

AT ISSUE

Exploring Suitable Electoral Systems for Promotion of Women's Representation in Tanzania and Rwanda

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Abstract: This article explores suitable electoral system(s) for the promotion of women's representation in the Tanzania and Rwanda from a legal standpoint. The scrutiny of international law finds an absence of legal guidance on the favorable electoral system for enhancing the participation of women in elections, except trivially under the 1995 Beijing Declaration and Platform for Action. The Declaration calls for states and parties to adopt electoral systems that encourage political parties to nominate women candidates. The first-past-the-post (FPTP) electoral system as applied in Tanzania operates without candidate gender thresholds, and consequently does not encourage political parties to nominate women candidates. While the proportional representation (PR) electoral system has placed Rwanda as a global leader in women's representation in parliament, the system is set at 30 percent and does not expressly decree the gender quota or the positioning of women in the political parties' candidate lists. This article discusses the advantages and challenges associated with the FPTP electoral system as well as the PR electoral system in Tanzania and Rwanda respectively, in light of international law principles, and offers recommendations on needed adjustments.

Keywords: electoral systems, women's electoral rights, international law, Rwanda, Tanzania

Introduction

Equal participation of men and women in democratic processes is key to the advancement of humanity, democracy, and gender equality. However, the universal guarantee of suffrage rights has not automatically led to equal participation of men and women in elections. The historical disenfranchisement of women and persistent gender norms that perceive women as private beings means the underrepresentation of women in elections is a dilemma of democracy.¹ By October 2022, the global share of women in national parliaments was only 26.1 percent and stood at 25.9 percent in sub-Saharan Africa.²

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Cultural, economic, legal, institutional, and political factors hamper women's meaningful engagement in elections.³ The contemporary democracy literature points to the fundamental role of electoral systems in determining women's participation in elections as voters and as candidates. This is because electoral systems define how votes cast for parties or candidates convert into actual seats, consequently affecting the processes related to candidate nominations, campaigning, voter mobilization, voting, and the actual winning of elections.⁴ Accordingly, the question of whether the electoral processes of a country properly represent women brings the whole or parts of the applicable electoral system into scrutiny.

Elections across the globe occur under a variety of electoral systems, with the prominent ones being plurality or majoritarian, also known as first past the post (FPTP); proportional representation (PR); and mixed electoral systems.⁵ The FPTP system operates within a winner-takes-all approach, characterized by candidates vying for small single-member-constituencies, voters voting for one candidate, and the candidate with the most votes declared winner.⁶ Under the PR system, closed or open party lists are involved and candidates vie for a big-multi-member-constituency with more than one representative elected. Countries that use mixed systems apply both FPTP and PR systems. Political science scholars argue that while the FPTP system is strong on accountability, it is weak on the inclusion of marginalized groups.⁷ Conversely, while the PR system is weak in accountability, it is strong on the inclusion of historically marginalized groups.⁸

From the legal standpoint, international law calls upon member states to take deliberate steps to address the challenges facing women's participation in elections and ensure the equal representation of men and women in all positions of power.⁹ Despite the critical role electoral systems play in facilitating women's participation in elections, the body of international law does not stipulate the electoral system member states can apply to facilitate women taking part and winning elections. Consequently, countries employ discretion in the selection of their electoral system, albeit with positive and or negative consequences on women's participation in elections. To fill this gap, I examine the characteristics and circumstances under which the PR and FPTP systems operate—in the election of deputies to Rwanda's House of Deputies and parliamentarians to Tanzania's National Assembly, respectively—with the aim to identify a suitable electoral system for the promotion of women's participation in elections from a legal perspective.

A number of factors prompted the selection of Rwanda's House of Deputies and Tanzania's National Assembly as case studies. Both Rwanda and Tanzania operate under multiparty democracy, albeit with a single-party dominance.¹⁰ While women make up the majority of voters in both Rwanda and Tanzania, the two countries have a significant variation in the representation of women in their parliaments. Rwanda leads the world, with women occupying 61.3 percent of parliament, while women make up 36.9 percent of the Tanzania National Assembly.¹¹ Further, whereas deputies in Rwanda compete via the PR system, parliamentarians in the National Assembly win seats through the FPTP system. These divergences make Rwanda and Tanzania interesting comparative cases.

International Law Principles for Advancing Women's Participation in Elections

Whether the applicable electoral system is FPTP, PR, or mixed, it remains a determinant factor in deciding the number of women standing and winning the elections. Despite this recognition, international human rights conventions as well as women-specific conventions are silent on the suitable electoral system for attaining women's meaningful engagement in elections.

Rwanda and Tanzania are both members of the East Africa Community (EAC) and have similar obligations in the civic, political, and women's rights conventions at global, regional, and sub-regional levels.¹² At the global level, Rwanda and Tanzania have ratified the International Covenant on Civil and Political Rights (ICCPR), the International Convention on Elimination of All Forms of Discrimination against Women (CEDAW), and the Beijing Declaration and Plan for Action. In the African region, Rwanda and Tanzania have subscribed to the African Charter on Human and People's Rights, the African Agenda 2063, the Maputo Protocol, the Solemn Declaration on Gender Equality in Africa, and the SADC Protocol on Gender and Development.¹³

These international, regional, and sub-regional instruments oblige states parties, including Rwanda and Tanzania, to *inter alia* eradicate all forms of discrimination against women, ensure women vote, stand for, and win elections, as well as adopt some form of Temporary Special Measures (TSM).¹⁴ The Solemn Declaration on Gender Equality in Africa, the 2030 Agenda for Sustainable Development, and the African Agenda 2063 call for 50/50 representation of men and women in positions of power.¹⁵ The conventions however, do not contain any stipulation on the electoral system member-states can apply to facilitate women's meaningful engagement in elections.

The explicit mention of the electoral system is only in the 1995 Beijing Declaration and Platform for Action.¹⁶ The Declaration requires countries to "review the impact of electoral systems on the political representation of women and consider reforming those systems by adopting the electoral systems that encourage political parties to integrate women in elective and non-elective public positions in the same proportion and level as men."¹⁷ Similar to general human rights and women-specific conventions, the Declaration does not suggest any electoral system. It, however, recognizes that some electoral systems are more favorable for women's access to positions of power, hence calling countries to rethink, review, and adopt the electoral system that encourages political parties to integrate women in elections.¹⁸

Rwanda and Tanzania have experienced critical moments that could prompt review of electoral systems. At different points, Rwanda and Tanzania embarked on constitutional reforms that in many countries produce a critical juncture for the review of electoral systems.¹⁹ Rwanda engaged in a constitutional review process after the 1994 genocide and adopted a new constitution in 2003.²⁰ Tanzania attempted to review its constitution from 2011-2014, but the process was halted.²¹ With the stalling of a new constitution-making process, the 1977 Tanzania Constitution continues to apply.²² In line with human rights as well as women-specific international and regional conventions, the 1977 Tanzania Constitution and the 2003 Rwanda Constitution recognize the equality of all citizens and prohibit any form of discrimination.²³ The two constitutions also guarantee the right to vote, to stand for election for both men and women, and have adopted some form of Temporary Special Measures.²⁴

As noted above, the Beijing Declaration requires countries to review and adopt electoral systems that encourage political parties to integrate women in elections.²⁵ The 2003 Rwandan Constitution enshrined the PR system for the election of members of the House of Deputies.²⁶ In Tanzania, the 1977 Constitution and the National Elections Act maintain the application of the FPTP system in election of members of the National Assembly.²⁷ The following section considers the extent FPTP and PR systems in Tanzania and Rwanda, respectively, encourage political parties to nominate women for elections as required under the Beijing Declaration.

Electoral Systems and International Law Principles for Promotion of Women's Participation

Electoral systems define how votes cast for parties or candidates convert into actual seats. Consequently, the electoral system affects the processes related to candidates' nominations, voter mobilization, campaigning, voting, counting, and allocation of seats.²⁸ Therefore, the application of FPTP and PR systems in Tanzania and Rwanda respectively, provide different incentives for political parties to nominate women candidates, and thus affect how women participate in elections.

The PR system in Rwanda operates under a constitutionally created 30 percent quota for women in all decision-making bodies.²⁹ Article 75 of the Constitution requires a minimum of 30 percent representation in the House of Deputies. It is noteworthy that although the Rwandan Constitution mandates a 30 percent gender rule in all positions of power and orders for 30 percent of Deputies to be women, the Constitution neither expressly require political parties to observe gender representation in their candidates' lists nor does it provide for how women should be positioned in the parties' candidate list. Therefore, the number of women candidates and their positioning in the party candidate list remains at the discretion of the political party.³⁰ Nevertheless, political parties often exceed 30 percent representation in their candidate lists. For example, in the 2008 parliamentary election, the Rwandan Patriotic Front (RFP)-led coalition contained 44 percent while the Liberal Party (LP) and the Social Democratic Party (SDP) both had 37 percent women candidates in their lists.³¹

The 30 percent threshold required in the House of Deputies pushes party nomination committees to divide winning slots on their candidate lists among various internal party interests, including women's, thus complying with the Beijing Declaration which calls for electoral systems to encourage political parties to nominate more women to stand for elections.³² The PR system allows more than one candidate to win a constituency, thus making political parties more conscious of the diversity of candidate lists to attract votes from diverse groups.³³

To the contrary, the FPTP system in Tanzania does not operate on any specific or overarching gender quota during candidates' nominations. It presumes that both men and women equally enjoy the same status and acceptance by the political parties.³⁴ The 1977 Constitution and the 2015 National Elections Act provide equal opportunities for men and women to contest elections with no gender threshold.³⁵ The 2019 Political Parties Amendment Act requires political parties to adhere to the gender and social inclusion principles in nomination of candidates, again without providing any gender threshold.³⁶ This leaves parties to exercise discretion in the nomination of candidates across the 264 constituencies. The absence of a candidate gender threshold has generally made the political parties reluctant to nominate

women candidates. The fact that FPTP requires political parties to place only one candidate per constituency contributes to this reluctance, as only one candidate with a majority of votes wins the constituency. With only one candidate, parties are under pressure to field a candidate most acceptable to diverse groups of voters. Long-entrenched perceptions that women are apolitical have made nomination committees give emphasis to male aspirants and provides a pretext for discrimination against women. Since Tanzanian independence in 1961, a smaller proportion of women have made it to party candidate lists. For example, in the 2020 general election, women made up 23 percent of all parliamentary candidates (293 out of 1,257).³⁷ Yet in the 2015, 2010, and 2005 general elections, women were only 19.2 percent, 18.4 percent, and 12.7 percent of candidates respectively.³⁸

The PR system in Rwanda also operates under the constitutional requirement that all candidates for the 53 seats in the House of Deputies are in a party list and or stand as independent candidates.³⁹ Under Tanzania's FPTP system, political party sponsorship is mandatory for anyone to contest for parliament.⁴⁰ Article 25 of the ICCPR requires every citizen to have the right and opportunity—without any such limitations and without unreasonable restrictions—to participate in the conduct of public affairs, to vote, and contest genuine periodic elections. The United Nations Committee on Human Rights clarified in 1996 that electoral systems should not exclude any persons otherwise eligible to stand for election by unreasonable or discriminatory requirements such as education, residence, descent, or political affiliation. Tanzania's electoral system still prohibits independent candidates despite the directive of the African Court on Human and Peoples Rights.⁴¹ Independent candidacy plays a critical role in providing an alternative route to the parliament for both men and women beyond the walls of political parties.

Similarly, through the PR system in Rwanda, the share of votes obtained by a party or an independent candidate determines the number of seats received. Nobody wins elections before the voting happens. Yet the FPTP system in Tanzania allows candidates to pass without objection. Under this arrangement, the National Election Commission does not hold the election if there is only one candidate vying for a constituency. Such a candidate essentially has run and won unopposed.⁴² The possibility of winning the election before actual campaign and voting periods increases candidate and party temptation to eliminate competition. This happens through corruption, manipulation, or leveraging legal and procedural technicalities. During the 2020 general election in Tanzania, parliamentary elections did not occur in 28 out of 264 constituencies as 28 candidates from the ruling party had passed without objection.⁴³ Reports of actions to disqualify candidates from opposition political parties were widespread. Some argue that the National Electoral Commission declined nominees from opposition political parties—including female nominees—based on simple procedural technicalities.⁴⁴ This process is undemocratic, and provides foundation for candidates, especially female candidates, to succumb to pressure to withdraw from elections. This is contrary to the aspirations of the Beijing Declaration.

On the other hand, the PR system is, in general, credited for increasing voter turnout, including encouraging more women to vote. When each vote contributes to a party's parliamentary share, it increases intensity of party voter mobilization. The desire to obtain a large proportion of votes motivates parties to expand their voter mobilization strategies to reach

historically marginalized groups, including women. The sense of political efficacy offered by the PR system, where the majority of votes cast contribute to a party's share of seats, increases turnout by making voters feel that their votes count.⁴⁵ In Rwanda, parties and candidates who pass the 5 percent vote threshold get representation in the House of Deputies. In the 2003 elections, 96 percent of the votes chose a representative in the House of Deputies, with only 3.3 percent of votes not resulting in representation.⁴⁶ In 2013, RPF received 41 MPs after winning 76.2 percent of the votes, PSD received 7 MPs (13 percent of votes), and PL received 5 MPs (9.3 percent of votes). Only 1.5 percent of votes cast did not result in representation.

The nature of FPTP in Tanzania—where a candidate with one more extra vote wins and the rest of the votes do not gain representation—slows party voter mobilization, discourages voters, and consequently affects turnout.⁴⁷ This arrangement also produces a legislature that does not accurately reflect the wishes of the public—voters have the right to vote but their votes do not turn into representation. With only one candidate winning, and the remaining votes disregarded, voters concentrate on the top political parties and or boycott elections altogether. In Tanzania, partly due to the disappointments of the FPTP system, almost 50 percent of registered voters did not vote in the 2020 general election.⁴⁸ Still, despite high voter turnout in Rwanda, government and the ruling party allegedly exert pressure on citizens, including through the overrepresentation of RPF agents in polling stations.⁴⁹

The PR system in Rwanda, allows voting for a party and its ideologies, not individual candidates. This arrests voter bias against individual candidates. Compliance with the overarching 30 percent gender quota in the candidate lists and the suppression of voter bias through a closed party list has made Rwandan women win competitive seats well beyond the quota. In the 2013 elections, for example, women won 26 (49 percent) of the 53 open parliamentary seats. In the FPTP system of Tanzania, voters choose one candidate among the many listed on an open ballot. This allows voters to consider culture, tradition, gender, etc. when voting, with the women candidates often negatively affected by such parameters.⁵⁰ Since independence, women have never won above 10 percent of the constituencies in Tanzania. The highest rate was in the 2020 general elections, where 26 women (9.8 percent) won parliamentary elections, a slight increase of one seat from the 2015 general elections.⁵¹

Furthermore, the PR system feature of candidates not competing directly against one another—rather party ideologies and policies determining the proportion of votes received—contribute to peaceful elections in Rwanda. This has generally made elections safe, including for women candidates.⁵² In light of the 1994 genocide, the PR system in Rwanda also operates under the peace promotion principles that call for power sharing, consensus, and inclusiveness in decision-making to avoid 'divisionist' conflict.⁵³ The 2003, 2008, 2013, and 2017 parliamentary elections occurred peacefully with observers reporting no personal attacks against candidates. However, some accuse the government of leveraging peace promotion principles to prevent political competition and quash public opinion, a tendency that equally affects men and women holding alternative or opposing political views.⁵⁴

The FPTP system—with candidates competing directly against each other—produces an adversarial, antagonistic, and potentially violence-prone political contest. Violence against women in elections, particularly towards women from opposition political parties, was highly pronounced in the 2020 general elections. Catherine Ruge, of the main opposition political party

Chama cha Demokrasia na Maendeleo (CHADEMA), was teargassed, beaten and her clothes torn. Police mishandled Esther Matiko, another CHADEMA candidate, and touched her inappropriately. In Nkasi constituency, the parliamentary candidate of ruling party *Chama cha Mapinduzi* (CCM) told a public rally that they should not vote for the woman CHADEMA candidate because she would not be able to represent them when on her period.⁵⁵ In Mara region, a campaign manager appealed to people to vote for a male candidate while labeling a female candidate from the opposition party a prostitute. The role of the FPTP system in propelling gender-based electoral intimidation is visible in Rwanda as well, where presidential elections occur via FPTP, rather than the PR system used for parliamentary elections.⁵⁶ In the 2017 Rwandan presidential election, one of the six candidates was a woman. Nude photos of her found their way to publication—an obvious effort to force her out of the presidential race. Gender-based violence and other such tactics during elections scare women away from political competition.⁵⁷

The PR electoral system in Rwanda and FPTP in Tanzania also operate in tandem with some forms of Temporary Special Measures (TSM). The 1977 Constitution of the United Republic of Tanzania requires women to make up not less than 30 percent of the National Assembly through reserved parliamentary seats.⁵⁸ The National Electoral Commission (NEC) increased the seats to 40 percent in 2010.⁵⁹ A PR system distributes women's special seats among parties with at least 5 percent of parliamentary votes after the general election. In Rwanda, on top of the requirement for 30 percent of the House of Deputies to be women, the Constitution also provides for an additional 24 women's seats in the House of Deputies.⁶⁰ Women's councils elect these 24 seats.⁶¹ The additional seats, PR electoral system, and the 30 percent gender threshold have made Rwanda the global leader in women's representation in parliament, currently with 61 percent.⁶² In Tanzania, special seats for women have contributed to an increase in the number of women in parliament from 9.6 percent in 1985 to 36.9 percent after the 2020 general election.⁶³

Nonetheless, in both Rwanda and Tanzania, whose interests these special seats represent and to whom they are accountable is questionable.⁶⁴ The indirect elections of 24 women deputies in Rwanda distorts transparency regarding political affiliation.⁶⁵ Although these women seemingly run as individuals, the majority belong to a major political party, with most emanating from the Rwandan Patriotic Front (RPF). There are allegations that women with no RFP affiliation do not get these seats.⁶⁶ Further, the fact the electorate does not vote on these seats denies them electability status and expurgates the democratic link with the electorate.

In Tanzania, women holding special seats also lack electability status.⁶⁷ The women's wing of the parties vote, often with great interference from the party leadership.⁶⁸ The women with special seats also report and are accountable to their respective party women's wings and the party in general. This state of affairs makes women holding special seats less connected and less accountable to all women and the electorate at large, affecting their transition to competitive seats. In some cases, political parties use TSM arrangements to discourage women from vying for competitive seats. It is common for parties to ask female candidates to step down from competing at the constituency level, with the promise of nomination for special seat positions. This tendency contributes to the decreasing number of women contesting for elections.⁶⁹

Recommendations and Conclusions

Electoral systems require adaptation if they are to respond adequately to political and legislative trends while addressing inequality of vulnerable groups.⁷⁰ In Rwanda, the combination of the list PR system, the 30 percent gender threshold, and 24 women-only seats have made Rwanda a global leader in women's representation.⁷¹ However, this practice has no real permanence as the Rwandan Constitution does not explicitly mandate political parties to observe a gender representation quota when nominating candidates nor does it provide for the positioning of women in the party candidate lists. The two critical parts of women's representation in elections are left to be decided at the discretion of the political parties. While parties include women in their candidate lists—and often beyond the required threshold—this is well below the current international law principles that call for 50/50 representation of men and women in positions of power.⁷²

To address these anomalies, Rwanda should amend its constitution to expunge Article 75(2) and eradicate the 24 seats. Compensation for the loss of these seats should be through increasing the 30 percent House of Deputies representation threshold to 50 percent.⁷³ This should occur hand in hand with amending Article 56 to oblige parties to ensure equal representation not only in the recruitment of members, establishing their leadership organs, and in party functions and activities but also in nominating candidates. Amendment of Article 80 as well should mandate 50/50 representation of men and women in the Senate.⁷⁴ The constitution should also clearly stipulate that party candidate lists include equal numbers of men and women and alternate their names.

The Constitution should specifically provide for a closed-party list PR system accompanied by a zipper/zebra system guiding election of Deputies and Senators.⁷⁵ The zipper/zebra model will ensure political parties alternate men and women from different age groups, abilities, and backgrounds in the candidate lists—a prerequisite for women and other vulnerable groups to win positions.⁷⁶ Rwanda should also increase the number seats for youth and persons with disabilities to at least 10 percent, with a condition that they balance any under-represented gender in the House of Deputies and Senate caused by vote calculations and apportionment.⁷⁷ Further, the overall 30 percent representation threshold for women in positions of power under article 10(4) should be set at 50 percent to ensure equal representation in line with international law. Importantly, the government of Rwanda should embrace effective political competition as a precondition for reaping the benefits of the PR system to facilitate diverse and meaningful representation.⁷⁸

Tanzania's FPTP system does not feature any gender threshold for candidate nominations. It presumes that men and women equally enjoy the same acceptance and privileges by parties, voters, and electoral actors. Thus, the FPTP system in Tanzania does not facilitate a larger number of women's nominations and election wins. Although Tanzania applies a form of PR system, it has not reaped the benefits. The PR system only applies when apportioning women's special seats to parties obtaining at least 5 percent of parliamentary votes. The PR system in this case does not give women with special seats electability status, attach women to geographical areas for accountability purposes, nor does it provide uniform procedures to guide party nomination for these seats. There is overwhelming international evidence to suggest that women stand a better chance of election under the closed PR system accompanied by a

zipper/zebra system.⁷⁹ Across the continent, while many countries (42 percent) still utilize the FPTP system, there is an increasing shift to the PR system (33 percent). PR is emerging as the electoral system of choice for countries in transition and those reviewing their electoral systems.

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Demands for a new constitution are heightening in Tanzania. Reviving the stalled constitutional review process should therefore go hand in hand with examining the implications of FPTP on women's representation as required under the Beijing Declaration. Given its proven strong benefits for inclusion, Tanzania should transition from FPTP to a closed-candidate list PR system accompanied by a zipper/zebra system. Alternatively, adjustments of FPTP could provide better chances for both men and women of different age groups, abilities, and backgrounds to contest and win elections, e.g., by upgrading the existing FPTP into an equality-based system where there are male and female representatives in each constituency. With this option, parties would have to place a male and female candidate at each level. Transitioning to a 50/50 closed candidate-list PR system accompanied by a zipper/zebra system—or to an equality-based FPTP—will address barriers to women's access, put an end to the controversial special seats system, and allow the realization of equal representation of women in the National Assembly in line with the international law principles. In order to avoid doubling the current number of MPs, thereby bloating parliament and increasing its operational costs, the current 264 constituencies could be reconfigured by turning 184 districts/councils into constituencies. The recommendations to have two representatives (a male and a female) per each constituency, will bring the number of MPs in the parliament to 368, less than the 393 current MPs (264 MPs from Constituencies, 113 women special seats, 10 presidential appointed MPs, 5 from Zanzibar House of Representatives, and 1 Attorney General). With this option, the number of MPs will still be lower (at 384) than the current number (393), even if the 10 presidential-appointed MPs, 5 from the Zanzibar House of Representatives, and the position of one Attorney General in the parliament are maintained, hence cost-effective.

The envisaged revitalization of the constitutional review process should as well seek to allow independent candidates, prohibit candidates to pass without objection, regulate massive presidential appointment powers, as well as adopt an overall 50/50 gender threshold to guide the representation of men and women in all positions of power. Finally, as the PR system encourages political parties to nominate more women candidates in line with the aspirations of the Beijing Declaration, it is judicious for international law to provide guidance to states parties on the implications of various electoral systems for women's representation in positions of power. States parties should be encouraged to adopt a closed-candidate list PR electoral system accompanied by zipper/zebra system.

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Notes

- ¹ Corder and Wolbrecht 2016.
- ² Inter-Parliamentary Union 2021.
- ³ Makulilo 2020.
- ⁴ Skorge 2021.
- ⁵ King 2000.

- ⁶ Plurality electoral system can be a simple majority otherwise referred as "First-past-the-post"(FPTP) where candidate with a more votes than any of the other candidates wins the elections. Plurality electoral system can also take a form of an absolute majority where a winner is supposed to win more than 50 percent of the vote to be elected. Under the proportional representation (PR) electoral system, candidates vie for multi-member constituencies.
- ⁷ Bauer and Burnet 2013.
- ⁸ Kittilson and Schwindt-Bayer 2012; Paxton et al. 2010.
- ⁹ UN General Assembly 1979, Article 7. See also African Union 2003 (Maputo Protocol), Article 9.
- ¹⁰ Republic of Rwanda 2003, Article 54 (Revised in 2015). United Republic of Tanzania 1977, Article 3. The Rwanda Patriotic Front has ruled Rwanda since 1994, while *Chama Cha Mapinduzi* (Revolutionary Party) has ruled Tanzania since 1961.
- ¹¹ Inter-Parliamentary Union (IPU) 2022.
- ¹² The Treaty was signed on 30 November 1999 and entered into force on 7 July 2000.
- ¹³ Tanzania ratified ICCPR on 11 June 1976 and it came into force in September 1976. Rwanda ratified the ICCPR on 16 April 1975 and it came into force on 23 March 1976. Rwanda and Tanzania ratified CEDAW in 1984 and 1986 respectively. The Beijing Declaration and Platform for Action came into being in 1995. The African Charter on Human and People's Rights was adopted in 1981 by the Organization of African Unity. The Africa Agenda 2063 was adopted in 2015. The Maputo Protocol was adopted in 2003 and entered in force in 2005. The Solemn Declaration on Gender Equality in Africa was adopted by the AU Assembly in 2004. the SADC Protocol on Gender and Development of 2008.
- ¹⁴ UN General Assembly 1977, Articles 1,2,4, and 9; UN Human Rights 1966, Articles 3 and 25; African Union 2003, Article 9.
- ¹⁵ The Africa 2063 Agenda envisions a continent that has full gender parity, with women occupying at least 50 percent of elected public offices at all levels, and in the public and private sectors. It also envisions a continent where the political glass ceiling that restricted women's progress is shattered.
- ¹⁶ UN Women 1995.
- ¹⁷ UN Women 1995, Strategic Objective G1.
- ¹⁸ UN Women 1995, Strategic Objective G1.
- ¹⁹ Bauer and Burnet 2013, p. 2.
- ²⁰ Republic of Rwanda 2003.
- ²¹ In 2016, the late President John Magufuli communicated his intentions not to continue with the constitutional review process, for reasons that he did not promise in his presidential campaign. After his demise in 2021, his successor said she wants to prioritize bringing about economic development and that those in need of a new constitution should wait. She later formed a Presidential Task Force on Multiparty Democracy to examine among other things the issue of a new constitution. The Taskforce has come up with the recommendations and has presented them before the President on 21 October 2022.

- ²² United Republic of Tanzania 1977, CAP 2 R:E 2002.
- ²³ Republic of Rwanda 2003, Article 2; United Republic of Tanzania 1977, Articles 9(h) and 13.
- ²⁴ Republic of Rwanda 2003, Article 2.
- ²⁵ UN Women 1995, Strategic Objective G1.
- ²⁶ Republic of Rwanda 2003, Article 75(1).
- ²⁷ United Republic of Tanzania 2015, Sections 35F(8) and 80(1).
- ²⁸ Skorge 2021.
- ²⁹ Republic of Rwanda 2003, Article 10(4).
- ³⁰ Republic of Rwanda 2003, Article 56 obliges political organizations to reflect the unity of Rwandans as well as the equality and complementarity of men and women in the recruitment of members, in establishing their leadership organs, and in their functioning and activities.
- ³¹ European Parliament Delegation to Observe the Parliamentary Elections in Rwanda, 2008.
- ³² European Parliament Delegation to Observe the Parliamentary Elections in Rwanda, 2008.
- ³³ Reynolds et al. 2008.
- ³⁴ Reynolds et al. 2008.
- ³⁵ United Republic of Tanzania 2015.
- ³⁶ United Republic of Tanzania 2019.
- ³⁷ Tanzania National Election Commission 2020.
- ³⁸ Sulley 2021.
- ³⁹ Republic of Rwanda 2003, Article 75 (1). To be elected into the Chamber, independent candidates have to obtain at least five percent of all votes cast.
- ⁴⁰ United Republic of Tanzania 1977, Article 67 (1) (b).
- ⁴¹ Makulilo 2017.
- ⁴² United Republic of Tanzania 2015, Section 44.
- ⁴³ Tanzania National Election Commission 2020.
- ⁴⁴ Tanzania Elections Watch, 2021.
- ⁴⁵ Skorge 2021.
- ⁴⁶ RPF got 73.78 percent of the votes, Parti Libéral got 10.56 percent, Parti Social Démocrate: 12.31 percent, Parti pour le Progrès et la Concorde: 2.22 percent, independent candidates collectively got 1.1 per cent of the votes
- ⁴⁷ Skorge 2021.
- ⁴⁸ Tanzania Elections Watch 2021.
- ⁴⁹ European Parliament 2008.
- ⁵⁰ Virgint 2016.
- ⁵¹ Overall, women made 9.2 percent while men made 89.8 percent of all candidates.
- ⁵² International Institute for Democracy and Electoral Assistance 2021.
- ⁵³ ‘Divisionist’ or ‘sectarian’ is, according to law no. 47 of 2001, “any oral or written statement, or any act of division that may generate conflict in the population (...).” The law does not, however, specify what acts or statements qualify as ‘divisionist’. It has therefore become a tool that the authorities use against dissenters.
- ⁵⁴ European Parliament 2008.

- ⁵⁵ Lihiru 2020.
- ⁵⁶ African Union 2017.
- ⁵⁷ UN Women, OHCHR and SRVAW 2018.
- ⁵⁸ United Republic of Tanzania 1977, Articles 66 1(b) and 78(1). As per NEC regulation, every political party which contests parliamentary election may propose and submit to the commission the names of eligible women candidates for nomination of women special seats.
- ⁵⁹ National Election Commission 2020.
- ⁶⁰ Republic of Rwanda 2003, Article 75(2).
- ⁶¹ Bauer and Burnet 2013.
- ⁶² Inter-Parliamentary Union (IPU) 2022.
- ⁶³ Other benefits of special seat's system for women in Tanzania includes improving society's perception on women leaders, has provided a foundation for women to vie in competitive constituencies and holding ministerial positions. It has also helped in passing of the gender somewhat sensitive laws particularly around the area of marriage, labor laws, land laws, education, rape, just to name a few. Lihiru 2021.
- ⁶⁴ Contrary to the requirements of Article 4 of CEDAW that requires any form of TSM to give electability status to women occupying the TSM-based seats, not maintain unequal status between the elected and the women special seats, and not to further discrimination against women.
- ⁶⁵ European Parliament 2008.
- ⁶⁶ Samset and Dalby 2003.
- ⁶⁷ Lihiru 2021.
- ⁶⁸ Bjarnegård & Zetterberg 2016.
- ⁶⁹ Lihiru 2021.
- ⁷⁰ Reynolds et al. 2008.
- ⁷¹ Inter-Parliamentary Union (IPU) 2022.
- ⁷² The Solemn Declaration on Gender Equality in Africa, the 2030 Agenda for Sustainable Development, and the African Agenda 2063 call for 50/50 representation of men and women in positions of power.
- ⁷³ Republic of Rwanda 2003, Article 75.
- ⁷⁴ At the moment, the senate has 26 members; twelve represent the provincial government councils, and two represent academic institutions. The other members are nominated: eight by the President and four by the Parties' Forum. At least 30 percent of the 26 senators must be women, but no formula is provided for obtaining the 30 per cent of women.
- ⁷⁵ International Institute for Democracy and Electoral Assistance 2021, p. 55.
- ⁷⁶ Delgado-Márquez et al. 2014.
- ⁷⁷ Republic of Rwanda 2003, Article 75 (3 and 4) guarantees two Deputies elected by the National Youth Council, and one Deputy elected by the National Council of Persons with Disabilities to be part of the House of Deputies.
- ⁷⁸ European Parliament 2008.
- ⁷⁹ International Institute for Democracy and Electoral Assistance 2021.
- ⁸⁰ Of the 54 African countries, 23 have the FPTP system; eighteen use PR and ten have a combination of the two systems. The remaining three countries are in transition.