



# **THIMPHU DECLARATION**

## **9<sup>TH</sup> SAARC CHIEF JUSTICES' CONFERENCE**

*Child Protection and Constitutionalism: "Securing the Future"*



**HOSTED BY THE ROYAL COURT OF JUSTICE, BHUTAN  
IN COLLABORATION WITH THE SAIEVAC REGIONAL SECRETARIAT,  
SUPPORTED BY THE SACG**

**THIMPHU, BHUTAN**



**SAARCLAW**  
(South Asian Association for Regional Co-operation in Law)



**THE THIMPHU DECLARATION**

**The 9th Chief Justices' Conference Declaration, SAARCLAW, Thimphu, Bhutan, 24<sup>th</sup> – 26<sup>th</sup> May, 2013.**

**Reaffirming** the principles set out in CRC that in all outlines covering children whether undertaken by public or private, social welfare institutes, courts of law, administrative authority, the best interest of child shall be primary consideration;

**Realizing** the need for a change of mind set among those who are responsible for the implementation of the Juvenile Justice Systems and for the sensitization of this need as of urgency;

**Committed** to the need to instill a sense of commitment and compassion in the people concerned with the working of juvenile justice systems and the urgent need to establish different kinds of homes contemplated under the juvenile justice systems of our countries ;

**Conscious** of need to establish the special police units for dealing with juvenile and the lack of training for probation officers who are responsible for dealing with children in conflict with law and in difficult circumstances and the importance of making appointments within the system who are sensitive and committed to the well being and best interest of the child;

**Recognizing** the need to provide adequate rehabilitation measures by imparting not only traditional forms of measures but also providing training in useful trades to equip a child to acquire livelihood skills and preventing trafficking, sexual exploitation of female children and child labor, and the need for providing proper health care systems and detoxification centers for children to recover from drug abuse and addiction, and the need to provide family support, and to ensure that juvenile court cases before Boards and Child Welfare Committees are completed expeditiously within a specific time frame, and the need for efficient monitoring system for adoption and need to provide meaningful legal aid and the need to put in place effective monitoring system; and

**Acknowledging** that we have to put in place a juvenile justice system which is effective and addresses the diverse problems relating to children and the urgent need to sensitize the world community to shake itself out of its apathy and posture instead a positive attitude in affecting a change in the mind set of both adults and juveniles, and in achieving this objectives, that adults should lead exemplary lives and impart the necessary values, both cultural and religious and values based on humanity;

**Patrons**

Mr. Justice P.N. Bhagwati (retd.)  
Former Chief Justice of India  
Dr. Justice Nasim Hasan Shah (retd.)  
Former Chief Justice of Pakistan

**President**

Mr. Justice Lyonpo Sonam Tobgye  
Chief Justice  
Supreme Court of Bhutan

**Vice Presidents**

Mr. Abdul Baset Majumder  
Mr. Justice Tshering Wangchuk  
Mr. Justice Umesh C. Banerjee (retd.)  
Mr. Justice Kalyan Shreshta  
Prof. Habib-ur-Rahman  
Mr. Rohan Sahabandu

**Secretary General**

Mr. Hemant K. Batra

**Treasurer**

Mr. Muhammad Mohsen Rashid



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**Confident**, that the collective voice and conscience of the SAARCLAW Conference in Thimphu on “Child Protection and Constitutionalism” shall be duly heard, considered, taken into account and acted upon by respective member states;

**Recognizing** that the constitutions of our countries are founded upon democratic principles and values and conscious of the need to maintain the independence of the judiciary; and that human rights and rule of law are the core components of democracy and good governance and an indispensable need for social and economic development for the promotion of peace and progress in our region;

**Realizing** that we are united in our social, economic, political, legal, and cultural goals and the need therefore, to effect the changes that are necessary to meet the challenges that we face;

**Affirming** our faith in the independent role of the judiciary in protecting and enforcing the rights of our people in ensuring social justice through an efficient judiciary; and

**Noting** that it is timely that we impress on our respective governments the need to invest in a strong judiciary that would in turn deliver efficiently judicial pronouncements that would facilitate good governance, and that it is also the duty of our courts to uphold and protect the rights of citizens whilst striking a healthy balance vis-à-vis the duties and obligations of the organs of the state;

**DO HEREBY RESOLVE, DECLARE AND UNDERTAKE THROUGH THE THIMPHU DECLARATION TO:-**

- (i) Institutionalize the SAARCLAW Chief Justices’ Conference, and to ensure that the Conference is held annually.
- (ii) To facilitate our legal systems to take appropriate and urgent action in addressing the aforementioned matters with a view to ensuring this systems in our member states function meaningfully.
- (iii) To encourage both legal practitioners and judicial official of our legal system throughout the SAARC region to assist and support in whatsoever manner within their powers, the juvenile justice system for the protection and welfare of our children who are in need of such help.
- (iv) To sensitize our respective governments of the need for providing the necessary support both financially and by way of infrastructure for the protection of children who are in care.

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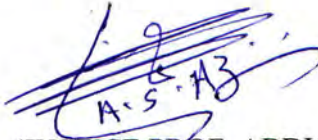
Mr. Muhammad Mohsen Rashid




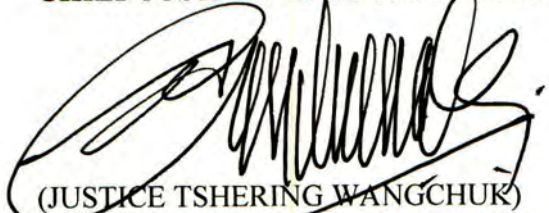
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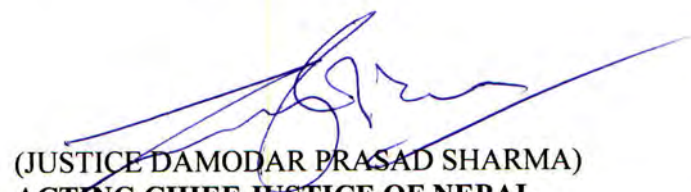
- (v) To progressively work towards sensitizing the community and civil society organizations of the need to practice values both at home, school and within the community at large so as to establish and set standards of conduct by which children are expected to duly recognize and to commit ourselves to supporting a better legal environment than what subsist presently for the promotion and protection of the juvenile justice system and for the full enjoyment of human rights and of human values and to actively support the development of our present system, dissemination and enforcement of legal protection for children within the jurisdiction of the juvenile justice system including the protection from the violations of the rights in such juvenile justice care facilities and other institutional settings.
- (vi) To uphold the rule of law within the framework of our respective constitutions.

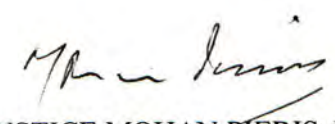
  
(JUSTICE PROF. ABDUL SALAM AZIMI)  
CHIEF JUSTICE OF AFGHANISTAN

  
(JUSTICE MD. MUZAMMEL HOSSAIN)  
CHIEF JUSTICE OF BANGLADESH

  
(JUSTICE TSHERING WANGCHUK)  
FOR AND ON BEHALF OF CHIEF JUSTICE  
OF BHUTAN

  
(JUSTICE AHMED FAIZ HUSSAIN)  
CHIEF JUSTICE OF MALDIVES

  
(JUSTICE DAMODAR PRASAD SHARMA)  
ACTING CHIEF JUSTICE OF NEPAL

  
(JUSTICE MOHAN PIERIS, PC)  
CHIEF JUSTICE OF SRI LANKA

**Thimphu, May 26, 2013**



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