

Required procedure for legitimate derogation from the ICCPR



In time of public emergency, States parties may take measures derogating from some obligations under the ICCPR, but must follow:

I Official proclamation of a state of emergency

- Derogation from the ICCPR must be exceptional and temporary.
- The situation must amount to a public emergency which threatens the life of the nation, and the State party must have officially proclaimed a state of emergency.

Attention! It will be violation of their obligations under ICCPR, if States parties take any derogation measure without proclaiming a state of emergency.

II Notifications to the United Nations Secretary General (UN SG)

- All States parties that derogate from the ICCPR must notify the UN SG and inform of the provisions from which they have derogated and their reasons.
- Further notification is necessary, when:
 - Further measures are taken for derogation
 - State of emergency is extended
 - State of emergency is terminated

All States parties that have taken emergency measures, which derogate from their obligations under ICCPR, must follow these procedures.

Checklist for monitoring violation of required procedure for derogation from the ICCPR in the context of COVID-19 pandemic

If your country has taken any measure that derogates from the obligations under ICCPR...:

- I Has your country declared a state of emergency?
- II Has your country notified the UN SG about the declaration, extension, and/or termination of the state of emergency?
- III Does this notification to the UNSG includes sufficient information about: exact measures taken, provisions derogated from; and the reason for derogation?



If your answer is "NO" to any of the questions above, required procedure for the derogation from the ICCPR might not be (fully) followed by your country.

Also refer:

[Checklist for monitoring illegitimate derogations from ICCPR \(card No.9\)](#)