian safety and wellbeing?

4 Impact measurement & evidence base

Q 4.1: What are your criteria for defining success for humanitarian protection? Can you give a concrete example of a successful protection intervention in a particular context?

Q 4.2: Operational actors: what indicators do you use to assess the effects of protection interventions? What methods do you use to collect this data?

Q 4.3: Based on your experience, what evidence do you have regarding the relative effectiveness/ineffectiveness of different modalities or operational approaches to enhancing the protection of civilians?

Q 4.4: Are you aware of any impact evaluations of humanitarian protection activities that are publicly available?

Q 4.5: Do you know any practical examples of situations where the use of communication technology helped to document and monitor protection 'incidents'?

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