



THE RIGHT TO SOCIAL SECURITY IN CASE OF UNEMPLOYMENT UNDER ARTICLE 3 ECHR: LIMITS AND APPLICATION TRENDS

The economic crisis following the Covid-19 pandemic had significant global repercussions on the labour market with an exponential increase in unemployment levels, already affected by an earlier economic crisis. This context makes it clear the importance to guarantee at the international level the right to effective access to social protection instruments in case of unemployment. However, considering domestic legislation, the effective access to such measures is still severely limited and this situation may have important consequences on fundamental rights and freedoms. The need to investigate the role of such instruments is particularly significant in the European human rights system where economic and social rights still receive a relatively limited protection compared to other regional systems, such as the Interamerican and African ones. The goal of this paper is to investigate on the possibility that the lack of access to social security instruments in case of unemployment may represent a degrading treatment and whether, and subject to which requirements, it is possible to apply Article 3 of the European Convention on Human Rights, which prohibits, *inter alia*, degrading treatments. In doing so, the article considers the role of the main international legal instruments to protect the right of access to social protection in case of unemployment. Precisely, the article focuses on Article 3 of the European Convention and on the jurisprudence of the European Court of Human Rights on this provision. In doing so, the paper aims to identify a minimum standard for the application of Article 3 of the Convention in such context. Overall, the article demonstrates how, in principle, Article 3 of the Convention may be applied also for the protection of unemployed subjects suffering the lack the economic means necessary to meet their basic needs and not able to access to other economic resources. Indeed, in such cases, the lack of access to social security instruments against unemployment may have severe consequences on the dignity of these individuals and may constitute a degrading treatment prohibited by Article 3 of the Convention.