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## **Excerpts from the General Penal Code, No. 19/1940, with subsequent amendments. Chapter XXII - Sexual Offences and Chapter XXIII - Homicide and Bodily Harm**

*Translated from the Icelandic*

**Excerpts from the General Penal Code, No. 19/1940, with subsequent amendments.**

### **CHAPTER XXII [Sexual Offences] 1)**

1) Act No. 40/1992, Article 1.

**Article 194.** [Any person who has sexual intercourse or other sexual relations with a person by means of using violence, threats or other unlawful coercion shall be guilty of rape and shall be imprisoned for a minimum of 1 year and a maximum of 16 years. 'Violence' here refers to the deprivation of independence by means of confinement, drugs or other comparable means.

Exploiting a person's psychiatric disorder or other mental handicap, or the fact that, for other reasons, he or she is not in a condition to be able to resist the action or to understand its significance, in order to have sexual intercourse or other sexual relations with him or her, shall also be considered as rape, and shall result in the same punishment as specified in the first paragraph of this article. <sup>1)</sup>

1) Act No. 61/2007, Art. 3.

**Article 195.** [When punishment for violations of Article 194 is determined, it shall be considered as increasing the severity of the punishment:

- a. if the victim is a child under the age of 18,
- b. if the violence employed by the perpetrator is of serious proportions,
- c. if the offence is perpetrated in such a way as to cause particular pain or injury.]<sup>1)</sup>

1) Act No. 61/2007, Art. 4.

**Article 196** <sup>?1)</sup>

1) Act No. 61/2007, Art. 5.

**Article 197.** [If the supervisor or an employee in a prison, another institution under the direction of the police, the prison authorities or the child welfare authorities, or in the psychiatric ward of a hospital, a home for mentally handicapped persons or another similar institution has sexual intercourse or other sexual relations with an inmate of the institution, it shall be punished by up to 4 years' imprisonment.<sup>1)</sup>

1) Act No. 61/2007, Art. 6.

**Article 198.** [Any person who has sexual intercourse or other sexual relations with a person ... 1) by grossly abusing the fact that the other person is financially dependent on him either through his employment or as his protégé in a confidential relationship shall be imprisoned for up to 3 years or, if the other person is younger than 18, for up to 6 years. ...2)]<sup>3)</sup>

...1)

1) Act No. 61/2007, Art. 7. 2) Act No. 40/2003, Art. 1. 3) Act No. 40/1992, Art. 6.

**Article 199.** [Any person found guilty of sexual harassment shall be imprisoned for up to 2 years. ‘Sexual harassment’ here refers, amongst other things, to stroking, groping or probing the genitals or breasts of another person, whether under or through clothing, and also to suggestive behaviour or language which is extremely offensive, repeated or of such a nature as to cause fear.]<sup>1)</sup>

1) Act No. 61/2007, Art. 8.

**Article 200.** [Any person who has sexual intercourse or other sexual relations with his or her own child or other descendant shall be imprisoned for up to [8 years]<sup>1)</sup> or up to [12 years]<sup>1)</sup> if the child is under the age of 16.

Sexual harassment of a type other than that specified in the first paragraph of this article and directed at the perpetrator’s own child or other descendant shall be punishable by up to [4 years’]<sup>2)</sup> imprisonment, and up to [6 years’]<sup>2)</sup> imprisonment if the child is under the age of 16.

Sexual intercourse or other sexual relations between siblings shall be punishable by up to 4 years’ imprisonment. If one or both of the siblings were under the age of 18 years at the time of the offence, it may be decided to waive punishment applying to them.]<sup>3)</sup>

1) Act No. 40/2003, Art. 2. 2) Act No. 61/2007, Art. 9. 3) Act No. 40/1992, Art. 8.

**Article 201** [[Any person who has sexual intercourse or other sexual relations with a child under the age of 18 who is his or her adopted child, step-child, foster-child or the child of his or her cohabiting partner, or is bound to him or her by similar family relationships in direct line of descent, or with a child who has been committed to his or her authority for education or upbringing, shall be imprisoned for up to 8 years, and up to 12 years if the child is under the age of 16 years.]<sup>1)</sup>

Sexual harassment of a type other than that specified in the first paragraph of this article shall be punishable by up to [4 years’]<sup>1)</sup> imprisonment, and up to [6 years’]<sup>1)</sup> imprisonment if the child is under the age of 16 years.]<sup>2)</sup>

1) Act No. 61/2007, Art. 10. 2) Act No. 40/1992, Art. 9.

**Article 202.** [Any person who has sexual intercourse or other sexual relations with a child under the age of [15 years]<sup>1)</sup> shall be imprisoned for [a minimum of 1 year and a maximum of 16 years].<sup>1)</sup> ?<sup>2)</sup> [Punishment may be reduced or waived if the perpetrator and the victim are of similar age or level of maturity.]<sup>1)</sup>

[Sexual harassment of a type other than that specified in the first paragraph of this article shall be punishable by up to [6 years’]<sup>1)</sup> imprisonment.]<sup>2)</sup>

Any person who, by deception, gifts or in any other way entices a [child]<sup>1)</sup> [under the age of 18 years]<sup>2)</sup> to engage in sexual intercourse or other sexual relations shall be imprisoned for up to 4 years.]<sup>3)</sup>

[Any person who pays a child <sup>?)</sup><sup>1)</sup> under the age of 18 years a consideration in return for having sexual intercourse or other sexual relations with the child shall be imprisoned for up to 2 years.]<sup>4)</sup>

1)Act No. 61/2007, Art. 11. 2)Act No. 40/2003, Art. 4. 3)Act No. 40/1992, Art. 10. 4)Act No. 14/2002, Art. 1.

**Article 203.** <sup>?)</sup><sup>1)</sup>

1)Act No. 40/1992, Art. 16.

**Article 204.** [Where violations of Article 201 or Article 202 have been committed in ignorance of the age of the victim, a relatively more lenient punishment may be imposed; however, it may not be reduced to [less than the minimum prescribed imprisonment].<sup>1)</sup>]<sup>2)</sup>

1)Act No. 82/1998, Art. 102. 2)Act No. 40/1992, Art. 11.

**Article 205.** [If a person who is to be punished for any of the sexual offences described above has previously been convicted of such an offence, the punishment may be increased by as much as half the prescribed punishment.]<sup>1)</sup>

1)Act No. 61/2007, Art. 12.

**Article 206.** [Any person who bases his employment or living on prostitution practised by others shall be imprisoned for up to 4 years.

The same punishment shall apply to deceiving, encouraging or assisting a child under the age of 18 to engage in prostitution.

The same punishment shall also apply to taking steps to have any person move from or to Iceland in order to derive his or her support from prostitution.

Any person who employs deception, encouragement or mediation in order to encourage other persons to have sexual intercourse or other sexual relations in return for payment or to derive income from prostitution practised by others, e.g. by renting out premises or by other means shall be imprisoned for up to 4 years, or fined or imprisoned for up to 1 year if there are extenuating circumstances.

Any person who, in a public advertisement, offers, arranges or seeks to have sexual intercourse with another person in return for payment shall be fined or imprisoned for up to 6 months.]<sup>1)</sup>

1)Act No. 61/2007, Art. 13.

**Article 207.** ... 1)

1)Act No. 40/1992, Art. 16.

**Article 208.** [If a person who is to be punished under Article 206 has previously been sentenced for a violation of that article, or has previously been sentenced to prison for an enrichment offence, the punishment may be increased by as much as half the prescribed punishment.]<sup>1)</sup>

1) Act No. 40/1992, Art. 14.

**Article 209.** [Any person who, through lewd conduct, offends people's sense of decency or causes a public scandal, shall be sentenced to up to 4 years' imprisonment, or [up to 6 months' imprisonment]<sup>1)</sup> or a fine if the offence is minor.]<sup>2)</sup>

1) Act. 82/1998, Art. 104. 2) Act. 40/1992, Art. 15.

**Article 210.** If pornography appears in print, the person responsible for its publication under the Printing Act shall be subjected to a fine <sup>?)</sup> or to up to 6 months' imprisonment.

The same punishment shall apply to producing, or importing pornographic publications, pornographic films or other such items in order to disseminate, sell, distribute or publicise them in other ways, or to have them on view to the public, and also to organise a public lecture or performance that is immoral in the same manner. [Where such material shows children in a sexually explicit or pornographic manner, however, the punishment may be up to 2 years' imprisonment.]<sup>2)</sup>

Furthermore, the same punishment shall apply to handing over pornographic publications, pornographic films or other such items to young persons under the age of 18 years.

[[Any person who imports or has in his possession photographs, films or comparable items that show children in a sexual or pornographic manner shall be fined or imprisoned for up to 2 years in the case of a gross violation.]<sup>3)</sup> The same punishment shall apply to the importing or possession of photographs, films or comparable items that show children in sexual acts involving animals or using objects in a pornographic manner.]<sup>2)</sup>

1) Act. 82/1998, Art. 105. 2) Act. 39/2000, Art. 7. 3) Act. 74/2006, Art. 2.

## CHAPTER XXIII Homicide and Bodily Harm

### **Article 211.**

Any person who deprives another person of his life shall be liable to imprisonment of not less than 5 years, or for life.

**Article 212.** If a mother kills her baby during birth, or immediately after the birth, and there is reason to believe that she did so because of want or fear of disgrace, or as a result of an unbalanced or confused state of mind which came over her during the birth, she shall be imprisoned for up to 6 years. In the case of an attempt only, in which the baby does not suffer any harm, punishment may be waived.

**Article 213.** Any person who deprives another person of his life in response to his urgent request shall be liable to up to 3 years' imprisonment [...]<sup>1)</sup> .

1) Act No. 82/1998, Article 106

**Article 214.** Any person who encourages or assists another person to take his own life shall [be imprisoned for up to 1 year]<sup>1)</sup> or be fined. If this is done from selfish motives, the punishment shall be imprisonment of up to 3 years.

1) Act No. 82/1998, Article 107

**Article 215.** If the death of a person results from the negligence of another person, the punishment shall be a fine [...]1) ) or up to 6 years' imprisonment.

1) Act No. 82/1998, Article 108

**Article 216.** A woman who kills her unborn child shall [...]1) be imprisoned for up to 2 years. If there are particular mitigating circumstances, it may be decided to waive punishment. Prosecution proceedings may not be instituted if 2 years have elapsed since the commission of the offence. No punishment shall be imposed in the case of an unsuccessful attempt.

Any person who, with the consent of the mother, kills her unborn child or renders her his assistance in effecting an abortion, shall be imprisoned for up to 4 years. In the case of a grave offence, and particularly if the act is carried out for the purpose of gain, or results in the death of the mother or serious damage to her health, the sentence shall be up to 8 years' imprisonment. If the act is carried out without the consent of the mother, the punishment shall be imprisonment of not less than 2 years and up to 12 years.

1) Act No. 82/1998, Article 109

**Article 217.** [Any person who is guilty of committing a physical attack which is not of the proportions covered by Article 218, shall be punished by a fine or by [up to 6 months' imprisonment]1) , and up to 1 year's imprisonment if his conduct is particularly reprehensible.

Offences under paragraph 1 shall be handled as criminal cases, but proceedings shall not be instituted unless this is demanded by the public interest.] 2)

1) Act No. 82/1998, Article 110

2) Act No. 20/1981, Article 10

**Article 218.** [If, by means of an intentionally committed physical attack, a person causes another person bodily injury or damage to his health, and he can be regarded as being responsible for these consequences of the attack through intent or negligence, he shall be [...]1) imprisoned for up to 3 years, or fined if there are particular mitigating circumstances.

If serious bodily injury or damage to health results from an attack, or if the offence is particularly dangerous because of the method (including the instruments) used, and also if the victim of the physical attack dies as a result of the attack, the offence shall be punishable by up to 16 years' imprisonment.] 2)

1) Act No. 82/1998, Article 111

2) Act No. 20/1981, Article 11

[**Article 218 a.** If a person who is found guilty of an offence under Article 217 or 218 has previously been punished under those articles, or has been punished for offences which are connected in any other manner with intentionally committed acts of violence, then the punishment may be increased by up to one half. Acquiescence in a physical attack shall result in the possibility of a reduction of the punishment which would otherwise be imposed. If the act constitutes a violation of Article 217, no punishment shall be imposed if it is established that acquiescence was given.

If bodily injury occurs in the course of a scuffle or fight between the perpetrator and the victim, then punishment may be reduced or even waived if the act is covered by Article 217. The same shall apply if the person who sustains the injury initiated the fight by an attack, taunts or other similar conduct.] 1)

1) Act No. 20/1981, Article 12

**Article 219.** If bodily injury or damage to health of the type covered by Article 218 results from the recklessness of another person, this shall be punishable by a fine [...]1) or up to 4 years' imprisonment.

1) Act No. 82/1988, Article 112

**Article 220.** Any person who reduces a person to a condition in which he is without the means of survival, or deserts a person whom he is supposed to be looking after, in such a condition, shall be imprisoned for up to 8 years.

If a mother deserts her child without the means of survival after giving birth to it, and there is reason to believe that she has done so for reasons of the same type as those mentioned in Article 212, correspondingly

milder punishment may be imposed, and punishment may even be waived if the child does not sustain any appreciable injury.

The punishment allowed for in paragraph 1 shall be imposed on any person who refuses a traveller shelter or gives him wrong directions, providing that he should have foreseen that this would place the traveller in danger.

[Imprisonment]1) of up to 4 years shall be imposed on any person who, for motives of gain, or in high spirits or in another irresponsible manner, places the lives or health of others in evident danger.

1) Act No. 82/1998, Article 113

**Article 221.** If any person fails to assist a person who is in mortal danger, even though he could do so without endangering his own life or health, or those of others, he shall be [...]1) imprisoned for up to 2 years, or fined if there are mitigating circumstances.

The same punishment shall be imposed on any person who does not take steps to apply the means available for the resuscitation of those who may still be alive though they appear to be dead, or who does not apply the methods prescribed for the care of those who have suffered a shipwreck or other similar disaster.

1) Act No. 82/1998, Article 114

**Article 222.** Any person who, intentionally or through negligence, gives dangerous items or substances to a child under the age of 15, or a mentally ill, mentally retarded or intoxicated person, shall be fined or [imprisoned]1) for up to 3 months.

1) Act No. 82/1998, Article 115

**Article 223.** Any person who neglects to provide a pregnant woman for whom he is responsible with the necessary obstetric assistance with the result that the life or health of the child or the mother is placed at risk, shall be punished by a fine or [up to 1 year's imprisonment] 1) .

1) Act No. 82/1998, Article 116

**Article 224.** ... 1)

1) Act No. 101/1976, Article 1