

Act

on Gender Autonomy.

I. CHAPTER I

Objective and Definitions.

1.

Article 1

Objective.

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

2.

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, hormonal activity, 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.

II. CHAPTER II

Right to Define One's Gender.

3. 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 in sex characteristics.

4. Article 4

Right to a Change in Official Gender Registration.

For every person there is in place a right from the age of 18 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 *cf* paragraph 1.

5. Article 5

Changing the Gender Registration of a Child.

A child under the age of 18 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 (4) 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.

6.

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.

7. 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 requesting again a change of his or her gender registration shall provide a written submission to Registers Iceland recounting the reasons for such a request.

8. 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 person that has changed his or her 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.

9. Article 9

A Committee of Experts on Changes to the Gender Registration of Children.

The Minister will set up a committee of experts on changes to the gender registration of children 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 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 expert committee takes its decisions in accordance with Article 5(3). 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.

10. 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 his or her gender registration in accordance with his or her gender identity, even if this does not correspond to his or her identity documents from the home state.

III. CHAPTER III

Physical Integrity and Changes to Sex Characteristics.

11.

Article 11

Physical Integrity.

Permanent changes on genitals, gonads or other sex characteristics of persons 16 years 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 and atypical sex characteristics pursuant to Article 13 to confirm that it is in the best interests of the child to perform the 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 the 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.

12. Article 12

Landspítali Team on Gender Identity and Changes to Sex Characteristics.

Landspítali University Hospital has 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 workers pursuant to this Article and Article 13.

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. If the team rejects an application for treatment entailing a change of gender identity this can be appealed to the Directorate of Health. The decision of the Directorate of Health may be appealed to the Ministry of Health.

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

13. Article 13

Child and Adolescent Psychiatric Department Team on Gender Identity and Atypical Sex Characteristics.

The Landspítali Child and Adolescent Psychiatric Department has a team of experts on gender identity and atypical 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 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. The team also provides support and counselling for guardians of children born with atypical sex characteristics. The team further assesses whether it would serve a child between the ages of 16 and 18 best 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.

14. 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 and 13.

IV.

CHAPTER IV

Miscellaneous Provisions.

15.

Article 15

Fines.

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.

16. Article 16

Authorisation to Issue a Regulation.

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.

17. Article 17

Entry into Force.

This Act shall enter into force immediately.

When this Act enters into force, Act No 57/2012 on the Legal Status of Individuals with Gender Identity Disorder ceases to apply.

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).

6.

Article 18

Amendments to Other Acts

When this Act enters into force, the following amendments are made to other acts:

1. *Act on Equal Status and Equal Rights of Women and Men No 10/2008, as amended:*
A new paragraph is added to Article 24 of the Act and reads as follows:
The provisions of this Chapter also apply to persons who have registered their gender as neutral in Registers Iceland, *cf.* Article 6 of the Act on Gender Autonomy.
2. *Personal Names Act No 45/1996, as amended:*
 - a. Article 5(2) is deleted.
 - b. Point 2 of Article 6(1) is deleted.
 - c. A new sentence is added to Article 8(3) of the Act and reads as follows: Persons that have registered their gender as neutral in Registers Iceland are permitted to use the name of their father or mother in the possessive case (genitive) without any addition or with the extension „bur“.
 - d. A new paragraph is inserted after Article 13(3) of the Act and reads as follows:
A child under the age of 18 can change, with the consent of its guardians or the expert committee pursuant to Article 9 of Act on Gender Autonomy, its given name and middle name when it changes its gender registration.
 - e. A new paragraph is inserted after Article 14(6) of the Act and reads as follows:
A child under the age of 18 can request, with the consent of its guardians or the expert committee pursuant to Article 9 of Act on Gender Autonomy, that its surname be changed in connection with the change to its gender registration. A change pursuant to this paragraph can only mean that the ending of the surname is changed in keeping with the child's gender. If the child is registered as gender neutral, the provision of the second sentence of Article 8(3) applies.
 - f. A new article, Article 16a, is inserted after Article 16 and reads as follows:
Persons who exercise their right to have their gender registration changed in Registers Iceland have the right to change their given name, middle name and surname. The provision of Article 13(6) applies to changes to a given name and middle name pursuant to this Article.

3. *Execution of Sentences Act No 15/2016, as amended:*
- a. The words „gender identity“ are inserted after the words “age, sex” in the second sentence of Article 21(1) of the Act.
 - b. The word “female prisoner” in Article 30(1) is deleted.
 - c. The following amendments are made to Article 43 of the Act:
 1. The word “the opposite” in paragraph 2 is replaced by “another”.
 2. A new paragraph is added and reads as follows:

Notwithstanding the provisions of paragraph 1 and 2, the prison governor can decide otherwise, in collaboration with the State Prison and Probation Administration, if so required on account of urgent interests of the prisoner or other prisoners.
 - d. A new sentence is added to Article 70(2) of the Act and reads as follows: The prison governor can decide otherwise if so required on account of urgent interests of the prisoner.
4. *Treasury Sundry Revenue Act No 88/1991, as amended:* The following is added after the words “on personal names” in point 26 of Article 14(1) of the Act: and authorisation to change gender registration pursuant to the Act on Gender Autonomy, as well as the name, with the exception of changes pursuant to Article 5(3) of that Act.

Interim Provisions.

I.

The Minister will set up a working group to discuss matters regarding children with atypical sex characteristics, as well as health care services available to them, and to make proposals for improvements. The working group is also entrusted with drafting a bill amending this Act, which entails adding a provision to the Act concerning changes in sex characteristics of children born with atypical sex characteristics. The group shall consist of a paediatric surgeon, a paediatric endocrinologist, a child psychologist, a representative of Intersex Iceland, a representative of Samtökin '78, a sexologist, an ethicist and two lawyers, one with expert knowledge of children's rights and the other with expert knowledge of human rights. The group shall submit its findings and proposals twelve months after the entry into force of this Act.

II.

The Minister will set up a working group to discuss and make proposals on necessary changes to other acts to ensure the rights of trans and intersex people, including to the Children Act No 76/2003, and the Act on Artificial Fertilisation and use of Human Gametes and Embryos for Stem Cell Research No 55/1996, as well as to rules on payment participation in the health insurance system as regards operations related to gender reassignment. Furthermore, the working group has the role of reviewing the age limit prescribed in regard to the right of changing one's gender registration, with a view to lowering it, in cooperation with e.g. the Government Agency for Child Protection, the Ombudsman for Children and the representative queer organisation. The group shall submit its findings and proposals twelve months after the entry into force of this Act.

Adopted by Althingi on 18 June 2019.