Any measure derogating from the ICCPR as allowed under the ICCPR article 4 must:

- Be strictly necessary and proportionate
- Be exceptional and temporary
- Be in conformity with other international obligations
- Be non-discriminatory
- NOT derogate from non-derogable rights

Attention! States parties should not derogate from the ICCPR, if the situation can be attained through permitted restrictions of ICCPR articles 12, 18 §3, 19, 21 and/or 22.

Checklist for monitoring violation of the ICCPR through illegitimate derogation in the context of COVID-19 pandemic

If your country has taken any measure that derogates from the obligations under ICCPR, is that measure…:

I. Absolutely necessary to protect public health from COVID-19 pandemic?
II. Temporary i.e. limited in duration, at least planned to be ended when the situation of normalcy is restored?
III. NOT violating any other obligations of the State under international law, especially international humanitarian law?
IV. Applied without discriminating purpose or impact on particular groups (e.g., there is no group particularly affected by the restriction without good reason)?
V. Equally protecting the health of everyone without any unjustified distinction (there is no particular group unjustifiably left out from the protection)?
VI. NOT derogating from non-derogable rights of the ICCPR?

If your answer is "NO" to any of the questions on the left, there is a risk of ICCPR violation, please check:

- Which measures derogating from the ICCPR are not absolutely necessary or unjustified in light of their purpose of protecting public health from COVID-19 pandemic and restoration of normalcy, and in what sense?
- Which obligations of the State under other international law, in particular international humanitarian law, are violated, and in what way?
- Which groups are discriminated against or particularly affected by the derogations, and in what way?
- Which groups are left out from the protection, and in what way?
- From which non-derogable rights of the ICCPR are derogations made, and in what way?

Also refer:
Required procedure for legitimate derogation from ICCPR (card No.8)
Non-derogable rights under ICCPR (card No.10)