

Annex 1

Executive Summary

Although slavery was long ago legally abolished from the Himalayan Kingdom of Nepal, it continues to flourish. The victims are women and children, especially young girls from poor rural families, who are sold into prostitution and bonded labor each year. The victims are trafficked within Nepal, across the open border to India, and to Arab countries. This illicit trade continues despite a decade of policy initiatives, legislation, social activism, international donor aid, media attention, and improving social and economic conditions for women. According to a recent UNICEF study, an estimated 300,000 Nepalese women and girls have been sold into forced prostitution. Each year, that number increases with the sale of another 5,000 to 7,000 victims. This flagrant violation of human rights often results in death of the victims from HIV/AIDS, and increases the spread of the epidemic to the general population.

This report assesses the political, legal and social framework that underpins efforts to control trafficking in Nepal. It recommends a broad range of measures to curtail this illicit trade, including new legislation; better implementation and enforcement of existing legislation; improved financial and technical resources; improved judicial processes; and long-range efforts to improve the economic and social well-being of women.

Human slavery was first outlawed in Nepal under the *Muluki Ain* legal code developed during the century-long Rana oligarchy (1850-1950). It was forbidden twice more under the Panchayat system (1951-89), first in 1963 under the revised *Muluki Ain* (New Civil Code), and then again under the 1986 Human Trafficking (Control) Act.

Despite this early legislation, there was no concerted effort to control or combat trafficking until Nepal adopted a democratic system in 1990. That year, the new Constitution of the Kingdom of Nepal outlawed “traffic in human beings, slavery, serfdom or forced labor.” In 1992, both the Labour Act and the Children’s Act further reinforced the anti-trafficking legislation with explicit bans on forced child labor and use of children in immoral professions. During the 1990s, Nepal also signed several major international agreements forbidding trafficking and discrimination against women, including the 1949 United Nations Convention for Suppression of the Traffic in Persons and the Exploitation of Others; the 1979 Convention on Elimination of All Forms of Discrimination Against Women (CEDAW); and SAARC anti-trafficking resolutions.

These national and international sanctions outlaw trafficking and punish traffickers. They also protect the human rights of women and children, and lay the groundwork for their improved economic and social well-being. They have been reinforced with extensive government and social initiatives against trafficking, initiated through the HMG Ministry of Women and Social Welfare, and coordinated with the International Labour Organization, UNICEF, USAID, other government ministries, the National Center for AIDS and STD Control, the Nepal Police, and a number of NGOs and INGOs. Other major policy initiatives include recommendations of the Ninth Five Year Plan (1997-

2002), a Gender Equity and Women Empowerment Plan of Action, the National Policy to Combat Trafficking, National and District Task Forces on Trafficking, and a National Plan of Action.

The failure of this concerted effort to control trafficking is due to flaws in the legislation, poor implementation, weak enforcement, deep-rooted social attitudes toward women and children, and the endemic poverty of the country.

A major legal obstacle to apprehending traffickers when they transport victims across the Indian border is the 1950 Open Border Agreement, which allows citizens of Nepal and India to travel freely between countries, without displaying passports or visas. Although designed to facilitate trade and transit, the open border enables traffickers to easily transport victims from Nepal to India, where brothels are eager to buy them – especially teenage girls believed to be HIV negative. The Open Border Agreement needs revisions that would enable tighter control on trafficking.

Flaws in police and judicial procedures, as well as minimal capacity to extradite criminals, further aggravate the border situation. Informants and witnesses are subjected to a bureaucratic reporting procedure that effectively discourages getting involved, and often delays police action until too late to save the victim. Many informants also fear retaliation from trafficking syndicates, due to open judicial procedures.

Although Nepal and India have agreed to an Extradition Treaty, trafficking is not listed as one of the crimes for which criminals can be extradited. Even when traffickers are apprehended, many are released, while those convicted are often punished with only minimal sentences. The SAARC countries need a legally-binding convention that would both enable the extradition of traffickers and streamline the extradition process.

Although growing numbers of Nepalese women seek foreign employment, the 1999 National Labour Policy fails to protect them from harassment and exploitation, and, in fact, barely mentions them except in references that imply that being a woman is a form of physical handicap.

Many women and girls who seek legitimate employment in Gulf Countries through licensed and unlicensed recruitment agencies created under the 1985 Foreign Employment Act are subjected to trafficking and sexual abuse. The government sought to eliminate this practice through a 1998 amendment that restricts the rights of Nepalese women and minors to seek work in foreign countries. While designed as a protective measure, this amendment to the Foreign Employment Act is a human rights violation outlawed in the 1990 Constitution. This abuse of women's human rights has not resulted in elimination of trafficking to Gulf countries, but only resulted in changed methods that still indirectly channels victims through the open Indian border.

The control of trafficking is inseparable from the urgent need to contain the rapidly-spreading HIV/AIDS epidemic, a major threat to public health. This epidemic has unfortunately increased the trade in younger girls, in higher demand than ever due to their

lower chances of previous exposure to the virus. Protection of the human rights of HIV/AIDS patients also needs attention. The privacy of HIV/AIDS patients has often been violated both in well-intended media reports, and in the allocation of separate bed areas in hospitals.

A major step forward will be passage of the Human Trafficking (Control) Bill, 2000, designed to update the 1986 Human Trafficking (Control) Act. The new legislation would strengthen existing statutes by broadening the definition of trafficking; prohibiting operation of brothels; strengthening police powers of search and arrest; strengthening judicial power to impose penalties; imposing stronger financial penalties on traffickers; punishing public officers, relatives and guardians for collusion with traffickers; protecting informants with closed judicial procedures when requested; assisting victims with financial compensation and legal aid; protecting victims from damaging publicity; and exempting victims from punishment for actions of self-defense.

However, this proposed legislation should be further amended to:

- specifically focus on human rights of women,
- articulate reasonable restrictions to judicial powers to impose anti-trafficking penalties,
- enable victims to initiate cases for compensation simultaneously with criminal cases,
- award the victim the entire financial penalty paid by the convicted trafficker,
- streamline the process of authenticating court testimony in trafficking cases,
- make closed judicial procedures mandatory, rather than optional, and
- provide some minimal financial assistance for witnesses.

Other factors in the government failure to implement and enforce anti-trafficking measures include:

Inadequate government resource For instance, only US\$ 9,695 has been budgeted to implement the 1999 National Plan of Action. Against Trafficking in Children and Their Sexual Exploitation.

Anti-trafficking policies are poorly integrated with other social initiatives There is no adequate coordination between the Ministry of Women and Social Welfare and other ministries dealing with infrastructure development, community development, employment generation and poverty alleviation.

Collusion between politicians and traffickers This results in poor political will to control the problem, enhanced by corruption and lack of gender sensitivity.

Negative official attitudes The judicial system allows traffickers to operate with almost total impunity. Even when traffickers are convicted, judges tend to impose minimum sentences. Decision-makers throughout the judicial and police systems need training to improve their sensitivity and awareness. This would include public prosecutors, police officials, members of judicial and quasi-judicial bodies, and members of local

governments. Although the Nepal police now cooperate with National and District Task forces, gender sensitization training would improve their enforcement effort, but only limited funding has been allocated for that purpose.

Inadequate legal and social protection for migrating women workers Women who migrate to foreign countries for employment should be protected through strengthened administrative capacity in diplomatic missions abroad. The National Policy to Combat Trafficking fails to address this issue, and the National Labour Policy has no specific provisions to protect women. The Foreign Employment Act restricts the rights of women to seek employment abroad, a violation of their human rights. Serious attention should be given to revising this flawed legislation. The government should strengthen its regulatory mechanisms both within Nepal and abroad.

Inconsistent definitions A “child” as defined by the 1992 Children’s Act is age sixteen and under, while the 1992 Labour Act defines “child” as age fourteen and under. In other legislation and policy initiatives, definitions of the term “trafficking” vary, in some cases isolating the actual sale of victims from abuses that occur afterwards, such as forced prostitution and forced labor. Such inconsistencies complicate enforcement and judicial procedures, and need to be clarified in the relevant policies and legislation.

Ineffective NGO efforts NGOs often lack adequate financial and technical resources, and fail to coordinate their efforts due to ideological differences.

Lack of Local Task Forces Village and municipal task forces should be created to enhance the efforts of District Task Forces established in the areas most prone to trafficking.

Constitutional rights of HIV/AIDS victims are often violated Although the 1990 Constitution protects human rights, the HIV/AIDS epidemic poses new legal, ethical and human rights issues for its victims. There is urgent need to strengthen the capacity of the National Center for AIDS and STD Control to address these issues and enact appropriate legislation to stop discrimination against HIV/AIDS victims and protect their privacy. This would include such measures as guaranteed confidentiality of HIV/AIDS testing, anti-discrimination policy and provisions to enable victims to remain in their communities.

Negative social attitudes There is still deep prejudice against the victims of trafficking, due to widespread belief that they have willingly become prostitutes. More legal education and para-legal training programs are needed to help abolish this prejudice at the grassroots level.

The government must seek long-term solutions to the underlying economic and social causes of trafficking – widespread poverty, high female illiteracy, and widespread social discrimination against women. Protecting the human rights of women should be a key component of all government programs to reduce poverty, create jobs, promote balanced development, and improve educational opportunities.

Annex 3

Traffic in Human (Control) Act, 1986

The Act enacted to control sale and abuse of human body.

Preamble: Whereas it is desirable to control sale and abuse of human body in order to safeguard the interest of the general public and maintain good conduct, His Majesty the King Birendra Bir Bikram Shah Dev has with advice and consent of the National Panchayat enacted this Act.

Concise name and prolegomena

1. The name of this Act is “ Traffic in Human (Control) Act, 1986 (2043).
2. This Act shall come into force at once.
3. External Application:

A Person committing a crime deserving punishment according to this Act while residing outside the Kingdom of Nepal will be treated as if the one had committed the crime while residing in Nepal and the action shall be taken against such action in accord with this Act.

No permission to do act of trafficking in human: Nobody shall be allowed to carry out an act of trafficking in human being.

Acts Considered to be the Crimes of Traffic in Human Being:

If a person commits any of the following acts, s/he shall be considered to have guilty of committing the crimes of traffic in human being:

- a) To sell a person for any purpose
- b) To take a person abroad with an intention of selling her/him
- c) To have a woman engage in prostitution by persuasion or enticement or deception and fraud or pressure, or to encourage anyone to be engaged in such acts.
- a) To make attempt to commit any acts mentioned above, or to render assistance to commit such acts or to encourage anyone to be engaged in such acts.

1. Filing of Complaints:

Any person having knowledge that an act of traffic in person is or likely to be carried out, can lodge a complaint to any police office, and while doing so the informer shall furnish evidences as many as s/he can obtain.

2. The police office shall submit any complaint lodged under the sub-article (1) to the nearest district court, and if the court finds a reasonable ground to take action in relation to it and discuss an order to that effect that police shall make necessary investigation of the complaint.

1.To have Confession Authenticated by the Court:

If the person who lodges a complaint under the Article 5 is a person trafficked to be sold or be engaged in prostitution, or who is sold out and have engaged in prostitution, and if such person is present in herself, her statement shall immediately be heard and recorded in presence of Government Attorney and the person shall be taken to the nearest district court to have her statement attested by the judge within 24 hours.

2. If in accord with sub-article (1), the statement is of the person who has lodged complaint is brought to have attested, no matter what is written in the Act currently in force, the concerned judge shall read the statement and have it read out to the person who has made it, and if it is found that to have written what the person had exactly said, the judge should attest it accordingly, and if it is not found to be exactly what the person had said, s/he should make remarks of different and attest the document accordingly.

The Responsibility to Submit Evidence:

1. If a woman is being taken across the border of Nepal by any person other than her guardian or her close relative and if anybody lodges a complaint under article 5 that she is being taken away to be sold out or to have her engaged in prostitution, the accused shall prove that she is not being taken away for those purposes.

2. In accord with sub-article (2) of the Article 6, the accused shall prove that he is not guilty of the crime of trafficking.

Punishment:

1. Any person who sells a person shall be imprisoned from ten to twenty years of imprisonment.
2. A person who takes a person abroad with a purpose of selling her/him shall be imprisoned for term of five to ten years' imprisonment.
3. A person who make arrangements for committing any act or assist to perform such act, or makes attempts to encourage anyone to be engaged in such acts shall be imprisoned for ten to fifteen years' of imprisonment.
4. In the case of selling a person, the money of the person who purchase shall be not returned and as for the one who sells she/he shall in addition to the punishment mentioned in sub-article (1) also be fined with an amount equivalent to the amount involved in transaction.

Government shall be Litigant:

His majesty's Government shall be the litigant in cases under this Act, and those cases shall be incorporated into Annex 1 of the State Cases Act, 1993.

Trial to be Conducted Keeping the Person in Judicial Custody:

1. No matter what is provided in other current law in force, in cases relating to the crime under this Act, if there are adequate and reasonable causes to put the accused in the judicial custody for trial, if the government advocate has any claim in relation to that, the accused can be put in judicial custody for trial.

2. If the accused is not satisfied in having been put in judicial custody, he/she can file a complaint with petition to court of authority to correct the orders of the lower court.

Protection:

No matter what is provided for by the Section on Human Trafficking Chapter of the New Muluki Ain, anything pertaining to this Act shall be governed in accordance with this Act.

12. Right to Make Rules:

In order to implement the objectives of this Act, His Majesty's Government shall have power to make rules.

Annex 4
The Draft Bill: Ministry of Women and Social Welfare:

Preamble: Whereas it is expedient to check offence relating to traffic n human being, as well as other sexual offences related there to, and rehabilitate the victims, so as to maintain the good conduct, morality and etiquette of the public, now therefore, the Parliament has enacted this law in the 28th year of the reign of His majesty King Birendra Bira Bikram Shah Dev.

Chapter 1

Preliminary

1. *Short Title and Commencement:*

- (1). This Act may be called the Traffic in Human Beings (Offences and Penalties) Act, 1999.
- (2). It shall come into force at once.

2. *Extra Territorial Application of the Act:*

In case anyone commits an offence punishable under this Act at any place of outside the Kingdom of Nepal, an in case the victim of the offence is a Nepali national, the offender shall be deemed to have committed the offence within the Kingdom of Nepal and prosecuted and punished under this Act.

3. *Definitions:*

Unless otherwise meant with reference to the subject or context, in this Act

- (a) “Prostitution” means the act of selling, buying, hiring or using human bodies with the objective of engaging or instigating others to engage in sexual acts in return for anything.
- (b) “Brothel” means any house, room, or piece, which is used for the purpose of engaging or instigating others to engage in prostitution.
- (c) “Minor” means a person who has not attained 16 years of age
- (d) “Prescribed” or “ as prescribed” means prescribed or in the manner prescribed in the rules framed under this Act.

Chapter 2

4. *Prohibited Actions*

Prohibition to Engage in Offences Relating to Traffic in Human Beings:

- (1) No one shall engage or instigate others to engage in offences relating to traffic in human beings.
- (2) The following actions shall be deemed to be offences relating to traffic in human beings:
 - a) to buy or sell human beings with any motive
 - b) to enslave anyone or keep as a bonded labor
 - c) to engage or instigate other to engage in prostitution
 - d) to separate a minor or an insane person from his/her guardian without the guardian’s consent
 - e) to sexually abuse any minor, or instigate other to do so, in any way, except in cases considered to be an offence under the Code of law of the Land (Muluki Ain)

- f) to have sexual intercourse with prostitutes
- g) to force any woman to become pregnant or make any woman incapable of becoming pregnant against her wishes, either by offering any kind of return or through allurements or enticement, under pressure, influence or force
- h) to kidnap to take anyone as a hostage
- i) to transport or detail people or use force against them. or make attempts to do so or instigate others to do so, or become an accomplice in such acts, in order to commit or instigate others to commit any of the offences listed from clause (a) to clause (i).

Prohibition to Run Brothels:

No one shall run or instigate other to run brothels in any form.

Prohibition to Make Available places for Committing Offences Relating to Traffic in Human Beings.

No one who knows that any person has committed or instigated others to commits, or is making preparations to commit, or instigating other to commit an offence relating to traffic in human beings shall allow that person to use his/her house or land, or any part thereof, or his/her vehicle or any other place, against any kind of rent or fee or any other economic benefit, or otherwise.

Explanation: For the purpose of this section, the concerned house, land or vehicle owner shall be deemed to have known about the use of his/her house, or any part thereof, or his/her vehicle, for an offence relating to traffic in human beings in case a report thereof is published in any electrical means of communication or in any national newspaper, or in case any police office or governmental or non-governmental organization has notified him/her or his/her representative about the same, except when proved otherwise.

Prohibition to Produce and Distribute Vulgar Materials:

(1) No one shall, directly or otherwise, produce, publish, exhibit, sell or supply vulgar pictures, publications or other materials with objective of including or instigating others to indulge in sexual abuses.

(2) The materials mentioned in sub-section (1) shall be confiscated.

Prohibition to Conduct Publicity:

Except when authorized by victim, nothing that may have an adverse impact on his/her character may be written in newspapers, or published through communication.

Acts to be Deemed Offences:

Except when proved to be otherwise, any of the following acts shall be deemed to be an offence of trafficking in human beings.

- a) in case anyone compels a woman to sit in a brothel by offering any economic benefit or otherwise, or through allurements, enticement, deceit, threats intimidation or pressure
- b) in case any person is found to be indulging in sex-related activities with a minor in a brothel or in any house, room or any public or isolated place
- c) in case anyone tries to take a person outside the borders of the Kingdom of Nepal through allurements, enticement, threats or intimidation, or by rendering him/her senseless

Chapter 3:

Enquiries and Investigations

Authentication of Statements:

(1) In case the woman or minor victim of an offence under this Act is present in person, his/her statement shall be recorded immediately in presence of a Government Advocate, and he/she shall be taken to the nearest District Court for the authentication of his/her statement within 24 hours, excluding the time required for journey.

(2) In case anyone is brought before him for the authentication of his/her statement under sub-section (1), the judge shall, notwithstanding anything contained in the current law, peruse and read out the statement before the concerned person. In case the recorded statement corresponds to the oral deposition, the judge shall record the matter accordingly, and in case he finds discrepancy between the recorded and oral statements, he shall note down the extent of such discrepancy, and then authenticate the statement.

(3) Notwithstanding anything contained in current law, in case the statement of a victim has been authenticated in the manner mentioned in sub-section (1), the court may accept as evidence the statement so authenticated even if the victim does not later attend the court in person.

(4) Power to Keep in Detention for the purpose of Investigation: in case the task of conducting enquiries and investigation is not completed within the time limit prescribed in section 15 of the State Cases Act, 1993, so that additional time is needed for the purpose, the time limit may be extended for 15 days with the approval of the court.

(5) Power to Arrest and Search Without Warrants:

In case there are reasonable grounds to believe that an act is an offence under this Act is being committed in any house, land, vehicle or place, and that the offender may abscond or evidence concerning the offence may disappear if an action is not taken immediately, a police employee may, notwithstanding anything continued in the current law, prepare a memorandum to that effect and exercise the following powers at any time:

- (a) to enter the house, land vehicle or place
- (b) to open or break windows, doors and latches according to need in any case obstruction to such entry is created, or take necessary action to remove such obstructions
- (c) to search the house, land, vehicle or place
- (d) to search the person connected with offence, or any suspicious person or hold them up
- (e) to search the person connected with offence without warrant in case there exist reasons for doing so
- (f) to collect or take into custody any material and evidence connected with the offence
- (g) in case there are satisfactory reasons for keeping the house, land, vehicle or place under his custody (the police employee) shall prepare a document containing the actual details of the concerned house, land, vehicle or place as well as of the goods contained therein, with an office-bearer of the local body or the persons available at the place as witnesses as far as possible, supply a copy thereof to the concerned owner, and keep the concerned house, land, vehicle or place under his custody.

(2) The concerned police employee must furnish a notice of the arrest or search made without warrant under sub-section (1) to the district Government Advocate's office in writing within 24 hours from the date of arrest of the accused or of the collection of evidence.

13. Power to take action by Keeping (the accused) in Detention:

Notwithstanding anything contained in current law, in case there are satisfactory grounds or reasons to believe that the person accused in a case under this Act has committed the offence, the court may take action against him/her by keeping him/her in detention for the purpose of judicial trial.

14. Power to Take Action in Camera:

- (1) Cases under this Act may be heard and disposed of in camera, if so requested by the victim
- (2) Only the parties to the case, their legal practitioners, and persons approved by the court may attend a closed session
- (3) The other matters concerning a closed session shall be as prescribed by the court.

15. Onus of Proof:

Notwithstanding anything contained in current law, the onus of proving that no action is deemed to be offense under section 9 has been committed shall lie on the accused.

Chapter 4

16. Penalties:

The following penalties shall be imposed on persons who commit the following offences in the light of the physical or mental condition of the victims and the circumstances prevailing at the time of the offence:

- (a) any person who commits the offence mentioned in clause(a) of sub-section (2) of the section 4 shall be punished with imprisonment for a term ranging between 10 years and 15 years and a fine ranging between 50,000 and 1,00,000 in case the offence has been committed inside the territory of Nepal, and with imprisonment for a term ranging between 15 years and 20 years and a fine ranging between 100,000 and Rs. 200,000 in case the offence has been committed outside of the territory of Nepal.
- (b) Any person who commits the offence mentioned in the clause (b) of the sub-section (2) of the section 4 shall be punished with imprisonment for a term ranging between years and 10 years and a fine ranging between 100,000 and Rs 200,000.
- (c) Any person who commits the offence mentioned in clause © of sub-section (2) of section 4 out of his/her own free will shall be punished with imprisonment for term not exceeding 1 year. In case he/she has instigated others to commit that offence by running a brothel, he/she shall be punished with imprisonment for a term ranging between 5 years and 10 years and a fine ranging between Rs. 100,000 and Rs. 200,000.
- (d) Any person who commits the offence mentioned in clause (d) of sub-section (2) of section 4 shall be punished with imprisonment for a term not exceeding 3 years and a fine not exceeding Rs. 50,000.
- (e) Any person who commits the offence mentioned in clause (e) of sub-section (2) of section 4 shall be punished with imprisonment for a term ranging between 1 year and 3 years and fine not exceeding Rs. 100,000.

- (f) Any person who commits the offence mentioned in clause (f) of sub-section (2) of section 4 shall be punished with imprisonment for a term not exceeding 1 year and a fine not exceeding Rs. 50,000.
- (g) Any person who commits the offence mentioned in clause (g) of sub-section (2) of section 4 shall be punished with imprisonment for a term ranging between 2 years and 5 years and a fine not exceeding Rs. 100,000.
- (h) section 4 shall be punished with imprisonment for a term ranging between 5 years and 10 years and a fine not exceeding Rs. 100,000.
- (i) Any person who commits the offence mentioned in clause (i) of sub-section (2) of section 4 shall be punished with half of the punishment due for the offence.
- (j) Any person who commits the offence mentioned in section 5 shall be punished with imprisonment for a term ranging between 3 years and 5 years and a fine not exceeding Rs. 100,000.
- (k) Any person who commits the offence mentioned in section 6 shall be punished with imprisonment for a term ranging between 3 months and 3 years and a fine not exceeding Rs. 100,000 along with the confiscation of the concerned property.
- (l) Any person who commits the offence mentioned in section 8 shall be punished with a fine not exceeding Rs. 50,000.
- (m) Any person who commits any other offence mentioned in this Act shall be punished with imprisonment for a term ranging between 1 month and 3 months or with a fine not exceeding Rs. 10,000 or with both in the light of the nature of the offence and the circumstances thereof.

17. Additional Punishment

In case any person commits the offence of trafficking in his own wife or in any women related to him in such a manner as to make him subject to punishment under the Law on Rape of Close Relatives contained in the Legal Code, or in any minor or woman kept under his guardianship, he shall be punished according to the provisions contained in this Act, and also with imprisonment for a term ranging between one year and three years, depending on the mental and physical condition of the victim and the circumstances prevailing at the time of the offence.

18. Additional Punishment for Habitual Offenders

In case any person who has once been punished for an offence under this Act again commits an offence under this Act, he/she shall be punished with 150 percent of the punishment due to him/her for each subsequent offence in addition to the prescribed punishment.

19. Amount of Fine to be Paid as Compensation

1. Fifty percent of the amount collected from an offender as fine under this Act shall be granted to the victim in the form of compensation.
2. In case the victim dies before receiving the amount payable to him/her under sub-section (1), the amount shall be paid to his/her children, if any, who have not attained 18 years of age.

20. Property to be Confiscated

1. All movable and immovable property earned through offences punishable under this Act shall be confiscated.
2. In case the owner of a house, land or vehicle himself/herself commits the offence mentioned in section 6, the same shall also be confiscated.

21. Power to Demand Necessary Documents
In case any person going abroad from the Kingdom of Nepal is taking with him/her a woman, minor or an insane person, and in case there are satisfactory reasons to suspect that the person may commit an offence under this Act outside the Kingdom of Nepal, a police employee may question him/her and demand necessary documents.
22. Rewards to informers
Any person who supplies information about an offence under this Act shall be granted 10 percent of fine collected, if any, from the accused who is punished with a fine also after his/her offence is proved on the basis of such information. If the person receiving the reward so wishes, his/her name shall be kept confidential.
23. Remission in Punishment
In case any person who may be prosecuted for an offence which is punishable under this Act helps in tracing or arresting the concerned criminal by supplying information and clues about the concerned gang, the punishment due to him/her may be partially remitted by the court even if he/she is involved in the concerned offence in case a charge sheet is filed with a request for such remission in punishment to be awarded under this Act.
24. Immunity
In case there exists satisfactory reasons for any woman to believe that she is being taken from one place to another after being kidnapped, or through allurements or enticement or threats or intimidation or otherwise with the objective of trafficking in her body, and, therefore, raises an uproar or seeks help or tries to escape in the process, and in case she does not receive any help from anyone and takes action at the time against the person who is taking her away for trafficking in her body, so as to escape, and the concerned person dies or suffers physical disabilities or injuries as a result the woman shall not be held guilty for the same.
25. Additional punishment for offences committed by persons holding posts of public responsibility
In case any person holding a post of public responsibility commits an offence under this Act, he/she shall be punished with imprisonment for an additional term of two years besides the punishment due to him/her under other sections.
26. Punishment to those who submit false documents or particulars
In case any office-bearer of a governmental or non-governmental office prepares or submits false documents or particulars with a view to helping in an offence, which is punishable under this Act, he/she shall be deemed to have committed an offence under this Act.
27. Right to obtain legal aid
Notwithstanding any thing contained in current law, victims of offences under this Act shall be entitled to free legal aid as prescribed if they seek such aid for a legal remedy.

To be deemed offences involving moral turpitude Offence Under this Act shall be deemed to be a crime of moral turpitude.

28. Office-bearer of local bodies to supply information
 1. In case of officer-bearer of the concerned Village Development Committee or Municipality comes to know that an offence under this Act has been or is being committed in the area under his/her jurisdiction, he/she must send a notice thereof in writing to the nearest police office immediately. In case any such written notice is received, (the concerned police office) must take it as a complaint and initiate legal action, notwithstanding anything contained in current law.
 2. The concerned office-bearer of the concerned Village Development Committee or Municipality who does not furnish information under sub-section (1) even while knowing, or even when there are reasonable grounds to believe that he/she should have known, that an offence under this Act has been or is being committed, he/she shall be considered to have helped in the commission of the offence under this Act.

29. Establishment of Rehabilitation Centers
 1. His Majesty's Government may establish rehabilitation centers according to need for the social rehabilitation of helpless women who have been subjected to prostitution or those who have returned or been returned or have been rescued from brothels, or seek help to send such women to any non-governmental organization established for the purpose.
 2. Provisions relating to the management and operation of rehabilitation centers established under sub-section (1) and other functions to be performed by them, shall be as prescribed.

30. Exemption from fees
Notwithstanding anything contained in current law, no fee shall be charged while collecting fines or realizing compensation on behalf of a victim under this Act.

31. Government to be Plaintiff
Cases under this Act shall be deemed to have been included in Schedule 1 of the 1982 State Cases Act.

32. Power to Frame Rules
His Majesty's Government may frame necessary rules in order to implement the objectives of this Act.

33. Repeal and Saving
 1. The following laws have been repealed :
 - a. Law on Traffic in Human Beings contained in the Legal Codes
 - b. Traffic in Human Beings (Control) Act 1986
 2. All actions taken under the laws mentioned in such-section (1) shall be deemed to have been taken under this Act.