

Pro Bono & Human Rights

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South Africa

- World Refugee Day and the constitutional promise of home



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World Refugee Day and the constitutional promise of home

World Refugee Day is observed each year on 20 June. It is a day set aside to honour people who have been forced to flee their homes because of persecution, conflict, violence or serious human rights violations. But this year, in South Africa, the day asks something more difficult of us. It asks us to look honestly at the moment we are in.

Across the country, conversations about migration have become increasingly tense. Many South Africans are frustrated by unemployment, poverty, crime, pressure on public services, and a sense that the State is not always able to enforce its laws effectively. These concerns cannot simply be dismissed. They are real for many communities, and they deserve serious, lawful, and evidence-based responses.

But there is a danger in what happens when legitimate frustration is redirected towards people who are already vulnerable. There is a danger when complex social and economic problems are reduced to the presence of foreign nationals.

In *Treatment Action Campaign and Others v Facility Manager, Yeoville Clinic and Others*, Judge Wilson captured this danger with striking clarity:

"Xenophobia is one of the greatest threats to democracy and human rights we presently face. Leaving aside the fact that it feeds on that most toxic of human instincts: the hatred of the other; forgetting that it is animated by the fantasy that the presence of foreign nationals in South Africa immiserates the lives of its citizens; and overlooking that, in its practiced form, it is merely another kind of racism (for white foreigners seldom have much to fear), the problem with xenophobia is its misdirection. If we can blame foreigners, we need not look to ourselves for the solutions to the poverty and inequality that scar our society. So long as foreigners are there to take unearned responsibility, the structures of violence, fear and deprivation which bedevil the constitutional project may be left unexamined."

Those words are powerful because they do not deny South Africa's difficulties. They insist that we diagnose them honestly.



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SOUTH AFRICA

South Africa is a country with deep social wounds. We know what it means to be excluded from opportunity, to be denied access to services, and to be treated as though dignity depends on where you come from. Our constitutional promise was born from the rejection of this kind of exclusion.

This does not mean that South Africa must avoid difficult conversations about migration. Borders, documentation, labour standards, and public administration matter. A capable state must be able to manage migration lawfully and effectively. It must be able to address exploitation, corruption, and criminality. But it must ensure that migration management is never used as a licence for dehumanisation.

This distinction is important. The rule of law is not strengthened when communities take enforcement into their own hands. It is weakened. Public safety is not advanced when people are threatened in the streets, denied services, or treated as collective scapegoats. It is undermined. And constitutional democracy is not protected when we allow fear to divide people who often share the same struggles.

The harder question is this: what kind of society do we become under pressure?

It is easy to speak about dignity when the economy is growing, institutions are trusted, and communities feel secure. It is much harder to insist on dignity when people are afraid, angry, and exhausted. Yet that is precisely when constitutional values matter most. They are not ornamental.

They are the framework that must guide us when the national conversation becomes difficult.

World Refugee Day reminds us that refugees are not abstractions. They are people who have had to leave home, often not by choice but because remaining would place their lives, safety, or freedom at risk. They are parents, children, workers, students, neighbours, entrepreneurs, caregivers, and community members. Many arrive carrying loss that is difficult to put into words. Many are trying, with extraordinary courage, to rebuild a life in a place that may not always welcome them.

To commemorate World Refugee Day meaningfully, we must resist the temptation to reduce people to a category. *"Refugee"*, *"asylum seeker"*, *"migrant"* and *"foreign national"* are legal or descriptive terms. They are not the whole person. Behind every term is a human being with a name, a history, a family, a fear, a hope, and a claim to dignity.

This is also a day to remember that South Africa's constitutional promise is not a promise of dignity for some. The Constitution speaks in the language of everyone. It does not prevent the State from regulating migration, but it does require that this be done lawfully, fairly, and with respect for human dignity. That is the real invitation of World Refugee Day this year: to think beyond *"us"* and *"them"*.



The people who live in South Africa, whether citizens or foreign nationals, are not standing on opposite sides of the country's challenges. They are often standing inside the same crisis, affected by the same broken systems, and hoping for the same things: safety, work, healthcare, education, belonging, and a future for their children.

If we are serious about the constitutional vision, then we must be serious about refusing easy blame. We must build a country where public anxiety is met with lawful governance, where migration is managed through functional rights-based systems, not fear, and where the dignity of one person is not treated as a threat to the dignity of another.

World Refugee Day is not only about people who have crossed borders. It is about the kind of home we are building on this side of the border.

And perhaps that is where our constitutional responsibility lies. In ensuring that migration is managed through law and constitutionally compliant functional governance, not fear. Through evidence, not assumption. And through systems that protect both public confidence and human dignity. On World Refugee Day, we are reminded that the strength of a constitutional democracy is measured not only by the rules it enforces, but by the humanity with which it enforces them.

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BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

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