

MATRIX 2: SUGGESTED LEGISLATIVE REQUIREMENTS NECESSARY FOR SUCCESSFUL PROSECUTION, PROTECTION OF VICTIMS AND EXTRA-TERRITORIAL COOPERATION IN RELATION TO PEOPLE SMUGGLING, TRAFFICKING IN PERSONS AND RELATED TRANSNATIONAL CRIME

KEY

Interception strategies (column 4) includes listening devices or other special investigation techniques

NEPAL

CRIMINALISATION OF PS AND PT		EXTRADITION and MUTUAL ASSISTANCE LEGISLATION		INTERCEPTION STRATEGIES	CRIMINALISATION OF PROCEEDS OF CRIME AND MONEY LAUNDERING		CRIMINALISATION OF THE PROCUREMENT AND/OR PRODUCTION OF FRAUDULENT DOCUMENTS
PS	PT	Extradition legislation	Mutual Assistance legislation	Special investigation techniques including listening devices	POC	ML	
Conspiracy	Conspiracy						
Attempting	Attempting						
Aiding/Abetting	Aiding/Abetting						
Organised crime	Organised crime						
Commercial carrier responsibility	Commercial carrier responsibility						
Extra-territoriality	Extra-territoriality	Treaty required	Treaty required				
PENALTY	PENALTY	National	Dual Criminality	Application to trafficking/smuggling	Application to trafficking/smuggling	Application to trafficking/smuggling	Application to trafficking/smuggling
		Any bars to PS and/or PT	Any bars to PS and/or PT				
In the process of criminalising	Criminalised	Extradition Act 1985	N (covered in the country code)	N	Y	N	Y Immigration Act 1988

	Yes		(Muluki Ain)				
	Yes	Treaty required					
	Yes						
		No extradition of nationals					
		Must have a treaty or international convention to which Nepal is a signatory		N			
	ET						
	<ul style="list-style-type: none"> - 10-20 years for trafficking in human beings - 5-10 years for taking people outside of Nepal with the intent of sale - 10-15 years for compelling any woman to take to prostitution through allurement or enticement, deceit, threat, intimidation or pressure or otherwise - Less than 5 years for hatching a conspiracy for conducting traffic in human beings or assisting such acts or abetting any person to engage in such acts or attempting to do so - Where person has been sold and purchased, the amount paid by the purchaser shall be forfeited and the purchaser shall be punished with a fine equal to such amount in addition to imprisonment for 10-20 years. 						

NEPAL cont.

INTER-AGENCY COOPERATION WITHIN COUNTRY	COUNTRY COOPERATION	ASSISTANCE TO TRAFFICKED/SMUGGLED VICTIMS				PREVENTION STRATEGIES			
	Information Sharing	General	Temporary Visa Protection	Charges Dropped	Repatriate	National action plans	Awareness raising	Immigration Procedures	Other
	Law Enforcement Sharing	Specific							
	Info sharing with SAARC Countries and INTERPOL	Y	N TPV but does allow trafficked or smuggled persons to remain in the country temporarily during criminal investigations and proceedings	Charges still apply	Deportation after completion of sentence	National Policy and Plan of Action to combat trafficking in women and children			
	Can provide exchange of: technical knowledge; regular exchange of information; enhancing cooperation in border management and border security; and cooperation in building and strengthening national capacities.	Nothing specific							