

ICCPR Article 4

Derogation from the ICCPR in exceptional situations



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 \(card No.10\)](#)