



## VELFERÐARRÁÐUNEYTIÐ

*Ministry of Welfare*

### **Act on Counselling and Education regarding Sex and Childbirth and on Abortion and Sterilisation Procedures, No. 25/1975, as amended by Act No. 82/1998, No. 162/2010, No. 126/2011 and No. 23/2016.**

#### **SECTION I**

#### **Counselling and Instruction.**

##### Article 1

People shall be given the opportunity to receive counselling and education regarding sex and childbirth.

The Directorate of Health shall supervise the practice and development of such counselling and education.

##### Article 2

Assistance shall be provided, as applicable, as follows:

1. Education and counselling on the use of contraceptions and obtainment of them.
2. Counselling for people who are considering requesting an abortion or sterilisation procedure.
3. Sex education and counselling and education on the responsibilities of parenthood.
4. Counselling and education regarding the assistance available to women during pregnancy and childbirth.

##### Article 3

This counselling service shall be provided at health-care centres and hospitals, and it may operate in collaboration with the maternity committee, departments of gynaecology, psychiatric health-care, family counselling and counselling by social workers.

##### Article 4

The counselling service shall be provided by physicians, social workers, midwives, nurses and teachers as required.

##### Article 5

All recognised forms of contraception shall be available from the counselling service. Efforts shall be made to facilitate access to contraceptions, for instance by the health service subsidising them.

##### Article 6

Counselling for people who are considering requesting an abortion or sterilisation procedure, shall include the following:

1. Medical assistance.
2. Pregnancy tests.
3. Counselling and support sessions.
4. Social assistance.
5. Assistance in application and reference to a hospital.

##### Article 7

Education authorities shall in consultation with the Educational Director of Health provide education on sex and sexual ethics in schools at the compulsory school level. This education shall also be provided at other educational levels.

**SECTION II**  
**On Abortion.**

Article 8

An abortion within the meaning of this Act is a medical procedure undergone by a woman with the objective of terminating a pregnancy before the foetus has become viable.

Article 9

Abortion is permitted:

1. Social factors: When the woman and her closest family may be deemed unable to cope with the pregnancy and birth of a child, due to social circumstances beyond their control. Under such circumstances the following shall be taken into account:
  - a. Whether the woman has given birth to a large number of children in a short time, and whether a short time has passed since the most recent birth.
  - b. Whether the woman lives in poor home conditions due to having a large family of young children or due to serious ill-health of others in the home.
  - c. Whether the woman is, due to young age or immaturity, incapable of caring adequately for the child.
  - d. Other circumstances fully equivalent to those specified above.
2. Medical factors:
  - a. When the woman's health, physical or mental, may be deemed to be at risk from continued pregnancy and childbirth.
  - b. When the child the woman is carrying may be deemed to be at risk of being born malformed, or with some serious disease, due to genetic factors or foetal damage.
  - c. When an illness, physical or mental, greatly diminishes the ability of a woman or man to care for a child and bring him/her up.
3. When a woman has been raped, or has become pregnant as a result of some other criminal act.

Article 10

The abortion shall be performed as soon as possible, preferably before the end of the 12th week of pregnancy.

No abortion may be performed after the 16th week of pregnancy, unless indisputable medical reasons exist, and the woman's life and health would be placed at greater risk by continued pregnancy and/or birth. Abortion shall also be permissible after 16 weeks, should there be a great likelihood of malformation, genetic fault or foetal damage.

Such an exception is only permitted by written authority of the committee according to Article 28.

Article 11

Before an abortion may be performed, a written report supported by reasoned argument must have been made by two physicians, or a physician and a social worker in the case of social factors alone, provided that the social worker is employed in the relevant health-care district. One of the physicians must be a specialist in gynaecology or general surgery at the hospital where the procedure is to take place, while the other should normally be the physician or social worker who referred the woman to the hospital.

If deemed necessary, the relevant specialist shall take account of a report made by a psychiatrist, in the case of mental illness.

Article 12

Before an abortion is performed, the woman applying for the procedure must have been informed of the risks attendant upon the procedure, and she must have been informed about the social assistance available to her in society. All counselling and provision of information shall be carried out in an impartial manner.

Article 13

The application, report and certificate shall be written on the forms produced for this purpose by the Directorate of Health.

The following must be observed:

1. The woman herself must sign the report and the application for an abortion.
2. Should the woman, due to mental illness, very low intelligence or for other reasons be unable to understand the necessity for the procedure, permission may be granted for the procedure on application from the legal guardian.
3. Should the woman be under 16 years old, or have been declared legally incompetent, the parents or legal guardian shall make the application with her, unless special circumstances make this inadvisable.
4. If possible, the man shall make the application with the woman, unless special circumstances make this inadvisable.
5. Should a woman change her mind and decide against the procedure, this wish shall be confirmed in writing. Should a woman be refused the procedure by the hospital, she and those who signed the report shall be informed of this immediately in writing. Thus the woman may pursue without delay the measures provided in Article 28, and those who signed the report must assist her in this.

#### Article 14

The actual procedure shall be carried out in keeping with the strictest recognised medical standards to ensure that the effect of the procedure on the woman is minimised. The same applies to all care of the woman when the procedure is performed.

#### Article 15

Only physicians may perform abortions. An abortion may only be performed in a hospital, where a specialist in gynaecology or a specialist in general surgery is on the staff, and which has been recognised by the Minister for this purpose.

#### Article 16

Before a woman who has undergone an abortion is discharged from hospital, she shall be given instruction on contraception. If the woman is married or in a cohabitation, the man shall also, if possible, be given instruction on contraception.

It shall also be compulsory for the woman to return after a specified period for after-care and medical examination.

### **SECTION III On Sterilisation Procedures.**

#### Article 17

A sterilisation procedure is, within the meaning of this Act, when a man's sperm ducts or a woman's fallopian tubes are closed, thus preventing the person from reproducing.

#### Article 18

A sterilisation may be performed under the provisions of this Act:

- I. At the request of the person in question, if he/she, being at least 25 years old, requests firmly and on serious consideration that he/she be prevented from reproducing, and if no medical reasons exist to oppose the procedure.
- II. If the relevant person has not reached the age of 25 years:
  1. If pregnancy and childbirth may be deemed to pose a threat to a woman's health.
  2. If the birth and custody of children would be beyond his/her powers, taking account of the family's circumstances and other reasons.
  3. If a disease, physical or mental, seriously impairs his/her ability to care for children and bring them up.
  4. When a child of the relevant person may be deemed to be at risk of being born malformed or with a serious disease, due to genealogical factors or foetal damage.

#### Article 19

A sterilisation is permissible under Article 18 I if an application has been made by the relevant person, and signed, *cf.* Article 20, on the relevant form issued by the Directorate of Health.

A sterilisation procedure is permissible under Article 18 II, items 1, 2, 3 and 4, when an application

has been made by the relevant person, *cf.* Article 20, and a written report, supported by reasoned argument, has been submitted by two physicians, or a physician and a social worker in the case of exclusively social reasons for the procedure; such a social worker must work in the relevant health-care district. One of the physicians shall be the specialist who is to perform the operation. Should the reasons for the procedure be outside his/her field of specialisation, the physician must base his/her report on a report from a specialist in the relevant field.

#### Article 20

The application shall be accompanied by the relevant person's declaration, signed in his/her own hand, that he/she is aware of what the procedure entails, and that he/she is requesting a sterilisation procedure of his/her own free will, *cf.* however Article 22.

#### Article 21

Before a sterilisation procedure is authorised as provided in this Act, it shall be explained to the relevant person what the procedure entails, and that it can permanently prevent the relevant person from reproducing.

#### Article 22

If the reasons for a sterilisation procedure are as provided in Article 18 II, or if the relevant person is at least 25 years old, but is, due to mental illness, very low intelligence or other mental disturbance, permanently incapable of understanding the consequences of the procedure, it is permissible to grant authority for the procedure on application by a specially-appointed legal guardian.

#### Article 23

Only physicians who have a recognised specialist qualification in general surgery, gynaecology and genito-urinary surgery may perform sterilisation procedures.

The Minister may, however, in consultation with the Directorate of Health, authorise a hospital physician to perform such procedures.

Such procedures may only be performed in hospitals which have been recognised by the Minister for this purpose.

### **SECTION IV.**

#### **General provisions.**

#### Article 24

The application, medical certificate and report as provided in Articles 11 and 19 of this Act shall be kept with the patient's medical records at the hospital.

When the procedure has been completed, a report shall be sent to the Directorate of Health on how it was carried out, on a form provided by the Directorate of Health.

#### Article 25

When a request for an abortion or sterilisation procedure is rejected, this shall be notified to the Directorate of Health, together with an explanation of the reason for the refusal.

#### Article 26

Health authorities must monitor the implementation of this Act, and ensure that in public hospitals it is possible to carry out those procedures provided in the Act, *cf.* however Article 15. The objective shall be to achieve consistency in the implementation of the Act in all regions of the country. Those who are engaged in the implementation of the Act shall provide instruction and guidance for this purpose.

#### Article 27

All those who are engaged, in one way or another, in the implementation of this Act, are subject to the obligation of confidentiality on all personal matters of which they may become aware in this context.

#### Article 28

Should a dispute arise with regard to whether an abortion or a sterilisation procedure should be performed, the case shall be referred without delay to the Directorate of Health, and he/she shall refer

the case without delay for adjudication by a committee to be appointed for the purpose of monitoring the implementations of the Act.

The committee shall comprise three members, and an equal number of alternates: one physician, one lawyer and one social worker and they shall be appointed by [the Minister]<sup>1)</sup> for a term of four years. The committee shall rule on a case within a week of receiving it.

The committee shall be provided with facilities for its work, and it shall be guaranteed access to all specialist services deemed necessary to resolve the cases submitted to the board.

<sup>1)</sup> Act No. 126/2011, Article 65.

#### Article 29

The cost of abortions and sterilisation procedures shall be met by social security health insurance. Costs of counselling and instruction in this field shall be met from public funds.

#### Article 30

The provisions of this Act shall not apply in the case of a necessary medical procedure carried out upon the reproductive organs due to a disease in these organs, even if a miscarriage or sterility may result from such a procedure.

#### Article 31

1. A physician who performs an abortion or sterilisation procedure without the provisions of Articles 9, 10 or 18 being met, shall be liable to ...<sup>1)</sup> imprisonment for up to two years, unless a more stringent penalty applies under the General Penal Code. In the case of powerful extenuating circumstances, fines may be imposed. Should the deed have been carried out without the woman's consent, the penalty shall be imprisonment for a minimum of two years, and a maximum of twelve years.
2. A physician who performs an abortion or sterilisation procedure without the provisions of Articles 11, 12, 13, 19 or 21 being met shall be liable to a fine, unless a more stringent penalty applies under the General Penal Code.
3. A physician who performs an abortion or sterilisation procedure without the provisions of Articles 15 or 23 being met shall be liable to a fine.
4. Should a person other than a physician perform a procedure as provided in this Act, he/she shall be liable to imprisonment for up to four years, unless a more stringent penalty applies under the General Penal Code. Should the deed have been carried out without the woman's consent, the penalty shall be imprisonment for at least two years, and a maximum of twelve years.
5. Accessories shall be subject to penalties as provided in items 1 and 4 of this Article. Those who are guilty of negligently committed offence shall not be subject to penalties under this Act.

[If a violation under this Article is committed against child under the age of 18 years, the period of prescription shall only run from the day on which the victim attains that age. Prescription is subject in other ways under Chapter IX of the General Penal Code.

Punishment shall be imposed under this Article for offences committed by a person who was an Icelandic citizen, or was domiciled in Iceland, at the time of the deed, and were committed abroad even if the deed is not considered a punishable offence under the laws of the state involved.]<sup>2)</sup>

<sup>1)</sup> Act No. 82/1998, Article 167. <sup>2)</sup> Act No. 23/2016, Article 7.

#### Article 32

The more detailed implementation of this Act shall be decided in regulations

#### Article 33

This Act shall take effect immediately.

...

*[This translation is published for information only.  
The original Icelandic text is published in the Law Gazette.  
In case of a possible discrepancy, the original Icelandic text applies.]*