ALLIANCE DEFENDING FREEDOM INTERNATIONAL

That *all* might be free.

UNIVERSAL PERIODIC REVIEW

SUBMISSION TO THE 54TH SESSION OF THE HUMAN RIGHTS COUNCIL'S UNIVERSAL PERIODIC REVIEW WORKING GROUP

ICELAND

July 2026

Geneva, Switzerland

Submission by:

ADF INTERNATIONAL

Rue Pré-de-la-Bichette 1
1202 Geneva, Switzerland

Web: www.ADFinternational.org
Email: UN@ADFinternational.org

Introduction

1. Alliance Defending Freedom (ADF) International is a faith-based legal advocacy organisation that protects fundamental freedoms and promotes the inherent dignity of all people.

2. This submission addresses the widespread resort to disability-selective abortion, particularly targeting children with Down Syndrome and other congenital conditions. It further highlights violations of the rights of children and their parents arising from Iceland's Act on Gender Autonomy, together with related restrictions on freedom of expression.

1. Rights of Persons with Disabilities

1.1 LEGAL FRAMEWORK

3. The Constitution of Iceland lacks an explicit, standalone provision recognising the right to life.[1]

4. In 2019, the Icelandic Parliament amended its abortion laws to permit termination for any reason up to the twenty-second week of pregnancy, with later abortions requiring the approval of two doctors.[2] Previously, abortions within the same period required the approval of a committee of doctors after the sixteenth week.[3]

5. Even before that amendment, the pattern was stark. Between 2007 to 2015, nearly 85% of pregnant women underwent prenatal screening; of those who then received an amniocentesis returning a positive result for Down Syndrome, 100% terminated their pregnancy.[4]

6. Although screening is not compulsory, a 100% termination rate calls into question whether the genetic counselling provided is genuinely neutral.[5] In a population of about 330,000 people, Iceland has nearly eradicated people with Down Syndrome from its society, as only one or two children are now expected to be born with Down Syndrome each year—most of them owing to inaccurate prenatal test results.[6]

7. By allowing screening later in pregnancy, the expanded law also increases the likelihood that previously undetectable disabilities will be identified; together with

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[1] Constitution of the Republic of Iceland 1944

[2] 2019 Bill on Abortion <https://www.althingi.is/altext/149/s/0521.html>, art. 4.

[3] J. Ćirić '*Abortion Bill Passed in Icelandic Parliament*' (14 May 2019) Iceland Review <https://www.icelandreview.com/news/abortion-bill-passed-in-icelandic-parliament/>.

[4] Global Down Syndrome Foundation '*Global Down Syndrome Foundation Responds To Shocking Report – Shares Translated Prenatal Testing Information With Iceland*' (11 January 2018) <https://www.globaldownsyndrome.org/global-syndrome-foundation-responds-shocking-report-shares-translated-prenatal-testing-information-iceland/>.

[5] J. Quniones '*What kind of society do you want to live in?: Inside the country where Down syndrome is disappearing*' (17 August 2017) CBS News <https://www.cbsnews.com/news/down-syndrome-iceland/>.

[6] Id.

the reduced requirement for expert approval, this further increases the prevalence of disability-selective abortion in the country.

8. As the former Special Rapporteur on the rights of persons with disabilities warned in her report,

> 'From a disability rights perspective, there is a concern that such practices [that is, disability-selective abortion] may reinforce and socially validate the message that persons with disabilities ought not to have been born. Legislative frameworks that extend the time frame for a lawful abortion or, exceptionally, permit abortion in the presence of fetal impairment aggravate this message.'[7]

9. At its previous Universal Periodic Review in 2020, Iceland accepted two recommendations to take steps to combat discrimination against persons with disabilities, particularly those with Down Syndrome.[8] Yet it simultaneously asserted in in its response to such recommendations that there were 'no indications' that people with Down syndrome are more likely to face discrimination compared to other groups of persons with disabilities—a claim difficult to reconcile with the near-total termination of pregnancies following a Down Syndrome diagnosis.[9]

1.2 ICELAND'S INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

10. The near-eradication of persons with Down Syndrome effected through Iceland's abortion law and practice represents a grave violation of the dignity and human rights of persons with disabilities. It not only results in the selective elimination of children on the basis of a protected characteristic; it also perpetuates the harmful stereotype that the lives of persons with disabilities are of a lesser worth or not worth living at all.

11. Article 6 of the ICCPR, to which Iceland is a State Party, guarantees that 'Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.'[10]

12. The Convention on the Rights of the Child (CRC), to which Iceland is also a State Party, recognizes the child before birth as a rights-bearing person entitled to special protection. As affirmed by its Preamble, '[T]he child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.'[11]

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[7] Catalina Devandas-Aguilar 'Report of the Special Rapporteur on the rights of persons with disabilities' (19 December 2019) UN Docs A/HRC/43/41, 32.

[8] Human Rights Council 'Report of the Working Group on the Universal Periodic Review – Iceland' (6 April 2022) UN Docs A/HRC/50/7, 121.218, .220.

[9] Human Rights Council 'Report of the Working Group on the Universal Periodic Review – Iceland: Addendum' (8 April 2022) UN Docs A/HRC/50/7/Add.1.

[10] International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), art. 6.

[11] Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC), preamble.

13. Article 1 of the CRC defines a child as 'every human being below the age of eighteen years,' providing an upper but no lower limit on when the status of 'child' attaches, while according to Article 6, 'States Parties recognize that every child has the inherent right to life. States Parties shall ensure to the maximum extent possible the survival and development of the child.'[12] Read together, both provisions support the recognition and protection of unborn life.

14. Article 10 of the Convention on the Rights of Persons with Disabilities (CRPD), to which Iceland is also party, safeguards persons against discrimination on the basis of disability by reaffirming the inherent right to life and requires States Parties to take 'all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.'[13]

15. The CRPD further guarantees persons with disabilities' right to the enjoyment of the highest attainable standard of health 'without discrimination on the basis of disability,' respect for physical and mental integrity, and 'comprehensive habilitation and rehabilitation services and programmes, particularly in the [area] of health.' Furthermore, persons with disabilities are entitled to 'full inclusion and participation in all aspects of life.'[14]

2. Protection from Violence and Discrimination on the Basis of Sex

2.1 ACT ON GENDER AUTONOMY

16. In 2019, Iceland enacted the Act on Gender Autonomy No. 80/2019, asserting a 'right of persons to define their own gender' and purporting to safeguard the 'rights of persons to physical integrity.'[15]

17. The Act defines 'gender' broadly and circularly as 'a collective term, including, inter alia, sex characteristics, gender, gender identity and gender expression,' and defines 'physical integrity' expansively as 'the absolute right to autonomy over one's body and entitlement to respect for one's life, security, freedom and human dignity.'[16]

18. The Act establishes that:

> '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,

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[12] Id., arts. 1, 6.

[13] Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008), 2515 UNTS 3(CRPD), art.10.

[14] Id., arts. 25, 17, 26.

[15] Act on Gender Autonomy No 80 /2019 (adopted 18 June 2019, last amended 29 December 2020) https://www.government.is/library/?itemid=e4dab7dc-9219-11eb-8134-005056bc8c60, art. 1.

[16] Id., art.2.

c. to develop one's personality in keeping with one's gender identity,
d. to physical integrity and autonomy concerning changes to sex characteristics.'[17]

19. The Act permits a person to change their legally registered gender, including to a neutral option,[18] as well as related identity, education, and employment documents.[19] Such a change was initially permitted only once for anyone aged 18 or older, 'unless otherwise justified by special circumstances.'[20] A 2020 amendment extended legal gender change to anyone from the age of 15, and permits a child under the age of 15 to change their gender registration 'with the assistance of guardians.'[21] When a guardian's support is not obtained, the request can be referred to an 'expert committee' comprised by a paediatrician, a psychologist, and a lawyer, whose decisions 'cannot be appealed to a higher administrative authority, except for procedural reasons.'[22]

20. The Act establishes that anyone 'shall enjoy all legal rights of the registered gender', while being 'entitled to health care services in accordance with [his or her] sex characteristics, irrespective of gender registration', including for 'a person who carries and gives birth to a child after gender registration has been changed.'[23]

21. Permanent changes to sex characteristics, whether by surgery, medication, or other irreversible medical interventions, are prohibited without the written consent of a person aged 16 or over, with an assessment by the Child and Adolescent Psychiatric Department required for those between 16 and 18.

22. Iceland permits the use of puberty blockers for children aged 16 or older 'who receive a diagnosis and have entered puberty.' The alleged purpose is to 'effectively pause puberty, giving young people the time and space to decide at a later, more mature stage whether they wish to pursue further interventions.' Despite overwhelming evidence on the long-term and potentially permanent harms of these interventions, and the legal requirement that 'detailed information on risks, including to reproductive abilities' be provided,[24] the Icelandic authorities claims that, '[I]f a young person decides to continue with their natal puberty, they simply stop taking the blockers and the process naturally resumes.' [25]

23. Informed consent is presumed for anyone aged 16 or over. For younger children, specialists may find informed consent where the child has attained so-called 'Gillick competency', namely that they have reached sufficient maturity and intelligence to understand the nature and implications of the treatment. Parental

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[17] Id., art 3.
[18] Id., art.6.
[19] Id., art.4.
[20] Id., art.7.
[21] Act No.152/2020 amending the Act on Gender Autonomy (changed age criteria). (29 December 2020) https://www.althingi.is/altext/stjt/2020.152.html, art.1.
[22] Id., art.9.
[23] Id., art.8.
[24] Id., art.11.
[25] Reykjavic 'Status of transgender children' (2025) https://reykjavik.is/en/status-of-transgender-children.

consent is required only where the specialist finds that the child fails this assessment.[26]

2.2 CASES

24. Referrals to the 'Trans Team' of the Child and Adolescent Psychiatry Department rose sharply between 2012 and 2022, from 6 to 45. About two-thirds of the children referred were female, and more than half had previously been diagnosed with mental health conditions, including mood disorders, anxiety, autism, and ADHD.[27]

25. Prescription of puberty blockers and cross-sex hormones to children also increased dramatically from 2019 onwards.[28]

26. According to the National Registry, by 2025, 0.5% of children in Iceland—roughly five per thousand—had changed their legal gender, approximately thirteen times the rate in neighbouring Denmark.[29]

27. In December 2025, the District Court of Reykjavik deprived a father of custody of his 10-year-old son on the basis of his opposition to the child's gender transition. The court recognised both parents as 'generally capable, with stable living situations and no major mental health issues', yet treated the father's unwillingness to affirm the child's identity as a source of relational strain, while regarding the mother as offering greater emotional security. The court reportedly relied on an organization advocating the liberalization of gender transition practices as an allegedly 'impartial resource for transgender-related expertise.'[30]

2.3 IMPACT ON CHILDREN'S HEALTH AND WELL-BEING

28. Iceland's facilitation of the social and medical transition of children stands in stark contrast to a growing international movement towards a cautious, evidence-based approach, reflected in countries such as the United Kingdom, Finland, Norway, France and Sweden.[31]

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[26] K.E. Dagnýjardóttir 'Epidemiological analysis of clients of the BUGL Trans Team' (June 2023) *Universitatis Islandiae Sigillum Hakoli Islands,* https://skemman.is/bitstream/1946/44353/1/KE_ritgerð_final.pdf, p.10.
[27] *Supra* footnote 22, p.19-22.
[28] Id., p.25-26.
[29] J. Bindel 'How inclusive Iceland succumbed to 'trans madness'' (28 March 2026) *The Telegraph*, https://www.telegraph.co.uk/news/2026/03/28/iceland-corrosive-gender-ideology/.
[30] A. Rocha 'Appeal to the Court of Iceland to Protect My Son' (5 January 2026) *GoFundMe*, https://www.gofundme.com/f/protect-my-child-fundraising-to-prevent-harmful-hormones.
[31] Frieda Klotz 'A Teen Gender-Care Debate Is Spreading Across Europe' (28 April 2023) *The Atlantic*, https://www.theatlantic.com/health/archive/2023/04/gender-affirming-care-debate-europe-dutch-protocol/673890/.
Academie Nationale de Medicine 'Medicine and gender transidentity in children and adolescents' (25 February 2022) https://www.academie-medecine.fr/la-medecine-face-a-la-transidentite-de-genre-chez-les-enfants-et-les-adolescents/.
NHS England 'NHS England's response to the final report of the independent review of gender identity services for children and young people' (6 August 2024) https://www.england.nhs.uk/long-read/nhs-englands-response-to-the-final-report-of-the-independent-review-of-gender-identity-services-for-children-and-young-people/.

29. Recent evidence reviews, including the United Kingdom's 2024 Cass Review and the United States' 2025 review of treatment for paediatric gender dysphoria, have identified serious deficiencies in the evidence for the efficacy of so-called 'gender-affirming' care and a lack of adequate research on its possible long-term harms.[32]

30. As documented by the Special Rapporteur on violence against women and girls, the lasting harms of social and medical transition in children are increasingly recorded, and include persistent psychological distress, body dissatisfaction, infertility, early menopause, heightened osteoporosis risk, sexual dysfunction and loss of the ability to breastfeed following mastectomy. Granting children access to such procedures violates their rights to safety, health and freedom from violence and runs counter to their best interests.[33]

31. Contrary to the Icelandic government's assertions, children cannot give full and informed consent to interventions carrying grave consequences. Consent involves more than just capacity and competence: clinicians have a duty to ensure that any proposed intervention is clinically appropriate and that children and their parents or legal guardians are provided with evidence-based information about the risks, benefits, and expected outcomes.[34] In characterising puberty blockers as a reversible 'pause,' the authorities pass over what they decline to state, notably that the resulting harms are serious and potentially irreversible.

32. The long-term risks and uncertainties surrounding both medical and non-medical interventions in so-called 'gender medicine' render these practices inherently experimental, placing children at serious risk of irreversible harm to their health and well-being — in violation of their best interests, their right to health, and their right to receive appropriate direction and guidance from their parents or guardians, who are too often excluded from decision-making through court orders.

2.4 INCOMPATIBILITY OF ICELAND'S ACT ON GENDER AUTONOMY WITH INTERNATIONAL HUMAN RIGHTS LAW

33. Iceland's facilitation of the social and medical transition of children cannot be reconciled with its obligations under the Convention on the Rights of the Child. Article 3 requires that the best interests of the child be a primary consideration in all actions concerning children; Article 6 obliges States to ensure the child's survival and development to the maximum extent possible; Article 19 requires protection from all forms of physical and mental harm; and Article 24 guarantees the highest attainable standard of health.

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[32] Dr. Hilary Cass 'Independent Review of Gender Identity Services for Children and Young People' (April 2024) https://cass.independent-review.uk/home/publications/final-report/.
U.S. Department of Health and Human Services 'Treatment for Pediatric Gender Dysphoria: review of evidence and best practices' (19 November 2025) https://opa.hhs.gov/sites/default/files/2025-11/gender-dysphoria-report.pdf.

[33] R. Alsalem 'Sex-based violence against women and girls: new frontiers and emerging issues' (16 June 2025) UN Docs A/HRC/59/47, 22.

[34] *Supra* footnote 31, p. 34.

34. As the Special Rapporteur on violence against women and girls has found, permitting children to access puberty blockers, cross-sex hormones and surgery affecting the sexual and reproductive organs does not merely fall short of these guarantees; it affirmatively violates the child's rights to safety, security and freedom from violence, disregards the right to the highest attainable standard of health, and runs counter to the child's best interests.

35. International law equally obliges Iceland to respect the protective role of parents. Under Article 5 of the CRC, States must respect the responsibilities, rights and duties of parents to provide direction and guidance appropriate to the child's evolving capacities; Article 18(1) of the CRC makes the best interest of the child the basic concern of parents as they fulfil their rights, duties, and responsibilities vis-à-vis their children.[35] Article 3(2) of the CRC requires that the rights and duties of parents be taken into account in ensuring the necessary protection and care for the child's well-being.[36] Additionally, Article 24(1) of the ICCPR affirms every child's right to the protection required by their status as a minor, provided by their family, society, and the State.[37]

36. Far from authorising Iceland to enable such interventions, the aforementioned provisions require that children be protected from the harmful and potentially irreversible consequences of practices of so-called 'gender transition', particularly where the parental safeguards envisaged by the Convention have been displaced.

3. Freedom of Opinion and Expression

3.1 LEGAL FRAMEWORK

37. Article 73 of Iceland's Constitution provides that,

> 'Everyone shall be free to express his thoughts, but shall also be liable to answer for them in court. The law may never provide for censorship or other similar limitations to freedom of expression.
>
> Freedom of expression may only be restricted by law in the interests of public order or the security of the State, for the protection of health or morals, or for the protection of the rights or reputation of others, if such restrictions are deemed necessary and in agreement with democratic traditions.'[38]

38. However, according to Article 233a of Iceland's Penal Code,

> 'Anyone who publicly mocks, defames, denigrates or threatens a person or group of persons by comments or expressions of another nature, for example by means of pictures or symbols, for their nationality, colour,

[35] *Supra* footnote 10, art. 18.
[36] Id., art. 3.
[37] *Supra* footnote 9, art. 24.
[38] Constitution of the Republic of Iceland (17 June 1944, last amended 24 June 1999) https://www.refworld.org/legal/legislation/natlegbod/1944/en/14387, art.73.

race, religion, sexual orientation or gender identity, or disseminates such materials, shall be fined or imprisoned for up to 2 years.'[39]

39. In May 2025, Eldur Smari Kristinsson, a member of LGB Alliance Iceland, was reported to be under criminal prosecution under Article 233a of the Penal Code for social media posts expressing gender-critical views, particularly regarding legal self-identification and the harms of so-called 'gender transitions' for children. This is the third time Kristinsson has been investigated for voicing his views on the topic.[40]

3.2 ICELAND'S INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

40. Broad criminalisation of 'offence,' such as Article 233a of the Penal Code, does not satisfy the narrow grounds for restricting freedom of expression under Article 19 of the ICCPR, which permits only such restrictions as are provided by law and necessary for respect of the rights or reputations of others, or for the protection of national security, public order, or public health or morals.[41]

41. In particular, to meet the principle of legality, laws must be precise enough for individuals to regulate their conduct and must not grant unfettered discretion to those enforcing them. Instead, they must offer clear guidance on what expression can and cannot be restricted.[42] The lack of objective definitions of mockery, defamation and denigration risks arbitrary and unjustified restrictions on freedom of expression.

42. While Article 20 of the ICCPR requires that 'Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,'[43] any limitation justified on that basis must comply with article 19, paragraph 3, a position also supported by the Human Rights Committee.'[44]

43. As noted by the Special Rapporteur on violence against women and irls, 'Many, in particular females, have noted a chilling effect on discussions around sex-based violence and discrimination that seeks to consider the importance of sex,' a central argument in debates over the human rights implications of practices of so-called 'gender transition'.[45] The silencing of legitimate expression, including on such matters of major public significance, constitutes a clear violation of freedom of expression. Even where charges are not ultimately upheld, repeated police investigation and court proceedings themselves undermine that right.

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[39] The General Penal Code (12 February 1940, last amended 2 July 2015) https://www.government.is/library/Files/General_Penal_Code_sept.-2015.pdf, art.233a.

[40] https://genspect.org/something-is-rotten-in-iceland/

[41] *Supra* footnote 9, art. 19(3).

[42] Human Rights Committee 'General Comment No. 34: Article 19: Freedoms of opinion and expression' (12 September 2011) UN Docs CCPR/C/GC/34, 25.

[43] *Supra* footnote 9, art. 20(2).

[44] *Supra* footnote 41, 50.

[45] *Supra* footnote 32, 36.

4. Recommendations

44. In light of the aforementioned, ADF International suggests the following recommendations be made to Iceland:

    a. Guarantee the equal rights of persons with disabilities to life, equality and non-discrimination, including by prohibiting disability-selective abortion;

    b. Ensure comprehensive medical, psychological, and socio-economic support for children with Down syndrome and other genetic conditions and their families;

    c. Prohibit legal, social and medical interventions that seek to alter a child's sex;

    d. Protect the right of children to receive appropriate direction and guidance from their parents or, as the case may be, legal guardians in all matters affecting their health and well-being;

    e. Guarantee full respect for freedom of opinion and expression in law and practice, including by amending Penal Code Article 233a in line with constitutional protections and international law safeguards against censorship.

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