
Act on Gender Autonomy No 80 /2019 as amended by Act No. 159/2019, No. 152/2020 and No. 154/2020

If mention is made in this Act of a Minister or Ministry without further specification as to the field of competence, this shall be understood to mean the **Prime Minister** or the **Prime Minister's Office**, under whose auspices this Act is administered. Information on the division of responsibilities between ministries, laid down in a Presidential Decree, can be found [here](#).

Chapter I

Objective and Definitions.

■Article 1

Objective.

This Act provides for the right of persons to define their own gender, thereby aiming at guaranteeing the recognition of their gender identity. The objective of this Act is also to guard the rights of persons to physical integrity.

■Article 2

Definitions.

For the purposes of this Act, the following definitions shall apply:

1. *Gender (sexuality)*: A collective term, including, inter alia, sex characteristics, gender, gender identity and gender expression.

2. *Sex characteristics*: Biological traits related to gender, such as sex chromosomes, hormone function, gonads and genitals.

3. *Gender expression*: A personal social expression with regard to one's gender.

4. *Gender identity*: The identification and definition of one's gender.

5. *Physical integrity*: The absolute right to autonomy over one's body and entitlement to respect for one's right to life, security, freedom and human dignity.

[6. *Atypical sex characteristics*: Sex characteristics that fall outside traditional definitions of sex characteristics as male or female, e.g. as regards functionality or appearance.] ¹⁾

¹⁾ [Act 154/2020, Article 1.](#)

Chapter II.

Right to Define One's Gender.

■Article 3

Right to Define One's Gender.

For every person there is in place, in accordance with age and maturity, an unrestricted right:

a. to define one's gender,

b. to have one's gender, gender identity and gender expression recognised,

- c. to develop one's personality in keeping with one's gender identity,
- d. to physical integrity and autonomy concerning changes to sex characteristics.

■Article 4

Right to Change the Official Gender Registration.

For every person there is in place the right from the age of [15] ¹⁾ to change one's gender registration in Registers Iceland. A request for such changes shall be submitted to Registers Iceland. Alongside a change in gender registration, the applicant has the right to a name change.

It is prohibited to make a surgical operation, medication, hormonal treatment or other medical treatment, such as psychiatric or psychological therapy, a requirement for changing the registration of gender.

A change pursuant to paragraph 1 entails the right of a person to obtain identity documents that are in keeping with the change, as well as documents pertaining to the education and employment records of the said person.

The gender of a person shall be recorded in public registers and other public data in the same manner as in Registers Iceland.

[Icelandic nationals residing abroad are entitled to change the registration of their gender and name pursuant to paragraph 1.] ²⁾

¹⁾[Act 152/2020, Article 1.](#) ²⁾[Act 159/2019, Article 1.](#)

■Article 5

Changing the Gender Registration of a Child.

A child under the age of [15] ¹⁾ may, with the assistance of its guardians, change its official gender registration.

A request for changing a child's gender registration shall be submitted to Registers Iceland. Alongside a change in gender registration, the child has the right to a name change. The provisions of Article 4[(2) to (5)] ²⁾ shall also apply to this provision.

A child that does not have the support of one or both of its guardians in changing its gender registration may submit a request for a change of registered gender to an expert committee pursuant to Article 9 and have the registration changed if the committee accepts the request.

A decision to change the gender registration of a child shall be taken with the interests of the child in mind and be in conformity with its will and the development of its gender identity.

¹⁾[Act 152/2020, Article 1.](#) ²⁾[Act 159/2019, Article 2.](#)

■Article 6

Neutral Gender Registration.

Neutral gender registration is permitted.

Public and private bodies that register gender shall provide for the possibility of registering gender as neutral, inter alia in identity documents, forms and databases, and provide for a clear denotation of such registration. In passports, neutral gender registration shall always be denoted with the letter X.

■Article 7

Limited Authorisation to Change Gender Registration.

A change in gender registration pursuant to this Act and a simultaneous name change shall only be permitted once, unless otherwise justified by special circumstances. A person again requesting a change of gender registration shall provide a written submission to Registers Iceland recounting the reasons for such a request.

[The restriction in paragraph 1 shall not apply to individuals under the age of 18.] ¹⁾

¹⁾[Act 152/2020, Article 2.](#)

■ Article 8

Effect of a Changed Gender Registration on Legal Status.

When a child has changed its official gender registration, its legal status vis-à-vis a parent, cf. Articles 4 and 5, will remain as it was prior to the change.

A persons who has had a change of official gender registration shall enjoy all legal rights of the registered gender.

Every person is entitled to health care services in accordance with its sex characteristics, irrespective of gender registration.

Rules that apply to a woman who carries and gives birth to a child shall also apply to a person who carries and gives birth to a child after the gender registration has been changed.

■ Article 9

[A committee of experts on changes to the gender registration of children and permanent changes to atypical sex characteristics of children.]¹⁾

The Minister will appoint a committee of experts on changes to the gender registration of children [and permanent changes to atypical sex characteristics of children] ¹⁾ that will serve for a term of four years at a time. The committee is comprised of three members. One of the members shall be a paediatrician, appointed by the Directorate of Health, one shall be a psychologist with child psychology as a field of expertise, appointed by the Icelandic Psychological Association, and one shall be a lawyer with special knowledge in the field of children's rights, appointed by the Minister responsible for human rights issues.

The committee of experts makes its decisions pursuant to Article 5(3) [and Article 11a(6)].

¹⁾ In assessing cases, the committee may obtain the opinion of other specialists, if necessary.

Members of the committee and specialists who have been consulted pursuant to this Article shall handle matters of persons submitting their cases to the committee with the utmost confidentiality.

A decision of the expert committee in accordance with Article 5(3) cannot be appealed to a higher administrative authority, except for procedural reasons.

¹⁾[Act 154/2020, Article 2.](#)

■ Article 10

Recognition of Foreign Gender Registrations and Applicants for International Protection.

A ruling by a foreign court or the registration by a foreign competent authority of a change in the registration of a person's gender, as well as a name change, is fully recognised in Iceland.

A person seeking international protection in Iceland may request that registration certificates, cf. [Article 34 of the Foreign Nationals Act No 80/2016](#), include the person's gender registration in accordance with the person's gender identity, even if this does not correspond to the person's identity documents from the home state.

Chapter III

Physical Integrity and Changes to Sex Characteristics.

■ Article 11

Physical Integrity.

- Permanent changes to genitals, gonads or other sex characteristics of persons 16 years of age or older are prohibited without their written consent. Furthermore, in cases involving children aged between 16 and 18, an assessment is needed from the Child and Adolescent Psychiatric Department team on gender identity ... ¹⁾ pursuant to Article 13, to confirm that it is in the best interests of the child to perform the surgical operation. Permanent changes include inter alia surgical operations, medication and other irreversible medical interventions.
- Regarding exceptions from the principle in paragraph 1, the provisions of the Patients' Rights Act apply.
- Prior to making changes pursuant to paragraph 1, the person shall be provided with detailed information on the planned treatment, including on progress, risks and benefits involved, whether it will affect reproductive abilities, as well as information on other possible remedies and the consequences of not acting at all. The person shall also be invited to seek second expert opinion regarding the necessity of the treatment, free of charge. If treatment results in diminished reproductive capabilities or permanent infertility, the person shall be informed about any possibilities of preserving gamete cells.

¹⁾[Act 154/2020, Article 3.](#)

■ Article 11a

Children born with atypical sex characteristics.

- Children born with atypical sex characteristics shall have the right to physical integrity in relation to their sex characteristics and the right to receive the best health care available at any given time. In implementing the Act, care shall be taken to respect their right to self-determination regarding personal matters.
- Permanent changes to the sex characteristics of a child under the age of 16 born with atypical sex characteristics shall only be made in conformity with the will of the child, *cf.* paragraph 6. However, if a child is unable to give its consent due to its young age or is for other reasons unable to express its will, the child's sex characteristics may be changed if so required for health reasons, following a detailed assessment of the need for such changes and of their consequences in the short and long term. Social, psychosocial and appearance-related reasons shall not be regarded as health reasons. Permanent changes pursuant to the first and second sentence include *inter alia* surgical operations, medication and other irreversible medical interventions.
- When preparing a decision on permanent changes to a child's sex characteristics for health reasons pursuant to paragraph 2 without the child's consent, the child shall be consulted to the extent possible in light of its level of maturity and in all cases once the child has reached the age of 12. Before a decision is made, every effort shall be made to establish the child's position and take account of its views in conformity with its age and maturity. A child, in conformity with its age and maturity, as well as its guardians, shall be provided with the information mentioned in Article 11(3). The guardians shall give their written consent. In the decision-making process, the child and its guardians shall receive counselling and support from a team on the issue of children born with atypical sex characteristics pursuant to Article 13a. In every case, a reasoned position shall be taken as to the possibility of postponing any

permanent changes until the child is able to give its consent, and deal with any health issues in a different and less invasive manner. Furthermore, the child and its guardians shall be invited to seek expert opinion outside the team on the necessity of such treatment, free of charge.

Decisions pursuant to this Article shall be made on the basis of what best serves the child.

Preparations for the decision shall be recounted in the health record. The provisions [Article 14\(3\) of the Health Records Act No 55/2009](#) shall not apply to information in the health record regarding any permanent changes to a child under the age of 16. The child's guardians shall explain to the child as soon as it is mature enough to understand it that permanent changes have been made to its sex characteristics.

In cases where the child is unable to give its informed consent due to its young age or is for other reasons unable to express its will, the following shall apply, notwithstanding paragraph 2, to any permanent changes made to the sex characteristics of a child under the age of 16 born with atypical sex characteristics, if these entail a surgical operation on account of a short urethra (hypospadias) or medication for micropenis:

1. General rules shall apply to an assessment as to whether a surgical operation or medication is necessary, such as the Patients' Rights Act, with the derogations arising from this paragraph.

2. The aforementioned permanent changes to sex characteristics shall not be performed unless a detailed assessment of possible advantages and consequences in the short and long term has been undertaken, including the consequences of not performing a surgical operation or providing medication or postponing it until the child can express its will, *cf.* paragraph 6.

3. The provisions of paragraphs 1, 3, 4 and 7 shall apply to such permanent changes.

In cases other than those discussed in paragraphs 2 and 5, permanent changes to the sex characteristics of a child under the age of 16 born with atypical sex characteristics shall only be made in conformity with the will of the child and its level of gender identity, and always with the best interests of the child in mind. A child, in conformity with its age and maturity, as well as its guardians, shall be provided with the information mentioned in Article 11(3). In the decision-making process, the child and its guardians shall receive counselling and support from a team on the issue of children born with atypical sex characteristics pursuant to Article 13a. This is conditional upon the consent of the guardians and the committee of experts pursuant to Article 9 for the changes. The conclusion of the committee shall be based on establishing the child's views regarding the change pursuant to procedures adopted by the committee. Despite the aforementioned, hormonal treatment is authorised to trigger puberty without the consent of the experts committee, with due respect to the general rules on establishing the child's views.

Health care professionals who provide treatment that permanently changes sex characteristics of children pursuant to this Article shall enter information on the treatment into the health record and provide the Director of Health with information on the number and nature of surgical operations and medication and the age of those who undergo these changes.]¹⁾

¹⁾ [Act 154/2020, Article 4.](#)

■ Article 12

Landspítali Team on Gender Identity and Changes to Sex Characteristics.

Landspítali University Hospital shall have a team of experts on gender identity and changes to sex characteristics, appointed by the CEO of the hospital. The team shall be interdisciplinary and composed of professionals with relevant knowledge and experience. The team may call on other experts for consultations and collaboration in order, among other

things, to secure knowledge of the social aspects of gender identity. The provisions of the Act on Health Care Professionals shall apply to the rights and obligations of health care professionals [pursuant to this Article, Article 13 and Article 13a].

The team provides its clients, 18 years and older, with information, counselling and treatment in accordance with the needs of each and every one. The team also provides the relatives of clients with information and counselling.

The team adopts its rules of procedure which shall be in conformity with recognised international rules of procedure. ... ¹⁾

The Minister responsible for health care services may lay down in a regulation more detailed provisions on the tasks and services of the team.

¹⁾[Act 154/2020, Article 5.](#)

■ Article 13

[Child and Adolescent Psychiatric Department Team on Gender Identity.]¹⁾

The Landspítali Child and Adolescent Psychiatric Department has a team of experts on gender identity ... ¹⁾ appointed by the CEO of the hospital. The team shall be interdisciplinary and composed of professionals with relevant knowledge and experience. The team may call on other experts for consultations and collaboration in order, among other things, to secure knowledge of the social aspects of gender identity.

The Child and Adolescent Psychiatric Department team provides treatment for children under the age of 18 who experience discrepancy between their gender identity and the gender allocated to them at birth, in accordance with the needs of each person and provides their guardians with support and counselling. ... ¹⁾ Furthermore, the team assesses whether it would best serve a child between the ages of 16 and 18 to undergo permanent changes to genitals, gonads or other sex characteristics, *cf.* Article 11.

The team adopts its rules of procedure which shall be in conformity with recognised international rules of procedure. The Minister responsible for health care services may lay down in a regulation more detailed provisions on the tasks and services of the team.

¹⁾[Act 154/2020, Article 6.](#)

■ Article 13a

Team on the issue of children born with atypical sex characteristics.

The Minister responsible for health care services appoints a team of experts on the issue of children born with atypical sex characteristics. The team shall be interdisciplinary and composed of professionals with relevant knowledge and experience. The team is authorised to call on other experts for counselling and cooperation purposes, e.g. in order to ensure that health reasons are separated from social, psychosocial and appearance-related reasons that may come into play in the assessment of permanent changes to sex characteristics.

The team provides children under the age of 16 born with atypical sex characteristics and their families with information, counselling and treatment in conformity with individual needs and will otherwise fulfil the obligations provided for in Article 11a. The team shall guide its clients to appropriate peer-to-peer counselling of people with atypical sex characteristics and their representative associations. The team provides services in cases where atypical sex characteristics have been permanently changed, as well as in cases where no changes have taken place or have been postponed.

The team adopts its rules of procedure which shall be in conformity with recognised international rules of procedure. The Minister responsible for health care services may lay

down in a regulation more detailed provisions on the tasks and services of the team.] ¹⁾

¹⁾[Act 154/2020, Article 7.](#)

■Article 14

Participation of the Icelandic Health Insurance.

Persons covered by the Act on Health Insurance are entitled to make use of the services of teams pursuant to Articles 12, [Article 13 and Article 13a].

¹⁾[Act 154/2020, Article 8.](#)

■[Article 14a

Right to appeal.

If, pursuant to Article 12, Article 13 or Article 13a, the team rejects an application for treatment entailing a change to sex characteristics, this may be appealed to the Directorate of Health. If the committee of experts pursuant to Article 9 rejects to give its consent pursuant to Article 11(6), this may also be appealed to the Director of Health. Decisions of the Directorate of Health may be appealed to the Ministry of Health.] ¹⁾

¹⁾[Act 154/2020, Article 9.](#)

Chapter IV

Miscellaneous provisions.

■Article 15[Fines, etc.]¹⁾

Violations of Article 4(3), point 1 of Article 6(2) and Article 9(3) of this Act and of regulations issued by virtue of it are punishable by fines, unless a more severe punishment applies pursuant to other laws. Fines shall be paid to the Treasury.

A legal entity can be fined pursuant to the rules of Chapter IIA of the General Penal Code for violations of the provisions of paragraph 1 and of rules issued by virtue of it.

[The limitation period for claims for damages established due to violations of this Act where the injured party is under the age of 18 shall start on the day the injured party reaches the age of 18. No claims may be established on the basis of Article 11a(4), third sentence.] ¹⁾

¹⁾[Act 154/2020, Article 10.](#)

■Article 16

Authorisation to issue regulations.

The Minister may issue a Regulation on the implementation of this Act in further detail, for instance on requirements regarding data provided pursuant to Article 10(1), and on the work of an expert committee on changes in the gender registration of children pursuant to Article 9, inter alia regarding in which cases the child protection committee should be notified in the course of expert committee's work.

■Article 17

Entry into force.

This Act shall enter into force immediately.

...

Notwithstanding the provisions of paragraph 1, the parties responsible for registering gender have 18 months from the entry into force of this Act to modify the registration sheets, forms, identity papers and such pursuant to Article 6(2).

■ Article 18

Amendments to other acts. ...

■ *Transitional provisions.*

[Within three years of the entry into force of Article 11a, the Minister will appoint a working group to review the provision with respect to practical experience and development of research and knowledge and best practice in the field of human rights. In particular, the group must assess Article 11a(5), including whether the provision should be deleted. The working group shall submit its proposals to the Minister as soon as possible after it commences its work.

The group shall be comprised of a paediatric surgeon, a paediatric endocrinologist, a child psychologist, appointed by the Minister of Health, a representative of Intersex Iceland, a representative of Samtökin '78, the National Queer Association of Iceland, a sexologist appointed by the University Level Collaboration Committee, an ethicist appointed by University of Iceland's Center for Ethics and two lawyers, one with expert knowledge of children's rights issues and the other with expert knowledge of human rights, appointed without nomination, as well as a chairperson, appointed without nomination.] ¹⁾

¹⁾ [Act 154/2020, Article 11.](#)