

LEGAL OBSTACLES TO WOMEN'S PARTICIPATION IN LOCAL DEMOCRACY:

Insights from Tanzania's 2024 Local Elections

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ABSTRACT

This article examines how Tanzania's legal and institutional frameworks shape women's participation in local democracy. Data from the 2019 local elections showed that women occupied only 2.1%, 6.7%, and 12% of elected village, hamlet, and street chairperson positions, respectively. These figures reflect women's persistent structural exclusion at the lower levels of governance. Leveraging data from the 2024 local elections, the analysis adopts a feminist legal methodology. The aim is to show how law constructs gendered pathways that favour descriptive rather than substantive representation. Structural barriers are embedded in the quota design, the first-past-the-post electoral system, compulsory party sponsorship, the prohibition of independent candidacy, and restrictive age thresholds. Such barriers confine women to reserved seats and discourage their participation in competitive positions. Weak enforcement of electoral regulations, a lack of disaggregated data, and executive control over election administration further entrench women's exclusion. The findings affirm the feminist legal theory-based argument that law reproduces patriarchal power through its design and implementation. Several steps are required to advance substantive gender equality in local governance, including transformative reforms, proportional electoral designs, intersectionality considerations, inclusive data architectures, and independent electoral oversight.

Keywords: SDG 5.5.1(b), gender quotas, intersectional exclusion, feminist theory, electoral laws, gatekeeping

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INTRODUCTION

Political representation is not a unitary concept. Classic democratic theory distinguishes among descriptive, symbolic, and substantive forms of representation, each capturing different dimensions of political inclusion and power (Pitkin, 1967). Descriptive representation refers to women's numerical presence within political institutions, typically measured by the proportion of seats they occupy. Symbolic representation concerns the meaning attached to that presence, including whether women's inclusion signals legitimacy, recognition, and equality but without necessarily conferring real decision-making authority. Substantive representation, by contrast, focuses on outcomes, namely, the extent to which women can influence policy agendas, institutional priorities, and governance decisions to advance gender equality and reflect women's lived experiences.

Feminist scholars have long cautioned that increases in descriptive representation do not automatically translate into substantive representation (e.g., Itzkovitch-Malka & Oshri, 2024). Quota-based reforms may succeed in placing women into political institutions, while confining them to marginal or low-influence roles, thereby producing symbolic inclusion without redistributing power (Dahlerup, 2006). From a feminist legal perspective, this disjuncture is not accidental. Legal frameworks that separate 'reserved' from 'open' positions, or fail to impose obligations on political parties to nominate women for competitive posts, can institutionalise symbolic representation by design (Lihiru, 2024). Women's presence becomes visible and countable, yet their capacity to shape decision-making remains structurally constrained.

These dynamics are particularly salient in the context of local governance. Local governance structures are key to the decentralisation of state authority, enabling citizens to influence decision-making, articulate development priorities, and address day-to-day challenges (Chaligha, 2014). Women's participation within these structures builds inclusive governance outcomes by strengthening gender-responsive priorities in areas such as water, education, health, employment, and social protection (Mtasingwa, 2022). Local governance also functions as an incubator for women's political leadership, providing pathways for them to transition into national political arenas (Chiweza, 2016).

Despite these democratic and developmental benefits, global efforts to increase women's representation at the local level have remained uneven (World Economic Forum, 2023). Policy attention and scholarly analysis have historically focused on women's political inclusion at the national level; this bias is reflected in persistent data gaps on women's participation in subnational governance. The 2000 Millennium Development Goals measured progress on gender equality using indicators limited to women's representation in national legislatures

(United Nations [UN], 2000). The adoption of the 2015 Sustainable Development Goals marked an important normative shift. By introducing SDG 5.5.1(b), which measures women's representation in local government, the international framework recognised that women's leadership at both local and national levels is essential for achieving gender equality (UN, 2015).

Globally, women hold an average of 35% of seats in local deliberative bodies (UN Women, 2025). In sub-Saharan Africa, women's representation in local government is estimated to be 29%, while the Africa Women's Political Participation Barometer reported a continental average of 25% in 2024, up from 21% in 2021 (International Institute for Democracy and Electoral Assistance, 2024). The same Barometer, however, recorded a concerning decline in East Africa, where women's representation fell from 35% in 2021 to 24% in 2024. These regional and continental figures provide only a partial picture, as they focus primarily on mid-level local government bodies such as district and municipal councils. They rarely extend to the lowest tiers of governance – villages, streets, hamlets, and their respective committees – where community-centred political participation occurs most directly.

In Tanzania, local government authorities constitute the primary interface between the state and citizens. They provide platforms for participatory planning and budgeting, maintain law and order, ensure public safety, protect the environment, and serve as foundational institutions for deepening democratic governance. Women have constituted the majority of Tanzania's population since independence in 1961 (Makulilo & Bakari, 2021). Yet, despite the reintroduction of multiparty democracy in 1992 and the conduct of seven local government elections, women's representation at the village, hamlet, and street levels remains notably limited. Participation has largely been confined to one-third reserved quota seats, with minimal access to mainstream elective positions such as chairpersonships and mixed-member seats.

Official data from earlier election cycles (1994, 1999, 2004, 2009, and 2014), as well as from the 2024 local elections, are generally unavailable. The only readily available data are from the 2019 local election results, which indicated a persistently low representation of women. Women held only 2.1%, 6.7%, and 12% of elected village, hamlet, and street chairperson positions, respectively. Even for that year, official statistics on women's representation in village councils and street committees remain unavailable (UN Women & African Development Bank Group, 2025).

The analysis in this paper demonstrates that Tanzania's local government legal framework enhances numerical and descriptive representation but systematically restricts women's access to substantive political power. Despite constitutional guarantees of equality and a one-third gender quota in local

councils, women remain largely confined to reserved seats. Competitive positions such as those of village and street chairpersons continue to be male-dominated. Structural barriers embedded in the legal framework – including quota design, the first-past-the-post electoral system, compulsory party sponsorship, and age-based candidacy restrictions – limit women's access to mainstream elective offices. Weak enforcement of electoral regulations, a lack of disaggregated data, and the concentration of election administration in the executive branch further entrench these patterns of exclusion.

The above situation prompted the central analytical question of this paper: How does Tanzania's local government legal framework enable women's numerical inclusion while constraining their access to substantive political power? This question addresses the persistent tension between formal legal inclusion and actual access to political authority. The findings presented in this article affirm feminist legal theory's claim that law is not a gender-neutral instrument; it is, instead, a site in which patriarchal power is reproduced through legal design, interpretation, and implementation (Littleton, 2018). The next section outlines the methodological approach employed to examine these dynamics in the context of the 2024 local elections.

METHODOLOGY

Addressing the research question requires moving beyond representation statistics to examine how legal rules are designed, interpreted, and implemented in practice. The article thus adopts a feminist legal approach, which treats law not merely as a formal set of norms but as an institutional and social process through which gendered power relations are structured and reproduced. The 2024 local elections provide a critical empirical entry point for examining how Tanzania's legal frameworks shape women's participation in local democracy. Covering 12,319 villages, 64,886 hamlets, and 4,264 streets, as well as village councils and street committees, the 2024 elections offer a comprehensive setting for analysing the interaction between legal design, institutional practice, and women's political participation.

The article adopts a multi-method approach, integrating doctrinal legal analysis with empirical research to interrogate the extent to which the legal framework facilitates or constrains women's participation in local democracy. The doctrinal analysis examines the architecture of laws governing local government elections. It identifies constitutional, statutory, and regulatory provisions that generate structural barriers regarding women's access to mainstream elected positions. It also evaluates the consistency between Tanzania's domestic legal framework and its obligations under international and regional human rights instruments.

The complementary non-doctrinal component examines how the laws operate in practice, how they are interpreted and enforced by local administrative actors, and how they shape the experiences of women aspirants and candidates. Three national workshops on women's political participation in the 2024 local elections provided participatory spaces for the author to gather stakeholders' perspectives.² The forums provided a platform for the author to present her preliminary analysis on how the legal framework shapes women's participation in local democracy, while gathering further insights on how these rules operate in practice. The forums were conducted in a semi-structured format that combined guided thematic prompts with open discussions. This structure enabled the participants to reflect on how procedural rules affect women's participation in local government structures.

In addition, the author interviewed 24 respondents individually, 12 of whom were political party leaders, including leaders of women's and youth wings; the other 12 were representatives from civil society organisations, including two representing persons with disabilities. Given the study's focus on women's political participation, women were intentionally included from both these categories to capture their lived experiences of legal and institutional exclusion. Male respondents were also included. Men occupy influential positions within party structures and electoral administration and can provide critical insights on how legal rules are interpreted, operationalised, and enforced within political and administrative processes.

Participants were purposively selected on the basis of their direct involvement in nomination processes, election monitoring, and women's political empowerment initiatives. Informed consent procedures were observed throughout. All participant data were anonymised to protect confidentiality.

Secondary sources included official election reports, civil society submissions, and scholarly literature. These sources were reviewed to triangulate the findings. Interview transcripts, workshop notes, and secondary materials were analysed thematically using a coding framework that was developed from relevant categories. Examples of the categories include quota design, electoral system, nomination rules, party sponsorship requirements, electoral enforcement, and administrative posture. The integration of doctrinal and empirical components reflects feminist legal methodology, which understands law not only as a normative framework but also as a social practice through which gendered power relations are structured and reproduced (Littleton, 2018).

2 The source of this information is the author's field notes, written during women's political participation dialogues convened by Women in Law and Development in Africa Tanzania and Tanzania Gender Networking Programme. The setting was International Women's Day commemorations held in Dar es Salaam on 1 and 6 March 2024. Another source was the *Wanawake Sasa* project launch discussion hosted by WILDAF-Tanzania, Her-Initiative and Jamii Forum, Johari Rotana in Dar es Salaam, 19 September 2024.

LITERATURE REVIEW

Theoretical and Normative Frameworks

As noted, feminist legal theory and feminist institutionalism examine how law structures political participation and reproduces gendered power relations. Feminist legal scholarship has demonstrated that legal rules, institutional designs, and enforcement practices often reflect and sustain patriarchal hierarchies and are therefore not neutral (Littleton, 2018). Historically, legal systems have legitimised the public–private divide by situating women in domestic roles, while reserving political authority for men. This practice embeds gendered exclusions within governance structures (Scales, 1978).

Feminist legal theory is not monolithic. Liberal feminist approaches focus on dismantling formal legal barriers and securing equal treatment, arguing that equality can be achieved when women have the same legal rights and opportunities as men (Francis & Smith, 2009). By contrast, radical and critical feminist scholars have shown that formal equality alone is insufficient where institutional structures and social norms continue to privilege male dominance (MacKinnon, 1989). The latter scholarship conceptualises law as a contested terrain that both produces subordination and holds transformative potential. These feminists emphasise the relational nature of inequality and the state's role in constructing vulnerability through legal design.

The above perspectives underscore that gender inequality is reproduced not only through exclusionary laws but also through ostensibly neutral rules, which affect people's access, authority, and participation. Feminist institutionalism extends this critique by examining how formal legal rules interact with informal norms within political institutions (Mackay, 2011). From this perspective, electoral systems, quota mechanisms, and party nomination processes are not merely technical arrangements but gendered institutions that mediate who can access power and under what conditions. As feminist institutionalists argue, reforms that introduce women into political institutions, yet without transforming institutional logics, risk entrenching symbolic rather than substantive inclusion. This insight is particularly relevant for electoral systems that rely on majoritarian rules and discretionary party gatekeeping. Such systems tend to privilege incumbency, masculinity, and informal networks of power.

Intersectionality theory further deepens this analysis by recognising that women's political participation is shaped by multiple and intersecting axes of identity, including age, disability, class, marital status, and location (Cho et al., 2013). Within local governance contexts, these intersections are especially salient. Feminist intersectional scholars caution that legal frameworks that treat women as a homogeneous category risk reproducing hierarchies among women themselves.

Women with education, resources, and party connections are privileged, whereas young women, women with disabilities, and rural women are marginalised (Thompson et al., 2023).

These theoretical insights are not merely analytical; they are reflected in binding international and regional legal instruments to which Tanzania is a party. These instruments define the state's obligations to dismantle gendered structures of political power and advance women's equal participation in political life. Instruments such as the 1948 Universal Declaration of Human Rights (UDHR), the 1966 International Covenant on Civil and Political Rights (ICCPR), and the 1981 African Charter on Human and Peoples' Rights (ACHPR) reflect the liberal feminist commitment to formal equality, legal universality, and the principle of non-discrimination. They establish that all persons, regardless of sex, are entitled to participate in governance and enjoy equal access to public service.

Furthermore, the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) operationalise radical and critical feminist principles. These instruments acknowledge that formal equality is insufficient and that states must adopt affirmative and transformative measures to achieve substantive gender equality. Similarly, the 1995 Beijing Declaration and Platform for Action translates these insights into a comprehensive political agenda that resonates with feminist institutionalism. It calls on political parties and states to reform their electoral systems and processes so that equality principles are internalised institutionally rather than merely being upheld in texts. The Platform for Action reflects intersectional feminist thought by addressing the overlapping forms of discrimination that African women face, such as that linked to age, culture, and social status. The instrument acknowledges that women's exclusion from politics is reinforced by multiple and intersecting oppressions, which require structural change across legal, cultural, and economic spheres.

Similarly, the 2008 Protocol on Gender and Development of the Southern African Development Community (SADC) encapsulates a transformative feminist vision that merges radical and institutional perspectives.³ Its call for 50% representation of women in decision-making positions moves beyond equal opportunity toward equal outcomes. The Protocol affirms that gender parity is not merely aspirational but is a normative obligation, tied to the reorganisation of the legal framework and political institutions.

3 See Southern African Development Community, *Protocol on Gender and Development* (2008), revised in the 2016 Consolidated Text, which incorporates the *Agreement Amending the SADC Protocol on Gender and Development* and supersedes the 2008 version. SADC (2016), *Protocol on gender and development* (Consolidated).

Overall, these theories and normative frameworks advance from liberal notions of equality before the law, through radical commitments to substantive equality and affirmative action, to institutional and intersectional understandings of how gender operates across structures of power. They provide both a theoretical scaffolding and normative justification for analysing women's political participation in Tanzania's local democracy. In this setting, legal texts, institutional practices, and social hierarchies converge to define who can access and exercise power.

WOMEN'S REPRESENTATION IN LOCAL DEMOCRACY IN TANZANIA

Studies on the determinants of women's participation at the village, street, and hamlet levels in Tanzania is limited. A few studies have explored the factors that facilitate or hinder women's electoral participation in local governance, but fewer have systematically interrogated the legal and institutional structures that have shaped these dynamics. The existing literature mostly focuses on socio-cultural, economic, and party-related explanations. The legal architecture of exclusion has not been sufficiently explored.

One cluster of studies situates women's underrepresentation in terms of socio-cultural and economic explanations. Makalanga et al. (2022) argued that entrenched patriarchal attitudes and misconceptions about women's leadership capabilities have contributed to male dominance in local government. They stated that although spousal support has enabled some women to contest, most women continue to face high turnover, marginalisation, and limited prospects for re-election. Similarly, Bukobero et al. (2023) highlighted socio-economic barriers, such as financial dependency, heavy domestic workloads, and the absence of strong political party backing. They noted that many female candidates were widowed or divorced and that married women often struggle to obtain their husbands' permission to run for office.

These differentiated experiences underscore the relevance of intersectional analyses, which highlight how gender intersects with marital status, economic precarity, education, and location to shape women's uneven access to political power (Cho et al., 2013). The findings resonate with demand-side explanations in the wider literature on gender and politics. Such works have attributed women's limited participation to institutional and attitudinal biases within electorates and political parties, rather than to women's lack of aspiration (Makulilo, 2020). At the local level, however, these biases are magnified by intimate social hierarchies, such as kinship, marriage, and community reputation, which in turn determine political legitimacy. This micro-level exclusion reinforces what feminist legal scholars

describe as the state's complicity in maintaining unequal gender roles through unresponsive legal and institutional structures (Fineman, 2010; MacKinnon, 1989).

A second body of scholarship centres on gender quotas as both a corrective and a constraint within Tanzania's political system. Mtasingwa (2022) underscored the transformative potential of quotas in expanding women's participation, enhancing leadership skills, and reorienting local policy agendas towards gender-responsive priorities. Similarly, earlier works by Killian (1996), Yoon (2008), Makulilo (2009), Meena et al. (2017), and Lihiru (2021) showed that quota mechanisms had increased women's numerical representation, particularly in legislative bodies.

The above studies also exposed structural limitations. That is, political parties often allocate quota seats based on loyalty, not competence, treating seats as instruments of control rather than empowerment. This practice mirrors what radical feminist theory describes as the persistence of male dominance within institutions that purport to deliver equality. While quotas symbolically guarantee inclusion, they are often instrumentalised, failing to achieve the very objectives they were established to deliver; instead, they reinforce hierarchical gender relations within political parties. At both the national and local level, nomination decisions for women's reserved seats are often mediated through informal party networks and patronage arrangements, rather than through transparent and competitive democratic procedures (Lihiru, 2021).

Beyond quota-based analyses, a third stream of research – which is smaller but nonetheless important – connects women's exclusion to legal and institutional determinants. Makulilo (2020) attributed women's underrepresentation to structural and legal constraints embedded in constitutional language, electoral systems, and party structures. He commented that the 1977 *Tanzanian Constitution's* use of masculine pronouns symbolically centres political authority on men and fails to explicitly recognise women's collective rights. This is an example of what feminist legal theorists call the 'masculinisation of law'. Makalanga (2023) added a procedural dimension by showing that limited legal literacy among women candidates, particularly in rural areas, created a substantial disadvantage, as many women were unaware of electoral rules and nomination procedures. These insights align with feminist institutionalism, which posits that formal rules and informal norms interact to sustain gendered hierarchies within political institutions.

Recent contributions by the current author (Lihiru, 2023, 2024) extend this debate by examining how national-level laws reproduce women's exclusion from political power. Lihiru (2023) interrogated the *Political Parties Act (1992)* and its 2019 amendment, showing how they constrain women's access to leadership positions, candidacy processes, and financial resources within parties. In her

subsequent study, Lihiru (2024) identified additional legal barriers, including age-based candidacy restrictions, mandatory party affiliation, campaign finance regulations, and inadequate protection against gender-based political violence. Collectively, these barriers curtail women's participation in parliamentary politics.

Generally, the three streams of scholarship illuminate the multi-layered barriers shaping women's political participation in Tanzania. However, they also reveal a persistent analytical gap. Although socio-cultural, economic, and party-based factors are well documented, the legal architecture governing local elections remains insufficiently examined. From a feminist legal perspective, this omission is significant. As Hawkesworth (2014) and MacKinnon (1989) argued, law does not merely regulate politics; it actively constitutes power relations, shaping who can participate and under what conditions.

While Makulilo (2020), Makalanga (2023), and Lihiru (2023, 2024) advanced scholarly understanding of how legal regimes affect gendered political outcomes, they focused on the national and parliamentary level. The legal and institutional set-up governing local elections – such as nomination procedures, quota implementation, and administrative discretion – operates differently. It is therefore necessary to determine whether those rules produce similar or distinct effects regarding women's participation in local democracy. This article addresses that gap. A feminist legal analytical framework is employed to examine how constitutional, statutory, and regulatory provisions, as well as their implementation, influence women's access to power in Tanzania's local elections.

FINDINGS AND DISCUSSION

Local elections in Mainland Tanzania occur at the village, hamlet, and street levels, where citizens elect representatives to serve on village councils and street committees.⁴ By ratifying international and regional instruments that require deliberate measures to advance women's political participation, Tanzania has assumed binding obligations. These serve not only to guarantee equality in law but also to reform the institutional and cultural frameworks that reproduce exclusion (Makulilo & Bakari, 2021). Tanzania is a dualist state, however, which means the domestic realisation of these commitments depends on their incorporation through constitutional and statutory reform.⁵

The 1977 Constitution reflects only partial domestication of these norms. Article 3 defines Tanzania as a democratic, secular, socialist state grounded in equality and participation. Consistent with liberal feminist principles and the egalitarian commitments of the UDHR, ICCPR, and ACHPR, the Constitution

4 Regulation 35(2) of Government Notices Nos. 571, 573, and 574 of 2024.

5 Article 63 of the *Constitution of the United Republic of Tanzania*, 1977.

guarantees equality before the law, prohibits discrimination, and affirms every citizen's right to participate in public affairs. These provisions offer a normative basis for women's political inclusion.⁶ Yet radical feminist and intersectional analyses highlight the limitations of this type of constitutional framing. While the text embeds formal equality, it leaves intact the patriarchal institutional logics that mediate access to power and shape political participation (Madsen, 2021).

To address that discrepancy and align the country with transformative equality obligations under CEDAW, the Beijing Platform for Action, and the SADC Protocol on Gender and Development, Tanzania introduced affirmative action measures to boost women's representation at both the national and local levels (Lihiru, 2021). The analysis below examines specific components of the legal framework, quota design, candidacy rules, party sponsorship requirements, enforcement mechanisms, and administrative arrangements. The purpose is to understand how these elements structure women's access, candidacy, and influence within local democracy.

Quota-Driven Inclusion and the Reproduction of Gendered Hierarchies

In terms of access, women are formally allowed to contest in open seats like other candidates. However, the Local Government Elections Regulations also reserves seats for women in village councils and street committees.⁷ Each village council has 25 members and is legally required to reserve one-third for women. The composition includes one chairperson, five hamlet chairpersons, 11 mixed-group members, and eight women's group members to meet the gender quota. At the street level, each committee comprises six members, two of whom must be women.

The legal requirement for women to occupy one-third of seats in these bodies has enhanced numerical and descriptive representation, enabling Tanzania to reach a 30% critical mass (Pitkin, 1967). However, similar to the reserved seats at the parliamentary level, where reserved-seat parliamentarians rarely transition to competitive seats, the reserved-seats framework at the local level entrenches women's concentration in quota positions. Few women aspire to – or contest in – open competitive seats, such as the chairperson or mixed-group seats.

In the 2019 local elections, women constituted only 2.1%, 6.7%, and 12.6% of elected village, hamlet, and street chairpersons, respectively. Data for other election cycles are not available. The concentration of women in reserved seats

6 Article 21 of the *Constitution of the United Republic of Tanzania*, 1977.

7 Government Notices Nos. 571, 572, 573, and 574 of 12 July 2024, made under the *Local Government (District Authorities) Act*, 1982 and the *Local Government (Urban Authorities) Act*, 1982, regulated the conduct of the 2024 local elections in Tanzania.

is a direct consequence of the legal architecture itself. By separating reserved from open positions, without imposing countervailing obligations on parties to nominate women in the latter role, the law has created a structural incentive for women to remain within quota spaces. The 2019 electoral outcomes affirm feminist legal theory's argument that equality requires not only textual guarantees but a transformation of the institutional logics through which law is interpreted and enforced.

The 2019 local elections outcomes also reflect broader national-level patterns identified in the literature. That is, quotas may enhance descriptive representation, but they fail to disrupt institutional and normative barriers that limit women's access to substantive seats (Lihiru, 2021). The logics that confine women to reserved spaces manifest within political parties, which serve as the gatekeepers to both reserved and open seats. Operating within male-dominated hierarchies, parties routinely channel women toward reserved seats, treating these positions as the appropriate and expected locations for female candidates (Makulilo, 2020). This practice limits women's access to chairperson and mixed-member positions, rendering the quota system – rather than open competition – the principal route into local governance (Mwendah & Nyanto, 2024). Overall, legally enabled nomination practices reproduce gendered hierarchies within a framework that formally purports to advance inclusion. The next subsection examines how party dynamics further entrench women's marginalisation.

Party Gatekeeping and Gendered Candidate Selection

The legal design of the electoral system is a first-past-the-post simple majority arrangement.⁸ It amplifies competitiveness and costs and sometimes also violence. These characteristics prompt many women to opt for reserved seats, as a safer and less politically hostile pathway. In addition, political parties are wary of losing to male opponents and are reluctant to nominate women for open seats.⁹ Party leaders perceive women as less viable candidates, not because of legal disqualification, but because informal norms equate political competence with masculinity.¹⁰ Similar to the nomination of candidates at the parliamentary level, these party calculations are reinforced by the electoral system's high-stakes nature.

8 Sections 45(10), 105(1)(a), and 106(1)(a) of the *Presidential, Parliamentary and Councillors Elections Act*, together with Regulation 39 of Government Notices Nos. 571, 573, and 574 of 2024, and Regulation 38 of Government Notice No. 572 of 2024.

9 Interview with a woman leader in an opposition political party, Dar es Salaam, 15 November 2024.

10 Interview with a leader in a non-governmental organisation, Dar es Salaam, 12 November 2024.

Overall, parties are risk-averse about nominating women for open positions, namely, chairperson roles and mixed-group categories.¹¹ Women who attempt to contest in these categories often face direct and indirect pressure to withdraw, with offers to be considered for reserved seats or promises of future positions used to dissuade them (Lihiru, 2021).¹² As several interviewees noted, party officials and incumbents frame women's ambition for open positions as greed. As one woman aspirant explained, "They tell us, "Why do you want a chairperson position when women already have their special reserved seats?"'"¹³ If women persist, they risk intra-party hostility or retaliation from party leaders or incumbents.¹⁴

Husbands and relatives are also generally more supportive of women vying for quota seats, which are viewed as socially acceptable and less conflictual.¹⁵ Campaigns for chairperson or mixed-member positions, by contrast, are associated with personal attacks, rumours, and physical intimidation. These issues show that gendered institutions, even as they ostensibly expand opportunities for women, create new hierarchies that exclude women from the mainstream; women's participation is confined to symbolically inclusive but substantively marginal spaces (Belschner & Paredes, 2020). From a feminist institutionalist perspective, this paradox illustrates how the formal rules of inclusion interact with informal norms to reproduce patriarchal power within the very structures meant to dismantle it (Mackay & Murtagh, 2019).

What may appear to be mere party culture is, in fact, legally enabled behaviour that is shaped by the electoral system and party nomination rules. The majoritarian system increases competition and winner-take-all stakes, while nomination rules grant parties broad discretion over candidate selection. The system concentrates electoral advantage, which leads parties to favour male candidates, who are perceived as more electorally viable than women. In the absence of legal incentives to field women in open seats, parties continue to engage in nomination practices that are structured by patriarchal logics and confine women to reserved positions (Lihiru, 2024). These dynamics become even more restrictive for women located at the intersection of multiple forms of marginalisation. The next subsection examines these intersectional exclusions.

11 Author's field notes from a women's political participation dialogue organised by Tanzania Gender Networking Programme at the TGNP Grounds, Dar es Salaam, 6 March 2024.

12 Interview with a leader in a political party's women's wing, Dar es Salaam, 11 November 2024.

13 Interview with a woman aspirant in the 2024 local elections, Dar es Salaam, 15 November 2024.

14 Interview with a leader of a political party's women's wing, Dar es Salaam, 15 November 2024.

15 Interview with a leader of a political party's women's wing, Dar es Salaam, 17 November 2024.

*Intersectional Exclusion of Young Women, Rural Women, and
Women with Disabilities*

Similar to the legal posture for parliamentary reserved seats,¹⁶ the legal framework governing local democracy views women as a single, uniform category. The framework thus overlooks the differentiated ways in which gender intersects with age, class, disability and location. The Local Government Elections Regulations prescribe the numerical quotas for eight women among the 25 members of the village council and two women among the six street committee members. However, these provisions are silent about who these women should be or how their multiple identities could shape their access to leadership roles.¹⁷

By focusing exclusively on headcounts, the law implies homogeneity and neglects the intersecting inequalities that shape women's political journeys. Workshop data have consistently shown that young, uneducated, rural women, as well as women with disabilities, can rarely access the nomination process, despite the existence of reserved seats.¹⁸ Such exclusion is legally enabled. However, it is also facilitated by limited information flows, financial constraints, accessibility issues, and weak mentorship networks.¹⁹

From an intersectional feminist legal lens, the uniform quota structure ends up producing a hierarchy among women. Women who possess education, party ties, and social capital are structurally privileged, while women at the margins remain excluded (Cho et al., 2013). The result is a quota system that fulfils formal equality but fails to achieve substantive representational diversity, creating a legally compliant but socially narrow conception of inclusion. These patterns are congruent with intersectional analyses in the literature that have demonstrated how, by treating women as a homogeneous category, legal frameworks inevitably reproduce internal hierarchies.

The exclusion generated by this homogenising legal approach is reinforced by the age requirement in the Local Government Elections Regulations. Like the legal framework governing parliamentary elections,²⁰ these regulations permit voting at 18 but restrict candidacy to people aged 21 or older.²¹ Although this

16 The reserved parliamentary seat system established under Article 66(b) of the *Constitution of the United Republic of Tanzania, 1977* applies exclusively to women; there are no reserved seats for young people or persons with disabilities.

17 Regulation 6 of Government Notices Nos. 571 and 573 of 2024.

18 Author's field notes from a women's political participation dialogue organised by Women in Law and Development in Africa Tanzania, held at DoubleTree by Hilton Dar es Salaam Oyster Bay in Dar es Salaam, 1 March 2024.

19 Interview with a leader of a political party's women's wing, Dar es Salaam, 17 November 2024.

20 Articles 39, 47, and 67 of the *Constitution of the United Republic of Tanzania, 1977*.

21 Regulations 13 and 15 of Government Notices Nos. 571, 573, and 574 of 2024, and Regulations 12 and 14 of Government Notice No. 572 of 2024.

three-year gap applies to both young men and women, its practical effects have distinct implications for each gender group. Empirical accounts – and the general Tanzanian electoral context – indicate that young women already encounter social scrutiny, gendered assumptions of immaturity, and restrictive expectations around propriety, marriage, and caregiving if they seek leadership roles. Hence, an ostensibly neutral age threshold becomes a distinctly gendered barrier. In this context, the age threshold for candidacy compounds other disadvantages by delaying women's political entry further. A young female aspirant observed, 'They told me I was old enough to vote at 18 but still too young to run until 21. It felt confusing ... how can we choose leaders but not be trusted to stand as leaders ourselves?'²²

The seemingly neutral rule therefore entrenches a gendered disadvantage, as the age bar interacts with broader socio-cultural expectations about femininity and adult status. This point aligns with feminist critiques (MacKinnon, 1989; Fineman, 2010) that demonstrate how ostensibly neutral legal standards can conceal deeper structural biases. By legally constructing 18- to 20-year-olds as sufficiently responsible to vote, but insufficiently mature to lead, the law reinforces ageist and gendered stereotypes. It forecloses early political entry points that could nurture a more genuinely inclusive leadership pipeline.²³ The legal exclusion of younger candidates also limits their ability to influence policies that affect young people's lives, education, employment, health, and gender equality. This deprives local communities of leadership perspectives that are uniquely shaped by youth experiences (Stockemer & Sundström, 2022).

Overall, despite the lack of official statistics disaggregated by age, disability, and location at the village, hamlet, and street levels, workshop evidence and interview accounts indicate that young women, rural women, and women with disabilities are almost entirely absent from competitive positions. They also remain underrepresented even within reserved seats. Notably, the absence of desegregated statistics is itself legally enabled – a point that is expounded below.

Legally Structured Demographic Invisibility in Local Elections

Reliable demographic data are essential for understanding who participates in local elections. This is particularly salient regarding the participation of women, whose political engagement is shaped by intersecting barriers. The President's Office, Regional Administration and Local Government (PO-RALG) is the statutory authority responsible for organising and administering local elections in Mainland Tanzania. The completeness of voter registration data directly affects

²² Interview with a young woman aspirant, Dar es Salaam, 20 November 2024.

²³ Interview with a leader in a youth-led organisation, Dar es Salaam, 7 December 2024.

the Office's ability to deliver inclusive electoral arrangements. For example, the 2024 Local Elections Regulations required the voter roll to capture people's ages and genders. However, the regulations did not mention disability status, which left the PO-RALG without the demographic information necessary to plan appropriate accommodations for voters with disabilities.²⁴ This omission disproportionately affects women, who constitute the majority of persons with disabilities and are more likely than men to require gender-sensitive assistance. In addition, regulations that permit assisted voting for persons with visual or other impairments may compromise ballot secrecy if accessible voting technologies and procedural safeguards are absent.

Under such conditions, women with disabilities may face heightened vulnerability. Disability intersects with gendered inequalities in mobility, dependence, and access to electoral information, which can limit people's autonomous participation.²⁵ Accessibility barriers were widespread during the 2024 local elections. Most polling stations, typically public schools or government offices, lacked ramps, accessible pathways, or adjustable voting booths.²⁶ No braille ballots or assistive technologies such as audio devices were provided. No sign-language interpreters were available. These shortcomings meant that voters with visual or hearing impairments were excluded from meaningful participation.²⁷

Such omissions compound pre-existing gendered disadvantages in mobility, safety, information access, and caregiving responsibilities, making inaccessible polling environments especially exclusionary for women.

PO-RALG's preliminary report disaggregated the 31 million registrants only by sex (15 million men; 16 million women).²⁸ Although candidate nomination forms captured age, sex, location, and disability status, none of this information was incorporated into the preliminary 2024 results.²⁹ Furthermore, the final report presented only party outcomes. The Chama Cha Mapinduzi (CCM) party reportedly won 99% of villages, 98% of streets, 98% of hamlet chairperson positions, and 99% of village councils and street committees. The report did

24 First Schedule and Form No. 1 of Government Notices Nos. 571 and 573 of 2024.

25 Regulation 36 of Government Notices Nos. 571, 573, and 574 of 2024, and Regulation 35 of Government Notice No. 572 of 2024.

26 Interview with a woman leader at the Federation of Persons with Disabilities in Tanzania, Dar es Salaam, 20 November 2024.

27 Interview with a male leader at the Federation of Persons with Disabilities in Tanzania, Dar es Salaam, 20 November 2024.

28 Statement on the 2024 local election results delivered by Mohamed Mchengerwa, Minister of State, President's Office – Regional Administration and Local Government, 28 November 2024.

29 Forms Nos. 2 and 3, and Schedules 2 and 3 of Government Notices Nos. 571 and 573 of 2024; see also Forms V–VIII and Schedule 5, Form No. 9 of Government Notices Nos. 571 and 573 of 12 July 2024.

not indicate how many women, young women, or women with disabilities had contested or won positions. Such omissions erase critical gendered dynamics in candidate emergence, party gatekeeping, and electoral success.

Furthermore, the Local Election Regulations required ballot papers and forms declaring results to record only the candidates' genders, not their ages or disability status. This prevented consistent tracking of the demographic profiles of women candidates across different stages of the electoral process. Reliance on manual forms and limited technological capacity further constrained any systematic analysis. The inconsistencies in data capturing and reporting obscure the scale and nature of women's participation (Machado & Prado, 2022), particularly that of young women, rural women, and women with disabilities. The end result undermines the effort to build a gender-inclusive local democracy.

The omissions are not merely administrative accidents. They stem from a legal framework that mandates counting people according to their sex, while remaining silent on age, disability, location, and other intersecting identities. Electoral data systems reproduce this homogenising logic, rendering the most marginalised women nearly invisible. These patterns of legally structured demographic invisibility illuminate only part of the exclusionary landscape. Women's access to candidacy is further constrained by legal gatekeeping mechanisms, most notably the compulsory party-sponsorship requirement.

Legal Gatekeeping Through Compulsory Party Sponsorship

The above layered exclusions converge with the most structurally consequential requirement of all, namely, compulsory affiliation to a political party.³⁰ A replica of the national-level candidacy requirements, the party-affiliation rule is facially gender-neutral but in reality produces gender-differentiated effects. The legal mandate that all candidates must obtain party sponsorship privileges people who are already embedded in political hierarchies. It disadvantages those – particularly women, youth, and persons with disabilities – who lack connections within these male-dominated party structures (Makulilo, 2020). Women especially are affected, because they face social scrutiny and hold relatively few internal leadership positions, from which nominations and endorsements are typically negotiated (Lihiru, 2024).

Tanzania continues to refuse to recognise independent candidacy, despite the judgment by the African Court on Human and Peoples' Rights in *Tanganyika Law Society and Legal and Human Rights Centre & Reverend Christopher R. Mtikila v. United Republic of Tanzania* (2013).³¹ The Court held that prohibiting independent

30 Regulation 15 of Government Notices Nos. 571, 573, and 574 of 2024, and Regulation 14 of Government Notice No. 572 of 2024.

31 Applications Nos. 009/2011 and 011/2011.

candidates violates Articles 2, 10, and 13(1) of the African Charter; Articles 22, 25, and 26 of the ICCPR; and Articles 1, 7, 20, and 21(1) of the UDHR.

Such refusal indicates a deliberate narrowing of political opportunities. The state's persistent non-compliance illustrates its reluctance to dismantle frameworks that consolidate party – and by extension, patriarchal – control over political participation. From a radical feminist legal perspective, party gatekeeping is not merely a procedural hurdle but a legally entrenched mechanism. It produces gendered exclusion by conditioning access to candidacy on allegiance to institutions in which women's representation, influence, and bargaining power remain structurally limited (Kunovich & Paxton, 2005; Makulilo, 2017).

Weak Enforcement of Electoral Justice

This section discusses electoral violence and gender-blind enforcement. Overall, the enforcement mechanisms intended to protect candidates, particularly women, are weak. The 2024 Local Elections Regulations and the Code of Conduct impose obligations on political parties and government authorities to uphold peace, order, inclusion, security, and non-discrimination.³² These provisions are intended to ensure a safe electoral environment, particularly for vulnerable groups. Although violence in local elections is formally recognised as an electoral offence, enforcement remains weak.³³ The penalties for violations, including incidents of violence against women in elections, are typically limited to warnings, apologies, or short campaign suspensions; these sanctions fall far below deterrent thresholds.³⁴

Interviews revealed that most violations occurred during the compressed seven-day campaign period. Women seldom reported these incidents as they were afraid of retaliation, social backlash, or the loss of already limited campaign time.³⁵ One participant stated, 'Reporting violence only makes you a target. You just keep quiet and continue campaigning.'³⁶ Enforcement is further undermined by the Ethics Committees being dominated by male officials drawn from electoral management bodies. Members are appointed by virtue of their institutional positions. Given that senior roles within election administration remain primarily

32 Regulations 2.2 and 3.0 of the Electoral Code of Ethics under Government Notices Nos. 571, 572, 573, and 574 of 2024.

33 Regulation 49(3) of Government Notices Nos. 571 and 573 of 2024, Regulation 48(3) of Government Notice No. 574 of 2024, and Regulation 46(3) of Government Notice No. 572 of 2024.

34 Regulation 5.9 of the Electoral Code of Ethics under Government Notices Nos. 571, 572, 573, and 574 of 2024.

35 Regulation 27(1) of Government Notices Nos. 571, 573, and 574 of 2024, and Regulation 26(1) of Government Notice No. 572 of 2024.

36 Interview with a woman candidate, Dar es Salaam, 17 November 2024.

male, women's representation in these bodies is limited.³⁷ The committees also operate without mandatory gender-related training, which leads to gender-specific harms often being trivialised or dismissed as interpersonal disputes.

The weak enforcement around electoral offences reflects deeper institutional patriarchy in the administration of electoral justice. Laws prohibiting electoral violence formally exist, but in the absence of strong penalties, gender-responsive implementation, or adequate training, they remain largely symbolic.³⁸ This dynamic is congruent with the insight of feminist legal theory that the meaning and effect of laws are shaped by their textual provisions and the perspectives and biases of people who interpret and enforce them (Machado & Prado, 2022). Under-enforcement is not merely administrative failure; it is a legal design problem, embedded in sanction types, decision-making timelines, committee composition, and the absence of explicit training obligations. The next section examines administrative capture, showing how legal and bureaucratic arrangements further narrow the political space available to women candidates.

Administrative Capture and the Impact on Women's Political Participation

Administrative irregularities ostensibly affect all candidates, yet once again, their effects are gender-differentiated. Women have fewer protective networks, less access to legal redress, less financial resilience, and greater exposure to reputational and physical risks than men. Overall, the credibility of local elections in Tanzania remains a significant issue for candidates and voters, including women. Whereas the national elections are managed by the Independent Electoral Commission (INEC),³⁹ the local elections are managed by the PO-RALG. The staff managing these elections are public servants,⁴⁰ most of whom are appointed by the president and are affiliated with the ruling party, CCM. The CCM itself is one of the political parties participating in the elections.

This alignment between the executive branch and election administration creates a conflict of interest that undermines the impartiality of the electoral process. The situation is exacerbated by the fact that staff members, in the course of conducting the elections, are immune from any civil or criminal liability regarding

37 Interview with a leader at a women-led non-governmental organisation in Tanzania, Dar es Salaam, 19 November 2024.

38 Regulation 5.2 of the Electoral Code of Ethics under Government Notices Nos. 571, 572, 573, and 574 of 2024.

39 Article 74 of the *Constitution of the United Republic of Tanzania*, 1977.

40 Regulation 3 of Government Notices Nos. 571, 572, 573, and 574 of 2024.

their actions.⁴¹ Furthermore, election data and information are legally required to be discarded after 30 days, unless there is a court injunction. This point raises concerns about the transparency of the electoral process; the practice limits the ability to conduct thorough post-election audits or investigations beyond the legal realm.⁴²

The new *Independent National Electoral Commission Act, 2024* includes supervision of local elections as one of the Commission's responsibilities. However, this provision can only be implemented through additional legislation, which Parliament must pass.⁴³ The 2024 local elections became immanent, and the new law had not yet been passed. The PO-RALG continued with its preparations for the elections. The situation led to litigation challenging PO-RALG's role in overseeing the local elections in *Bob Chacha Wangwe and 2 Others v Minister, President's Office Regional Administration and Local Government and Attorney General* (2024). The court ruled that a new law was needed that should define how the INEC should supervise local elections. In the absence of such a law, the court allowed PO-RALG to continue managing the local elections (Karashani, 2025).

In the end, similar to the 2019 local elections – which were considered a watershed moment in Tanzania's electoral history – opposition political parties reported significant challenges in 2024. These included the registration of underage and non-resident voters, widespread disqualification of candidates for minor or rectifiable errors, allegations of form manipulation, ballot stuffing, voting by non-residents, and intimidation and violence. The PO-RALG vehemently disputed these allegations (Nebe & Ngutjinazo, 2024).⁴⁴ The Alliance for Change and Transparency (ACT Wazalendo) party filed 51 election petitions across the country,⁴⁵ challenging the irregularities in the conduct of the 2024 local elections (*The Citizen*, 2025).

Under such circumstances, women often feel they must choose between running for candidacy under the ruling party, for the sake of safety, or abandoning their political ambitions altogether. Contesting under the opposition exposes them, their families, and supporters to manipulation, violence, and intimidation.⁴⁶ As one woman candidate from the opposition party stated, 'If you run with the opposition, you risk your life; if you run with the ruling party, you lose your

41 Regulation 50 of Government Notices Nos. 571 and 573 of 2024, Regulation 47 of Government Notice No. 572 of 2024, and Regulation 49 of Government Notice No. 574 of 2024.

42 Regulation 45 of Government Notices Nos. 571 and 573 of 2024, Regulation 44 of Government Notice No. 574 of 2024, and Regulation 42 of Government Notice No. 572 of 2024.

43 Section 10(1)(c) of the *Independent National Electoral Commission Act, 2024* (Act No. 2 of 2024).

44 Interview with a leader in an opposition political party, Dar es Salaam, 1 December 2025.

45 Regulation 44 of Government Notices Nos. 571, 572, and 573 of 2024, and Regulation 43 of Government Notice No. 574 of 2024.

46 Interview with a woman leader in an opposition political party, Dar es Salaam, 5 December 2025.

voice.⁴⁷ This dilemma illustrates how legal and institutional bias discourage independent female participation. Administrative capture and its negative effects on women's candidacy are not merely political perceptions. They stem from statutory allocations of power, along with immunity and a legislative vacuum regarding local election supervision. In short, administrative capture reinforces a continuum of exclusion that begins before elections and extends into the exercise of political power. The next section considers how this continuum shapes women's substantive representation within local governance.

Substantive Representation and Gendered Division of Political Labour

It is clear by now that although the one-third quota at the local level enhances women's numerical inclusion, it does not guarantee their substantive representation. Women serving in reserved positions often occupy peripheral roles where they have minimal influence in setting the agenda. Their participation is largely confined to sectors socially coded as feminine, such as health, education, water, and sanitation.⁴⁸ Strategic and high-prestige domains, such as infrastructure, finance, and security, remain dominated by men (Dahlerup, 2006).⁴⁹ In addition, women in reserved seats at the village and street levels cannot make meaningful advances in gender transformation, even within 'feminised' sectors,⁵⁰ just as women in parliamentary reserved seats often struggle to advance women's issues. Party loyalty in villages and streets often supersedes women's collective solidarity, weakening their capacity to advocate for gender-responsive policies.⁵¹

These dynamics affirm radical feminist critiques that legal reforms enacted within patriarchal institutions risk devolving into tokenism if structural hierarchies remain unchallenged. The law guarantees seats, but it does not guarantee the decision-making authority that would redistribute power – and dismantle the entrenched social perceptions that women's political roles belong purely in certain sectors. As a result, formal inclusion without institutional transformation reproduces symbolic rather than substantive equality (Htun & Weldon, 2018).

The above scenario aligns with global evidence that merely increasing the number of women does not automatically enhance their agenda-setting power

47 Interview with a woman candidate from an opposition party, Dar es Salaam, 18 November 2024.

48 Interview with a woman who was a former street chairperson in Kinondoni, Dar es Salaam, 10 November 2024.

49 Interview with a leader in the ruling party's women's wing, Dar es Salaam, 25 October 2024.

50 Interview with a woman who was a former street chairperson in Kinondoni, 10 November 2024.

51 Interview with a leader of a women-led non-governmental organisation in Tanzania, Dar es Salaam, 18 November 2024.

or lead to gender-responsive governance. Overall, the evidence illustrates a continuum of exclusion across access, candidacy, and influence. Patriarchal party structures, intersectional barriers, weak enforcement, and administrative capture all undermine women's ability not only to contest local elections safely and independently, but also to exercise meaningful authority if they are elected. Quotas are thus prevented from translating into substantive gender equality.

CONCLUSION AND RECOMMENDATIONS

This article has shown that women's exclusion from local democracy in Tanzania is not merely the product of culture, party bias, or weak implementation. It is structurally produced through law. Tanzania's local electoral framework formally admits women into politics, but does so on terms that largely confine them to descriptive rather than substantive participation. In this sense, the legal regime does not simply fail to dismantle patriarchal power; it actively organises its reproduction.

The analysis demonstrates that this exclusion is generated through a combination of mutually reinforcing legal and institutional features. The quota system expands women's numerical presence, but by design, it channels them into reserved spaces, leaving the competitive positions subject to male-dominated party discretion. The first-past-the-post electoral system intensifies risk, competition, and party conservatism, making women less likely than men to be nominated for open seats.

Compulsory party sponsorship, together with the continued non-recognition of independent candidacy – despite the African Court's ruling in *Mtikila v United Republic of Tanzania* (2013) – narrows the entry points for women and entrenches party gatekeeping. Weak enforcement regarding electoral offences, the absence of robust data disaggregated by sex, age, or disability, and executive control over the local election administration all deepen women's exclusion. Furthermore, the full scale of that exclusion remains obscured. The result is a system in which women may be present but are not equally positioned to contest, win, or exercise influence.

The article therefore concludes that the central problem is not the absence of formal inclusion, but the persistence of a legal architecture that separates inclusion from power. This confirms the feminist legal insight that law is not a neutral arena within which political competition occurs; it is itself a site through which gendered hierarchies are structured, normalised, and maintained. While women's political participation is mediated through rules that privilege party control, majoritarian competition, executive oversight, and homogenised quota design, the descriptive gains will continue to eclipse substantive equality.

Meaningful reform must therefore move beyond adding women into an unchanged system. Instead, the rules through which access to local political power is organised need to be transformed. This requires replacing the current reserved-seat approach with a parity-oriented design capable of integrating women across all elective positions, rather than isolating them in designated quota spaces. Reform also requires re-evaluating the suitability of the first-past-the-post system for local elections. Furthermore, stronger measures for including young women and women with disabilities are needed. Candidacy and voting ages need to be reconciled, and independent candidacy should be recognised as an alternative route for individuals who are excluded by party hierarchies.

Equally important are institutional reforms. Local elections should be placed under genuinely independent electoral supervision. Electoral offences, especially violence against women in elections, should attract stronger and reviewable sanctions. Electoral data systems should be legally required to capture sex, age, disability, and other relevant indicators, so that exclusion is no longer hidden within aggregate figures.

Ultimately, advancing women's participation in Tanzania's local democracy requires more than a formal recognition of gender equality. It requires restructuring the current legal and institutional order that distributes political opportunity unevenly. Without such reform, women will continue to be included as headcounts while being excluded from power. With such reform, local democracy could begin to move from symbolic inclusion toward substantive gender equality.

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