

DGI - Directorate General of Human Rights and Rule of Law
Department for the Execution of Judgments of the ECHR
F-67075 Strasbourg Cedex France
E-mail: dgi-execution@coe.int

Sent by e-mail

29 October 2021

Submission by Amnesty International, the International Commission of Jurists and the Turkey Human Rights Litigation Support Project pursuant to Rule 9.2 of the Committee of Ministers' Rules for the Supervision of the Execution of Judgments

Initial observations on the implementation of *Pişkin v. Turkey* (Application no. 33399/18)

I. Introduction

1. In line with Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements, Amnesty International, the International Commission of Jurists and the Turkey Human Rights Litigation Support Project (“the NGOs”) hereby present an initial submission regarding the execution of the European Court of Human Rights (“the Court” or “ECtHR”) judgment in the case of *Pişkin v. Turkey* (Application no. 33399/18).
2. The NGOs are respected human rights organisations working on human rights and the rule of law in Turkey
 - Amnesty International is a global movement of more than 10 million people who campaign for a world where human rights are enjoyed by all. It was established in 1961 in London by Peter Benenson, a British lawyer. Amnesty International has sections and offices in 70 countries around the world.
 - International Commission of Jurists is (ICJ) a non-governmental organization working to advance understanding and respect for the rule of law as well as the protection of human rights throughout the world. It was set up in 1952 and has its headquarters in Geneva, Switzerland. It is made up of some 60 eminent jurists representing different justice systems throughout the world and has 90 national sections and affiliated justice organizations.
 - The Turkey Human Rights Litigation Support Project (TLSP) provides expertise and support to bring effective legal action to address the human rights issues crisis in Turkey that followed the 2015 attempted coup. Consisting of a group of human rights law experts, within Turkey and internationally, the Project provides advice, legal support and makes strategic intervention in cases before domestic courts,

including the Turkish Constitutional Court, as well as the ECtHR and United Nations bodies and procedure. It also carries out a range of other activities, including research, advocacy and capacity building in human rights.

3. This submission focuses on general measures Turkey must take to implement the Court's judgment in *Pişkin v. Turkey*, in particular ensuring effective judicial review of the dismissals of individuals working in public institutions under the state of emergency and placing safeguards to protect them from arbitrary interference with their private life. It is hoped that it will assist the Committee to ensure effective implementation, by providing information as to the context of the thousands of dismissed workers subject to the violations identified by the Court and making recommendations on necessary and appropriate measures to give the judgment its meaningful effect.

II. Background

4. Following the coup attempt of 15 July 2016, the Turkish government declared a state of emergency¹ which remained in place until July 2018. During the state of emergency, the government adopted more than 30 emergency executive decrees² affecting in law and practice the human rights and freedoms of a large part of the population. Most of the emergency measures were later incorporated into the country's existing laws, including its anti-terrorism legislation,³ resulting in an effective continuation of many of the state of emergency measures to date.⁴
5. One of the drastic measures the government took during the state of emergency period was the practice of mass summary dismissals of state workers. Information accessible to the submitting NGOs indicate that at least around 130,000 public sector workers were summarily dismissed between July 2016 and July 2018 on the basis of their alleged affiliation with proscribed groups.⁵ The real number is reportedly higher,⁶ but the exact figure has never been made public by the government.
6. Emergency measures, including the summary dismissals and the general lack of availability for effective judicial remedies for the serious human rights violations occurring during this period, were the subject of pronounced criticism by leading NGOs and oversight mechanisms.⁷ The dismissals were found to have gone beyond what is allowed

¹ The decision of the Council of Ministers, 20 July 2016, no. 2016/9064, published in the Official Gazette: <http://www.resmigazete.gov.tr/eskiler/2016/07/20160721-4.pdf>.

² For more information and the relevant decisions and resources see: "State of Emergency in Turkey A Collection of Available Resources, Reports, Case Law, and other Relevant Materials," 21 August 2018, https://www.mdx.ac.uk/data/assets/pdf_file/0033/485574/State-of-Emergency-in-Turkey-FINAL.pdf

³ Law No.7145, "On the Amendment of Some Laws and Emergency Decrees, published in the Official Gazette on 25 July 2018.

⁴ Human Rights Watch, "Turkey: Normalizing the State of Emergency," 20 July 2018, <https://www.hrw.org/news/2018/07/20/turkey-normalizing-state-emergency>.

⁵ Amnesty International, "No End in Sight: Purged Public Sector Workers Denied a Future in Turkey", 22 May 2017, <https://www.amnesty.org/download/Documents/EUR4462722017ENGLISH.PDF>.

⁶ Office of the United Nations High Commissioner for Human Rights, "Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East, January-December 2017", March 2018, para. 61.

⁷ Nils Muiznieks, Council of Europe Commissioner for Human Rights, "Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey", CommDH (2016) 35, 7 October 2016, p.5-8; Office of the United Nations High Commissioner for Human Rights, "Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East, January-December 2017", (n 6) , p.9-12; Amnesty International, "Weathering the Storm: Defending Human Rights in Turkey's

by the framework governing states of emergency under domestic and international law.⁸ The Venice Commission stated that the decisions to dismiss “on the basis of the emergency decree laws, without individualized decisions, and without the possibility of timely judicial review, are unacceptable in light of the demands of international human rights law, and extremely dangerous.”⁹ The then-UN High Commissioner for Human Rights expressed his serious concerns pertaining to the lack of due process.¹⁰ The Council of Europe Commissioner for Human Rights drew attention to the “great deal of confusion” as to the remedies available to different groups and categories of people who had been affected by the emergency measures.¹¹

7. This confusion in the early stages of the events is evidenced by the fact that persons affected by emergency measures resorted to a range of various judicial and administrative avenues in an attempt to challenge their dismissals. All these attempts to seek redress in domestic mechanisms failed, confirming that dismissed individuals did not have effective ways of challenging emergency measures. Among these legal actions, tens of thousands of applications found their way before the Constitutional Court and the ECtHR. In 2016 alone, 80,756 applications were made to the Constitutional Court which ruled 12,753 applications inadmissible. In 2017, the number of new applications to the Constitutional Court was 40,530 and the Court handed down 86,993 inadmissibility decisions during the year.¹² In contrast, the number of inadmissibility decisions in 2015 was 5,591 against 20,376 new applications in the same year.¹³ The ECtHR found inadmissible 30,063 of 31,053 applications against Turkey only in 2017, most of them concerning the state of emergency measures.¹⁴ As will be described below in more detail, five years on since the initial declaration of the state of emergency in July 2016, many of those summarily dismissed still have their cases pending before the administrative bodies or domestic courts, indicative of the ongoing failure to provide an effective remedy.
8. The NGOs submit that the ECtHR’s judgment in *Pişkin v. Turkey* must be read against this background. It is the first judgment in which the Court delivered its ruling on the compatibility of the widespread dismissals of public sector workers in Turkey under the

Climate of Fear”, 26 April 2018, p.4,

<https://www.amnesty.org/download/Documents/EUR4482002018ENGLISH.PDF>; Human Rights Watch, “World Report 2019, Events of 2018”, Chapter: Turkey, pg. 588,

https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2019.pdf.

⁸ Office of the United Nations High Commissioner for Human Rights, “Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East, January-December 2017”, (n 6), para 66; see also, Venice Commission, Opinion on the measures provided in the recent emergency decree laws with respect to freedom of media, March 2017, CDL-AD(2017)007.

⁹ Venice Commission, Opinion on the measures provided in the recent emergency decree laws with respect to freedom of media, March 2017, CDL-AD(2017)007, para. 92

¹⁰ Office of the United Nations High Commissioner for Human Rights, “Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East, January-December 2017”, (n 6), pp 14-17.

¹¹ Nils Muižnieks, Council of Europe Commissioner for Human Rights, “Memorandum on the Human Rights Implications of the Measures Taken Under the State of Emergency in Turkey”, (n 7), para.44.

¹² In 2015, the number of applications made before the TCC was 20,376. The number of applications lodged to the TCC multiplied by four in 2016 following the attempted coup d’etat. The statistics can be seen in the website of TCC: https://www.anayasa.gov.tr/media/7543/bb_istatistik_2021-2.pdf

¹³ Abdullah Tekbaş, Anayasa Mahkemesi İstatistiklerinin Değerlendirilmesi (Evaluation of the Statistics of the Constitutional Court), p. 13, <https://dergipark.org.tr/tr/download/article-file/939052>

¹⁴ ECtHR, Turkey Country Profile, May 2019, https://www.echr.coe.int/Documents/CP_Turkey_ENG.pdf.

state of emergency with the European Convention on Human Rights (ECHR). Supervision of its implementation therefore has the potential to impact on many thousands of cases involving similar ongoing violations and the failure of the domestic courts to guarantee the right to an effective remedy, the right to a fair hearing and provide protection from arbitrary interference with the right to private life of those dismissed under the state of emergency.

III. Findings of the ECtHR

9. The case *Pişkin v. Turkey* concerns a former employee of the Ankara Development Agency who was dismissed under Emergency Decree no. 667 on the basis of unspecified alleged “affiliation” or “links” to “illegal structures”.¹⁵ In its ruling of 15 December 2020, the ECtHR found violations of Articles 6 and 8 of the Convention, based on the lack of due process and access to meaningful judicial review, and the dire impact of the dismissal on these grounds on the applicant’s private life. The judgment became final on 19 April 2021.
8. As regards the civil limb of Article 6(1), the ECtHR made clear that fair trial protections under Article 6 apply to mass dismissals of public servants during the period of the state of emergency. The Court underlined that the applicant’s case challenging his dismissal before the domestic mechanisms required a particular point by point analysis of evidence and of arguments, and “clear reasons for their rejection” (paragraphs 131 and 139). However, according to the ECtHR, domestic courts had failed to duly examine relevant facts or evidence and had not provided valid reasons for dismissing the applicant’s arguments (paragraph 147). The Court also specifically underlined that the Constitutional Court had issued a summary inadmissibility decision and “failed to conduct any analysis of the legal and factual issues in question” (paragraph 148).
9. On the Turkish Government’s argument that the applicant’s contract had been terminated in the framework of an emergency measure, and therefore fell within the scope of the derogation provided for in Article 15 of the Convention, the Court underlined that the emergency decree under review did not place any restrictions on the judicial review of the domestic courts (paragraph 152). The Court also noted that the principle of rule of law prevails even in a state of emergency (paragraph 153).
10. As regards Article 8 of the ECHR, considering Mr. Pişkin’s claim that he was unable to secure future employment and suffered discrimination from being branded and stigmatized with the “terrorist” and “traitor” labels (paragraphs 28 and 162), the Court held that “there [had] indeed been repercussions on the applicant’s ability to forge and maintain relationships, including employment relations” (paragraph 186). The Court observed that Mr. Pişkin’s dismissal under Emergency Decree no. 667 was based on his presumed links with an illegal structure and held that such an assessment had serious consequences for the applicant’s professional and social reputation (paragraph 187). Thus, the Court found that the dismissal in question had severe negative repercussions on the applicant’s private life severe enough to engage the protection of Article 8 and that the applicant had not benefited from the minimum degree of protection against arbitrary interference (paragraph

¹⁵ The employer took the decision to terminate the employment contracts of six persons, including the applicant, pursuant to section 4 (1) (g) of Emergency Legislative Decree No. 667, on account of their belonging to structures posing a threat to national security or of their affiliation or links with such structures (see paragraph 14 of *Pişkin v. Turkey*).

188). Moreover, it considered that the impugned measure could not be said to have been strictly required by the special circumstances of the state of emergency (paragraph 229).

11. Based on the above, the Court found a violation of Articles 6 and 8 of the Convention and having regard to the nature of violations found and to the particular circumstances of the case, it ordered “the reopening of the civil proceedings against the applicant at his request” (paragraph 240).

IV. General Measures

12. Pursuant to Article 46(1) of the ECHR, Turkey is obliged to take the following steps under the supervision of the Committee of Ministers to implement the *Pişkin v. Turkey* judgment of the Court: (1) stop practices violating rights of the applicant, (2) make reparation for the violations and (3) ensure non-repetition of similar violations in the future.¹⁶ Ensuring non-repetition in this case requires Turkey to take general measures which “transcend the individual case and are also aimed at protecting persons who are in a situation similar to that of the applicant by ensuring that domestic legislation is in conformity with the Convention.”¹⁷

13. As stated above, the *Pişkin v. Turkey* judgment is particularly significant as it is the first ruling of the ECtHR addressing important aspects of the mass dismissal of public servants during the state of emergency in Turkey as relevant to the facts of the case before it. As such, it is relevant to the situation of more than 130,000 public sector workers summarily dismissed from their jobs, many of whom still have cases pending before the domestic administrative bodies and courts and who are subject to the same judicial failures and violations condemned by the Court.¹⁸

14. It must be noted that the dismissals under the state of emergency took place in a variety of different ways. While the majority were indicated by the lists annexed to emergency decrees,¹⁹ many others were decided directly by employers, as in Mr. Pişkin’s case, pursuant to Article 4 of Emergency Decree Law No. 667 and other regulations. Those who were working on the basis of a permanent employment contract governed by the Labour

¹⁶ See Recommendation [Rec\(2004\)6](#) of the Committee of Ministers to member states on the improvement of domestic remedies, “in addition to the obligation of ascertaining the existence of such effective remedies in the light of the case-law of the European Court of Human Rights, states have the general obligation to solve the problems underlying violations found;” (...) and “review, following Court judgments which point to structural or general deficiencies in national law or practice, the effectiveness of the existing domestic remedies and, where necessary, set up effective remedies, in order to avoid repetitive cases being brought before the Court”.

¹⁷ *European Journal of International Law*, Volume 26, Issue 4, November 2015, pages 829–850, <https://academic.oup.com/ejil/article/26/4/829/2599604>

¹⁸ International Commission of Jurists, *Justice Suspended: Access to Justice and the State of Emergency in Turkey*, 2018, p. 3, available at <https://www.icj.org/wp-content/uploads/2018/12/Turkey-Access-to-justice-Publications-Reports-2018-ENG.pdf>; Turkey - Memorandum prepared by the Ministry of Justice of Turkey for the visit of the delegation of the Venice Commission to Ankara on 3 and 4 November 2016 in connection with the emergency decree Laws (CDL-REF(2016)067-e), 23 November 2016, available at [https://www.venice.coe.int/webforms/documents/?pdf=CDL-REF\(2016\)067-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-REF(2016)067-e); Amnesty International, *Purged Beyond Return? No Remedy for Turkey’s Dismissed Public Sector Workers*, 2018, available at <https://www.amnesty.org/download/Documents/EUR4492102018ENGLISH.PDF>;

¹⁹ Their names were included in long lists attached to the end of Emergency Law Decrees. See, among others, Emergency Decree Law Nos. 668, 669, 670, 672, 675, 677, 679, 683, 686, 688, 689, 692, 693, 695, 697. See also, Human Rights Joint Platform, *Updated Situation Report - State of Emergency in Turkey* (21 July 2016 - 20 March 2018), 17 April 2018, 24-25, available at <http://www.ihop.org.tr/2018/04/25/updated-situation-reportstate-of-emergency-in-turkey-21-july-2016-20-march-2018/>.

Code (Law No. 4857) and dismissed by the employers pursuant to the state of emergency decree provisions could bring challenges to the dismissal decisions before Labour Courts (subject to the review by Regional Appeal Court, Court of Cassation, and the Constitutional Court) (paragraph 140). The majority of dismissed public servants, who were working under the rules of Law No. 657 on civil servants, as appeared on the lists annexed to the emergency decrees, had to appeal to the State of Emergency Inquiry Commission (“the Commission”). The Commission was established with the Emergency Decree Law No. 685.²⁰ The decision of the Commission is subject to the review by the designated administrative courts, Regional Administrative Court of Appeal, Council of State, and the Constitutional Court.²¹ The criteria and the legal regime, i.e., the state of emergency measures, applied to these groups, and the consequences, however, were the same.

15. The NGOs submit that the thousands of cases pending before the domestic courts and the Commission²² concerning the public sector workers dismissed from their jobs pursuant to emergency executive decrees should be considered as falling within the scope of the ECtHR’s *Pişkin v. Turkey* judgment. This conclusion is supported by the following:
16. First, by finding a violation of the applicant’s rights under Articles 6 (1), the ECtHR has made clear that robust fair hearing protections must apply to these cases, notwithstanding the context of ‘state of emergency’ relied upon by the government. The Court has established categorically the need for detailed judicial examination of the evidence that forms the basis for dismissals, and the opportunity of the applicant to be heard under Article 6. Second, in finding a violation under Article 8, the Court has recognized the profound and lasting impact of dismissals, in particular where the individuals are labelled and stigmatized as ‘terrorists,’ in violation of their right to respect for private life. It has also emphasized the lack of safeguards against arbitrary interference with the dismissed public sector workers’ private lives. Third, this judgment shows that unless the domestic authorities take necessary measures concerning those pending dismissal cases, the

²⁰ Emergency Decree Law No. 685 on the Creation of the Inquiry Commission, published in the Official Gazette no. 29957, dated 23 January 2017, Article 2: “(1) The Commission shall carry out an assessment of and render a decision on the following acts established directly through the decree-laws under the state of emergency: a) Dismissal or discharge from the public service, profession or organization being held office. b) Dismissal from studentship c) Closure of associations, foundations, trade unions, federations, confederations, private medical institutions, private schools, foundation higher education institutions, private radio and television institutions, newspapers and periodicals, news agencies, publishing houses and distribution channels. ç) Annulment of ranks of retired personnel. (2) The scope of duty of the Commission shall also contain acts that do not fall within the scope of paragraph 1 and that are directly regulated with respect to the legal status of natural or legal persons by the decree-laws that are brought into force under the state of emergency. (3) In relation to the acts mentioned this article, no separate application shall be lodged for the additional measures introduced by decree-laws put into force under the state of emergency and for the acts subject to judicial review.”

See also, Turkey Human Rights Litigation Support Project (TLSP), Access to Justice in Turkey: A Review of the State of Emergency Inquiry Commission, October 2019, available at <https://static1.squarespace.com/static/5b8bbe8c89c172835f9455fe/t/5e13373ddb43712f438077a/1578317708753/State+of+Emergency+Commission+Report+Edited+Version+final.pdf>.

²¹ See TLSP, Access to Justice in Turkey: A Review of the State of Emergency Inquiry Commission (n 20), pp. 40-41.

²² According to the report by 31 December 2020, 126,630 applications were lodged with the Commission and 14,320 of those were still pending. It is also noted in the report that between 22 December 2017 and 31 December 2020, the Commission ruled on 112,310 applications, 13,170 in favour of the applicants and 99,140 rejections). See the Activity Report of the State of Emergency Inquiry Commission of 2020 (“*Olağanüstü İşlemleri İnceleme Komisyonu Faaliyet Raporu 2020*”), available at https://ohalkomisyonu.tcgb.gov.tr/docs/OHAL_FaaliyetRaporu_2020.pdf.

violations will continue, and the Court will likely face a number of similar applications where it will find the same breaches.

17. Taking into account the applicability of the principles laid down by the Court in the cases of dismissed public sector workers pending before the domestic courts and the Commission and the gravity and urgency of the matter, which has been adversely affecting the rights of a vast group of people in Turkey for years, the NGOs submit that *Pişkin v. Turkey* must be classified by the Committee of Ministers as a *leading case* under Articles 6 and 8 of the Convention concerning mass dismissal of public sector workers under the state of emergency. The supervision of its execution must be carried out under *enhanced procedure*, and it must be reviewed in the regular human rights meetings of the Committee of Ministers.
18. As a first step, the Committee is urged to invite the Turkish government to submit a comprehensive action plan addressing the issues raised in the judgment, setting out concrete plans on how it intends to implement the judgment at the national level in a way that provides a comprehensive solution for the systemic failures and violations that affect thousands of other similar cases. The action plan must include detailed information on the exact number of people dismissed within the context of the state of emergency. This should include figures and facts on important aspects of the issue in hand, including, for example, the manner and procedures through which the public sector workers had been dismissed; institutions from which they had been dismissed ; the number of people whose challenges were accepted as a result of the decisions of the labour courts, the Commission, administrative courts and/or other domestic tribunals; information on what measures followed after such decisions; the number of people who were reinstated to their previous positions; the number of those who were placed in different positions or workplaces; the number of public service workers whose challenges were rejected; and the number of those that are still pending before the domestic courts.
19. The action plan must clearly identify the necessary steps, including legislative, judicial and policy changes, to ensure that the domestic courts in Turkey, including the labour courts, administrative courts and other domestic judicial avenues, available to the dismissed public sector workers offer them an adequate, effective and genuine judicial review of the impugned measures. Considering that there is a significant number of cases concerning summary dismissals pending before the domestic courts, Turkey must ensure that those domestic authorities duly hear, examine, determine and explain in their reasoning the challenges made against the measures, reasons why the individuals were dismissed and compatibility of the dismissals with domestic and international law, in particular in view of the ECtHR's jurisprudence. Moreover, the Constitutional Court should play its vital role at the national level in protecting the right to a fair trial and private life and providing access to an effective remedy to those arbitrarily dismissed under the state of emergency. This includes dismissed public sector workers being provided with an effective remedy and reparation once a decision of violation and/or return is obtained.
20. It should also be noted that different national and international NGOs, including some of those who are authors of this communication, have conducted research into the operation of the State of Emergency Inquiry Commission, resulting in a sharp critique of its failure

to provide a timely and effective remedy against dismissals.²³ These NGOs have pointed out, in particular, the lack of institutional independence of the Commission, lengthy procedure before the Commission, inadequate procedural safeguards for individuals to effectively rebut allegations of illegal activity and weak or inexistent evidence cited in decisions upholding dismissals. Under these circumstances, any action plan must include a specific part on these matters to ensure that the ECtHR's findings are also duly implemented at the Commission level.

21. For the reasons set out above, the NGOs invite the Committee of Ministers to consider adopting the recommendations formulated below at the beginning of its supervision process to place the judgment into the right context, to reflect the serious situation in Turkey concerning the dismissed public sector workers and to ensure execution of *Pişkin v. Turkey* in its entirety.

V. Recommendations to CM on general measures and how to monitor effectively

Regarding procedural matters, the NGOs urge the Committee of Ministers to:

- i. Ensure that *Pişkin v. Turkey* be placed under enhanced procedure and treated as a leading case under Articles 6(1) and 8 of the Convention within the context of the summary dismissal of public sector workers under the state of emergency in Turkey; and
- ii. Review the implementation of the judgement as a priority at its regular human rights meetings, given the seriousness and urgency of the issues raised in the judgment that have been left unaddressed for almost five years.

Regarding general measures to implement the ECtHR's findings of violation in relation to Articles 6(1) and 8 of the Convention, the NGOs urge the Committee of Ministers to request that Turkey submit a comprehensive action plan as a matter of urgency, indicating what concrete steps it has taken, and will take to ensure effective implementation. The Committee of Ministers is called on to recommend that Turkey:

- i. Inform the Committee of Ministers of the detailed facts and figures about the summary dismissal of public sector workers under the state of emergency in line with paragraph 18 of the submission;
- ii. Submit a comprehensive action plan addressing the issues raised in the Court's judgment and setting out concrete plans on legislation, judiciary and policy on how it intends to implement it at the national level to address the widespread problems identified in the judgment;
- iii. Identify clearly the necessary steps to ensure that the labour courts, administrative courts and other domestic judicial avenues in Turkey offer an effective judicial review of the impugned measure and adequately hear, examine, determine and explain their reasoning in cases challenging the dismissals; and ascertain the reasons

²³ TLSP, Access to Justice in Turkey: A Review of the State of Emergency Inquiry Commission (n 20); Amnesty International, Purged Beyond Return? No Remedy for Turkey's Dismissed Public Sector Workers (n 18); Human Rights Joint Platform, Updated Situation Report - State of Emergency in Turkey (n 19); International Commission of Jurists, Justice Suspended: Access to Justice and the State of Emergency in Turkey (n 18), pp.27-34.

why the applicant and other individuals in similar situations were dismissed and the compatibility of the dismissals with domestic and international law;

- iv. Ensure that the domestic authorities, including the Constitutional Court, provide for effective remediation of the breaches of the rights that the ECtHR judgment found had been violated, including the right to a fair trial and respect for private and family life, of those dismissed under the state of emergency;
- v. Adopt a definitive time-limit for the domestic authorities to conclude the challenges to the dismissal decisions taking into account the lapse of some five years since the first dismissals took place; and
- vi. Ensure that the dismissed public sector workers who obtained a decision of violation and/or return are provided with an effective remedy, including, where appropriate, full reparation, including restitution and compensation.