



Kenya

	Name change	Possible. By deed poll.
	<i>Legislation</i>	<i>Registration of Documents (Change of Name) Regulations, 1967.</i>
	<i>Quote/details</i>	<p>By using Form 1 in the Schedule of the Regulations (a deed poll), a person may change their name in Kenya. Once all legal requirements have been concluded, the applicant registers the deed poll at the Principal Registry in Nairobi or the Coast Registry.</p> <p>The Registrar shall, after registration, cause the deed poll to be advertised in the Kenya Gazette. This acts as a notification to the general public of the change of name. A fee of Sh 500 is payable for the deed poll presented for registration.⁹³</p> <p>Although theoretically all identity documents can be changed, in practice transgender people have faced challenges when seeking to change their name.</p> <p>In 2017, the High Court of Kenya ordered the Principal Registrar of Persons to grant 5 transgender people's applications to change their names in their identity documents. The 5 individuals brought the case after the office of the Principal Registrar of Persons repeatedly failed to effect the necessary changes.⁹⁴</p>
	Gender marker change	Possible, with unclear requirements.
	<i>Legislation</i>	<i>Court application.</i>
	<i>Documents amended</i>	Kenya Certificate of Secondary Education (KCSE), possibly National Identity Card, birth certificate and passport.
	<i>Conditions for gender marker change</i>	<p>In the 2014 case of <i>Republic v Kenya National Examinations Council & another Ex-Parte Audrey Mbugua Ithibu</i> [2014] eKLR, a trans woman successfully applied to the High Court of Kenya to change her name and remove her male gender marker from her secondary school certificate.</p> <p>In coming to its decision, the court referred to evidence it received of the applicant's "Gender Identity Disorder" and the medical treatment she was receiving for it, the Indian case of <i>NALSA v Union of India</i> (2014), including its discussion of human dignity and how it intertwines with the development of a nation, and finally a Kenyan individual's Constitutional and inherent right to human dignity.</p> <p>In terms of the certificate itself, the court observed that there was no law that required the certificates to bear gender markers, examinations in Kenya were not administered and marks were not awarded based on gender, and removing the marker did not dilute the quality of the certificate.</p> <p>Accordingly, in cases where the law does require a gender marker in a document, the process to amend the gender marker is unclear.</p>
	Laws used against transgender and gender diverse people	
	<i>Legislation</i>	<i>Penal Code 1948 (as amended by Act No.5 of 2003).⁹⁵</i>
	<i>Quote/details</i>	<i>Section 153, Male person living o earnings of prostitution or soliciting.</i>

⁹³ https://www.the-star.co.ke/news/2013/01/02/changing-of-names_c721212.

⁹⁴ Luke Anami, "State ordered to pay transgender women SH30 million over names." <https://www.sde.co.ke/article/2001260360/state-ordered-to-pay-transgender-women-sh30-million-over-names>

⁹⁵ <http://www.kenyalaw.org/Downloads/GreyBook/8.%20The%20Penal%20Code.pdf>