

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: ZWE34717
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Questions

- 1. Please provide information on the National Arts Council of Zimbabwe, its structure and its functions.**
- 2. Deleted.**
- 3. To what extent is the National Arts Council controlled by the Zimbabwean government?**
- 4. Does the government control appointments or employment at the National Arts Council?**
- 5. To what extent is protection available to refugees in Cyprus?**

RESPONSE

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The website of the National Arts Council of Zimbabwe is presently “down for maintenance” (National Arts Council of Zimbabwe website <http://www.natartszim.co.zw/> – Accessed 17 April 2009 – Attachment 1).

The Arts Council’s functions include arts development and management, and disbursement of funding; these functions reportedly have been affected by both government “interference” and government “neglect”. The director and the board members of the Arts Council are government-appointed.

Documents providing information on these matters, sourced mainly from the news media in Zimbabwe, follow in chronological order.

An article published in *The Daily News* on 17 March 2003, written by Henry Maphosa, an arts consultant and the President of the Zimbabwe Dance Council, mentioned ongoing concern regarding government interference in the running of the Council:

The National Arts Council (NAC) was born in 1985 as an Act of Parliament replacing the National Arts Foundation. A number of directors were appointed, among them Dr Tafatawona Mahoso and Charles Makari. The directors did not do much because of the lack of funding and interference from the parent ministry. The council's act gave too much power to the minister.

In 1998 Titus Chipangura was appointed director of the NAC and inherited a near-bankrupt council. His budget has been decreasing since he took over. The parent ministry is not helping at all.

...There has been concern in the manner in which government interferes with the running of the NAC.

The NAC, which is operating under an outdated Act should be an autonomous body free from government interference. The government's role should be to fund the council, so it carries out the responsibility of funding arts and culture.

It is sad that the government has not given enough support to the budgets for the NAC, National Gallery and National Library and Documentation Services when they are presented in Parliament. The institutions are reeling in poverty. They get grants that are below their operational expenses.

For example, the NAC with which I am familiar has had no board for almost one and half years now.

Surely this is very unfair to the director and his staff. One gets the impression that the culture ministry wishes to continue to have indirect control of the council for reasons best known to themselves (Maphosa, H. 2006, 'Zimbabwe: Lack of a Policy On Culture is a Betrayal to Nation', *AllAfrica Global Media*, source: *The Daily News*, 17 March <http://allafrica.com/stories/200303190737.html> – Accessed 15 April 2009 – Attachment 2).

An article dated 8 April 2003 by the entertainment editor of *The Daily News*, Maxwell Sibanda, similarly reported accusations of government interference and underfunding of the Arts Council and made the following observations regarding the Minister's role in approving employment of staff and appointment of board members:

According to the 1985 Act, the minister appoints the board, which elects a vice-chairman. Each district should consist of two members appointed by the minister after consultation with the board.

The Act stipulates that the minister will – in consultation with the minister responsible for Finance and the Public Service Commission – have to approve the employment of staff on such terms and conditions as it considers fit and to suspend or dismiss staff and oversee the raising of money for carrying out the functions of the NACZ.

Arts consultant Henry Maphosa said the Act gave the minister too much control over the NACZ.

He said: “The council has since 1985 never had the intended autonomy. There has been too much interference from the ministry.”

As for the absence of a board, Maphosa said: “Surely this is unfair to the director and his staff. One gets the impression that the ministry wishes to continue to have indirect control of the council...”

...

Chipangura said since 2001 they had been approaching government to amend the Act. He said: “Two weeks ago we were having meetings with our parent ministry so they could amend the Act and we seem to be getting somewhere.

“They need to review the Act.”

Chipangura said the council had been consulting with the parliamentary committee on culture (Sibanda, M. 2003, ‘Zimbabwe: Chigwedere Accused of Neglecting the Arts’, *AllAfrica Global Media*, source: The Daily News, 8 April <http://allafrica.com/stories/200304070846.html> – Accessed 15 April 2009 – Attachment 3).

An article in the *Financial Gazette* on 20 January 2005 discussed the functions of the National Arts Council of Zimbabwe. According to the article:

It is part of his job to see that the profile of the arts industry – music, dance, theatre, film, crafts, paintings, curving, drawings and literature among others, and that of artistes alike, is raised to professional levels by establishing and developing an enabling regulatory, funding and investment framework. But for him it is more than a profession but a passion.

Driven by the vision to lead the arts and cultural industry to become one of the largest contributors to the Gross Domestic Product (GDP) by the year 2010, he has come up with a number of programmes and events that aim to turn this dream into a reality.

For over seven years he has been providing visionary and proactive leadership to a team of men and women who have made it their profession to promote arts and cultural activities.

His name is Titus Perkins Chipangura (pictured), the executive director of the National Arts Council of Zimbabwe (NACZ) and former lecturer in University of Zimbabwe’s Department of Politics and Administration.

...

“In the face of globalisation our only competitive advantage as a people is our culture, the Zimbabwean culture. It is therefore impossible to talk of meaningful development without the development of the arts and culture industry,” explained Chipangura when asked about the value of arts in society.

Taking over as the director of the Arts Council in September 1998, Chipangura explained that some of his major challenges included raising the profile of both the arts and the artistes themselves, changing the poor perception and stereotypes against artistes in society which translated to the way they were remunerated when hired at functions and to build capacity for the industry through organised and coordinated programmes.

...

To map the way forward NACZ organised an indaba for all stakeholders – the Education, Sports and Culture Ministry, artistes in the various genres, promoters, etc, in December 1999 in Darwendale. The conference came up with a document that spells out the role of the

council – strengthen the capacity of various arts organisations, establish branches throughout the country, give annual grants to registered arts associations, among others.

...

In 2000 NACZ also introduced the Zimbabwe Culture Fund which provides grants and loans to artistes engaged in different projects.

Last year the council with the help of some partners distributed \$5 billion to artistes from across the board throughout the country ('Zimbabwe: For Chipangura, It's More Than Just a Profession' 2005, *AllAfrica Global Media*, source: Financial Gazette, 20 January <http://allafrica.com/stories/200501200407.html> – Accessed 14 April 2009 – Attachment 4).

An article dated 18 January 2006 in the *Financial Gazette* mentioned Titus Chipangura's (Executive Director of NACZ) additional role as the chairman of the interim board of the Zimbabwe Culture Fund which was in the process of restructuring after having been "mired in controversy". According to the article:

The interim board tasked with the restructuring the Zimbabwe Culture Fund is slowly approaching the home stretch after more than a year of deliberations on how it should function.

The restructuring process, which was supposed to have been completed by the end of last year, had to be extended into the New Year as the board sought to tie up loose ends in the arts sector.

The fund, which previously operated for just a year, was mired in controversy, as some of the funds it disbursed could not be accounted for, with allegations that some recipients did not do anything in line with their intended purposes.

Questions were also raised on whether artists should sit on the board in view of the potential conflict of interest that this arrangement poses. The chairman of the interim board, Titus Chipangura, admitted that some anomalies, were overlooked at the formation of the fund in 2003, hence the need to restructure it.

He said, "As you know the culture fund only operated for a year on a national scale and funds were distributed throughout the country. The excitement of having a national arts fund might have been so overwhelming that we omitted some important aspects such as the capacity to follow up on funds given to artists and those are some of the issues that we are trying to address."

"We envisage making the fund a much bigger thing, twice bigger than the initial fund. It is a process, we received a lot of feedback from artists who came up with proposals and complaints and we are trying to address all these concerns, which is why we had to go back to the drawing board. We should be finishing the process in April," said Chipangura who is also the chairman of the National Arts Council of Zimbabwe.

Asked why the process is taking so long to complete, he said they had been waiting for consultants from outside the country, and had to engage local ones when the foreign group took too long to come (Kwenda, S. 2006, 'Zimbabwe: Culture Fund Restructuring Slowly Takes Shape', *AllAfrica Global Media*, source: Financial Gazette, 18 January <http://allafrica.com/stories/200601190037.html> – Accessed 15 April 2009 – Attachment 5).

An article by the communications officer of the NACZ and published in *The Herald* on 11 July 2006 referred to "Statutory Instrument No. 87 of 2006 [National Arts Council of

Zimbabwe (general) Regulations]” having been introduced to provide “a framework to deal with issues of corporate governance, accountability, protection of the paying audience and above all the role of national arts associations and promoters in the development of the arts and culture sector”. It is stated that:

These regulations, which should be read together with the National Arts Council of Zimbabwe Act (1985), try to bring sanity to the arts and culture industry by providing for a framework to deal with issues of corporate governance, accountability, protection of the paying audience and above all the role of national arts associations and promoters in the development of the arts and culture sector.

The arts and culture like any sector of our economy needs a framework within which it has to respond positively to the needs of our developing country.

The instrument, is nothing but an addendum to the Act. It reinforces provisions of the act by making it compulsory for associations and promoters to register and follow a framework whose resultant effect is the development of the sector into a formal economic sector.

...

Over the years, this sector has operated, as an informal one where issues to do with accountability and respect for the interests of other stakeholders was not paramount.

The Government, in the National Economic Development Priority Programme (NEDPP) recognised arts and culture as an economic sector with potential.

The promulgation of the 75 percent local content in radio and television programming and the provision of duty free importation of musical and broadcasting equipment are some of the steps the Government has been taking to unlock the potential inherent in this sector.

These initiatives seek to give strong footing to the industry to operate and compete favourably with external competitors and at the same time help promote the development of Zimbabwean culture, employment generation and above all, economic development.

As a way of consolidating these Government moves, the NACZ in its strategic framework adopted two years ago seeks to turn the arts and culture industry into a vibrant economic sector ready to play its part in the national economic development agenda (Chinamhora, A. 2006, ‘Zimbabwe: New Law Boon for Arts Sector’, *AllAfrica Global Media*, source: The Herald, 11 July <http://allafrica.com/stories/200607110382.html> – Accessed 15 April 2009 – Attachment 6).

An article dated 2 March 2007 in the *Zimbabwe Independent* reported that Titus Chipangura was a member of the new board of the Zimbabwe Culture Fund, due to be relaunched on 24 May 2007. The article noted also that the fund had received a financial “lifeline” from an international donor, the Swedish International Development Agency:

The Zimbabwe arts industry has received a financial boost of US\$1million for the year from the Swedish International Development Agency (Sida), Independent Xtra can reveal.

Sida is the biggest financier of the arts industry in the country. The lifeline comes at a time when artists were reeling under financial pressures after Sida had suspended the Zimbabwe Culture Fund. The fund – through which the money was availed to various artistic genres – was suspended after an outcry by artists of nepotism and corruption allegations against the board.

Independent Xtra heard that the suspended fund is set for a re-launch on May 24 during the culture week under a new structure and leadership called the Culture Fund of Zimbabwe Trust.

Businessman, Luxon Zembe, will chair the new board. Other members include Farai Mpfu and Sibusisiwe Bango. Mpfu is the vice-chairperson.

National Arts Council of Zimbabwe executive director, Titus Chipangura, eye specialist Solomon Guramatunhu, Zifile Gambaya and Godwin Kadhuma complete the board.

Zembe said the arts sector in Zimbabwe has for long been viewed as an object of pity and social welfare, a phenomenon the new board is determined to change as it strives to transform it into a viable economic industry (Mushekwe, I. 2007, 'Zimbabwe: Sida Throws Lifeline to Sinking Arts Industry', *AllAfrica Global Media*, source: Zimbabwe Independent, 2 March <http://allafrica.com/stories/200703020806.html> – Accessed 14 April 2009 – Attachment 7).

In *The Herald* on 26 April 2007 it was reported that a new board of the National Arts Council of Zimbabwe had been appointed by the Minister of Education, Sport and Culture. According to the article, the new board had been “tasked to turn around the fortunes of the arts council”:

The National Arts Council of Zimbabwe has a new seven-member board that will oversee the affairs of the council for the next three years.

Dr Thokozile Chitepo, who is the Dean of Humanities and Social Sciences faculties at Africa University, leads the new board with Pedia Moyo-Matamisa as her vice.

The other members are Naran Kala, Marondera mayor Ralph Chimanikire, Shingi Munyeza, Mavis Gumbo, Felix Moyo, Tsitsi Mariwo and Reverend Elias Musakwa.

The new board, whose tenure started this month, has been tasked to turn around the fortunes of the arts council and to ensure self-sufficiency in resource mobilisation and developing artists' associations.

The board is also expected to establish strategic partnerships with local, regional and international organisations as well as realise Government's policies on promoting and developing the arts and culture industry in Zimbabwe.

...

Minister of Education, Sport and Culture, Cde Aeneas Chigwedere made the appointments ('Zimbabwe: Arts Council Gets New Seven-Member Board' 2007, *AllAfrica Global Media*, source: The Herald, 26 April <http://allafrica.com/stories/200704260218.html> – Accessed 14 April 2009 – Attachment 8).

5. To what extent is protection available to refugees in Cyprus?

The US Department of State report on human rights practices in Cyprus for 2008 indicates that in Cyprus “[t]he law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees”. Information relating to protection available to refugees in Cyprus is in section 2(d) of the report, as follows:

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and persons entitled to subsidiary protection.

...

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. The government granted refugee and asylum status to individuals during the year. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened, although one NGO claimed that some asylum seekers were deported before final adjudication of their application by the proper authorities. The ombudsman reported receiving complaints of delays in the examination of asylum applications as well as complaints that cases with considerable merit were closed. An investigation revealed that authorities were systematically closing cases of applicants who could not be located for an interview in connection with their application. The ombudsman submitted recommendations for more substantial attempts to notify applicants before their cases are closed. The ombudsman's office also reported that the government asylum department had taken action in many cases to ensure respect of the rights of the asylum seekers and refugees.

Those individuals determined to be refugees were permitted to stay and were given temporary work permits but were not granted permanent resettlement rights. During the year no refugees were deported, and authorities granted refugee status to 64 persons.

The government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided temporary protection to 163 persons during the year. According to the ombudsman and NGOs, the inmates in detention centers were exclusively foreign and often asylum seekers who were arrested for illegal entry. Similar to the previous years, KISA maintained that police violated the law and the human rights of asylum seekers by carrying out illegal arrests, detentions, and deportations. The group claimed that authorities treated asylum seekers as illegal immigrants or economic migrants and jailed or deported them. Another local NGO, Apanemi, reported that several asylum seekers made complaints to the ombudsman alleging that they were physically and psychologically abused by police. A third NGO reported that asylum seekers complained about the denial of state medical care. Prior to October, NGOs and asylum seekers filed complaints with the ombudsman alleging that the government was permitting the exploitation of asylum seekers as cheap labor by restricting their employment to the farming sector. In October the law was amended to allow the employment of asylum seekers in several areas, such as labor in fisheries, forage production, waste management, gas stations and car washes, freight handling in the wholesale trade, building and outdoor cleaning, distribution of advertising/informative materials, and food delivery.

There were allegations by NGOs and refugees that the protection of refugees suffered because of an overtaxed, understaffed, and underfunded asylum service, and that there was systemic discrimination against asylum seekers. Out of 35,087 applications filed since 2002, only 208 applicants have been granted full refugee status, and only 463 applicants have been granted secondary refugee status. Refugees and NGOs alleged that the asylum service systematically closed files before due consideration, and that asylum cases with considerable merit became

lost in the system and applicants received no response from the government. An NGO reported that asylum applicants are waiting for several years for a response. NGOs and asylum seekers alleged that payments of welfare benefits to refugees were often delayed.

A number of persons, mostly Iranians, who destroyed their travel documents and denounced their nationality or refused to divulge their country of origin, remained in long-term detention in Nicosia Central Prison through 2007 until their release in May. All were former asylum seekers whose applications were denied and were consequently arrested on detention and deportation orders for residing in the country illegally. In May the minister of interior announced that the government had released long-term detainees and given them one-year permits to stay and find work.

The country's only accommodation center for asylees, Kofinou, housed only women and families for most of the year. Asylum seekers were allowed to work after six months in the country but were limited to the areas noted above. Asylum seekers who refused an available job could be cut off from state benefits. To obtain welfare benefits, asylum seekers had to have a valid address, which was impossible for many who were homeless. KISA reported that persons who were eligible for benefits received their checks only sporadically and that, on June 25, over 100 affected asylum seekers conducted a protest in response.

The government provided funding to local colleges to provide educational services to help recognized refugees integrate into society and to a local NGO to help torture victims. There were complaints regarding the remoteness and lack of facilities at Kofinou. However, conditions improved during the year after the government entered a private-public partnership with a university to run and maintain the center (US Department of State 2009, *Country Report on Human Rights Practices for 2008 – Cyprus*, February, Section 2(d) – Attachment 12).

The US Department of State reports similarly on the legislative framework and practice regarding applicants for asylum in Cyprus in 2007 (US Department of State 2008, *Country Report on Human Rights Practices for 2007 – Cyprus*, March, Section 2(d) – Attachment 13).

List of Sources Consulted

Internet Sources:

Government Information & Reports

UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State website <http://www.state.gov>

Zimbabwe Government website <http://www.gta.gov.zw/>

Zimbabwe Ministry of Sport, Education and Culture <http://www.moesc.gov.zw/>

Non-Government Organisations

Amnesty International website <http://www.amnesty.org>

Human Rights Watch website <http://www.hrw.org>

International News & Politics

Africa Confidential <http://www.africa-confidential.com>

AllAfrica Global Media <http://allafrica.com>

The Herald <http://www.herald.co.zw>

The Zimbabwe Times <http://www.thezimbabwetimes.com>

Zimbabwe Independent <http://www.thezimbabweindependent.com>

Topic specific

Arts Initiates website <http://www.artsinitiates.co.zw/>
International Federation of Arts Councils and Culture Agencies website
<http://www.ifacca.org>
National Arts Council of Zimbabwe website <http://www.natartszim.co.zw/>

Search Engines

Copernic search engine

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

MRT-RRT Library Catalogue

List of Attachments

1. National Arts Council of Zimbabwe website <http://www.natartszim.co.zw/> – Accessed 17 April 2009.
2. Maphosa, H. 2006, 'Zimbabwe: Lack of a Policy On Culture is a Betrayal to Nation', *AllAfrica Global Media*, source: The Daily News, 17 March <http://allafrica.com/stories/200303190737.html> – Accessed 15 April 2009.
3. Sibanda, M. 2003, 'Zimbabwe: Chigwedere Accused of Neglecting the Arts', *AllAfrica Global Media*, source: The Daily News, 8 April <http://allafrica.com/stories/200304070846.html> – Accessed 15 April 2009.
4. 'Zimbabwe: For Chipangura, It's More Than Just a Profession' 2005, *AllAfrica Global Media*, source: Financial Gazette, 20 January <http://allafrica.com/stories/200501200407.html> – Accessed 14 April 2009.
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8. 'Zimbabwe: Arts Council Gets New Seven-Member Board' 2007, *AllAfrica Global Media*, source: The Herald, 26 April <http://allafrica.com/stories/200704260218.html> – Accessed 14 April 2009.
9. Deleted.
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11. Deleted.
12. US Department of State 2009, *Country Report on Human Rights Practices for 2008 – Cyprus*, February.
13. US Department of State 2008, *Country Report on Human Rights Practices for 2007 – Cyprus*, March.