

Gift Xaba

Senior Associate



Gift Xaba is a Senior Associate in our Pro Bono & Human Rights practice. Gift is involved in our firm's various CSR initiatives. His passion for access to basic education and literature has seen him involved in establishing and driving a number of access to education and literature initiatives including the Pro Bono & Human Rights practice's legacy initiative known as the 'Build A Library' project.

About Gift

Gift joined Cliffe Dekker Hofmeyr as a Candidate Attorney in 2016 and was appointed as an Associate in 2018. Gift was promoted to Senior Associate in 2022.

Credentials

Education

- LLB, University of Johannesburg
- LLM, University of Johannesburg

Experience

- Probono & Human Rights (Dispute Resolution & Litigation)

Involved in the preparation of proceedings in the High Court, Equality Court, the SCA, & the Constitutional Court including, but not limited to, research, drafting, and briefing of counsel.

- Public interest and constitutional law matters including litigation

- The right to basic education as envisaged by section 29 of the Constitution of South Africa ("Constitution").
- The right to access to health care services as envisaged by section 27 of the Constitution.
- The right to human dignity entrenched in section 10 of the Constitution.
- The right to freedom of conscience, religion, association, thought, belief and opinion entrenched in section(s) 15, 18, & 31 of the Constitution.

Contact Gift

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[Gift on LinkedIn](#)

Expertise

[Pro Bono & Human Rights](#)

Location

Johannesburg

Language

English

- **Public interest and constitutional law matters including litigation**

- The right relating to citizenship as envisaged by section 20 of the Constitution.
- The rights relating to property & access to housing as envisaged by section(s) 25 & 26 of the Constitution and have been involved in litigation on socio economic rights.
- The right relating to access to information as envisaged by section 32 of the Constitution.
- The rights relating to just administrative action, access to courts, and enforcement of rights as envisaged by sections 33, 34, 38 of the Constitution.

- **Publications & interest**

Gift has published pieces on subjects relating to: Access to basic education; enforcement of socio-economic rights; citizenship and refugee law, comparative law, foreign law, jurisdiction, foreign judgments, and enforcement of foreign judgments; and judicial precedence, bond guarantees and letters of credit.

- **Experience estate planning**

Gift also has experience and interest in estate planning, and the laws relating to administration of estates, Wills, intestate succession and has been involved in litigation regarding disputes arising from the 'Family House' concept.

- **Legal concepts / subjects**

As a public (interest) & constitutional law lawyer, Gift, in particular, has special interest on the following legal concepts / subjects:

- Constitutional education & the rule of law
- Public interest litigation & social change
- Transformative Constitutionalism & rights, participatory democracy, and the rule of law
- Cause-lawyering & public interest law
- Public interest law strategies.

News

[A municipality found in contempt of court opens the door for a possible award of constitutional damages for ongoing violation of socio-economic rights](#)

"The commitment to transform our society into one which respects and observes the values of human dignity, freedom and equality lies at the heart of our constitutional order ." – Chief Justice Chaskalson

[Court confirms the rights of pregnant and lactating women and children under six to free healthcare](#)

On Friday, 14 April CDH's Pro Bono & Human Rights practice celebrated victory in one of its long-standing matters concerning the enforcement of the rights of pregnant and lactating women and children to free healthcare. The practice represented the public interest law organisation, Section 27, and three individual applicants, to challenge the validity of Gauteng provincial legislation, departmental policies and practices which have been used to deny migrant and undocumented pregnant and lactating women and children under six free healthcare to which they are entitled, in health facilities across the province.

[In loco parentis: Schools' liability and duty to take reasonable steps to prevent foreseeable harm to learners under their care](#)

"After the event, even a fool is wise. But it is not the hindsight of a fool; it is the foresight of a reasonable man which can determine responsibility " – Viscount Simonds

[Pro Bono & Human Rights Annual Newsletter](#)

In 2011, as part of its commitment to being a good corporate citizen and to further its strong commitment to promoting access to justice and the rights and values in our Constitution, Cliffe Dekker Hofmeyr Inc (CDH) set up a dedicated Pro Bono and Human Rights Practice (the Pro Bono Practice). Our mandate is to provide dedicated pro bono representation of the highest standard to deserving individuals, communities, NGOs and other organisations whose mandates include the promotion of human rights or the public interest.

[Moment of reckoning for aspiring foreign lawyers: the Constitutional Court upholds limitation to entry to the legal profession](#)

Analysis of *Rafoneke and Others v Minister of Justice and Correctional Services and Others* ZACC 29.

Videos

[Video | The significant impact of our Pro Bono & Human Rights practice](#)

As we commemorate Human Rights Day on Thursday, 21 March, one of the ways CDH demonstrates our commitment to the transformation of our society is through our dedicated Pro Bono & Human Rights Practice. We provide pro bono representation of the highest standard to deserving individuals, communities, NGOs and other organisations that promote human rights or the public interest.

Podcasts

[Agency, commitment, and impact](#)

Join Boipelo Mathodlana, Senior HR Business Partner - Talent Development, and Gift Xaba, Senior Associate in the Pro Bono & Human Rights practice in conversation with Book iBhoni's Mpumi Mtintso. They discuss the value of human rights and why it is important for organisations and members of society as agents for social change to promote and protect our human rights through active citizenry and contributing to social empowerment initiatives.

[All news by Gift Xaba →](#)