



# Briefing: Strip search of children in the Welsh context

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## Contents

<b>Background to child strip search in England and Wales .....</b>	<b>2</b>
Legislation and policy landscape concerning strip search of children UK Level .....	2
Legislation and policy landscape concerning strip search of children in Wales .....	5
Background to demography and population in Wales .....	6
Data picture on strip search of children in Wales .....	7
<b>Research and advocacy relating to strip search of children in Welsh context</b>	
<b>January 2023 – March 2025 .....</b>	<b>7</b>
Communicating concerns regarding strip search of children with relevant agencies in Wales .....	7
Strip search is a violation of children's rights .....	8
Use of alternative technologies .....	8
Sharing evidence from Children's' Commissioner for England report pertinent to Wales April .....	9
Reporting to the UN Committee on the Rights of the Child .....	9
Communicating to relevant agencies the recommendation from the UN Committee on the Rights of the Child .....	10
Question to Welsh Government Minister for Social Justice in Senedd Plenary .....	10
Freedom of Information Requests on Strip Search of Children from Police in Wales .....	11
<b>Ongoing advocacy to access the full data picture .....</b>	<b>14</b>
Data picture shared by Welsh Government with Senedd .....	15
Recommendations to UK Home Office .....	15
Children's Commissioner for England Report August 2024 .....	16
Police Liaison Unit Report on strip searching of children in Wales .....	17
<b>Conclusion .....</b>	<b>18</b>
<b>Recommendations .....</b>	<b>18</b>

## Background to child strip search in England and Wales

1. There has been totally inadequate monitoring of the incidence of strip search of children across the UK. This practice has been happening, and has been traumatising children, for decades, yet potentially due to children's minority status, lack of power in communicating their concerns to authorities, it until recently remained relatively hidden and unchallenged.

The publication of the "Strip search of children in England and Wales" reports by the Children's Commissioner of England and Freedom of Information requests, have reported on the high frequency of strip searches across England and Wales. The data has also revealed that, while strip searches are conducted with the intent to uncover dangerous or illegal objects, strip searches rarely uncover these very objects<sup>1</sup>. Children have also been clear about the profound distress and trauma caused by police strip search practices<sup>2</sup> and concerning the data clearly demonstrates the disproportionate strip searching of Black children<sup>3</sup>.

2. Children's Legal Centre Wales and Insaafi CiC have been researching and advocating to end the practice of strip search of children in Wales since December 2022. Below, we make reference to the legislation, policy and data landscape and the timeline of activities regarding the failures by key duty bearers to adequately monitor and report on strip search of children in Wales and to respond to recommendations to end the degrading practice.

## Legislation and policy landscape concerning strip search of children UK Level

3. Criminal justice and policing are still a reserved matter for the UK Government. Powers to strip search children fall under UK PACE legislation and codes of practice.

The law in relation to the strip search of children is laid out in:

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<sup>1</sup> *Children's Commissioner for England Reports* In addition to the Children's Commissioner for England Reports, *A BBC File on 4 Freedom of Information Request* in 2022, reported that over 13,000 children had been strip searched across the UK, in the last 5 years and in 80% of cases, nothing illegal was found; 432 children under the age of criminal responsibility, were stop and searched by the police in England and Wales in 2023, a quarter were from minority backgrounds and 79% led to no further action. Guardian article, May 25 2024, '[Hundreds of children under 10 subject to stop and search in England and Wales.](#)'

<sup>2</sup> Children's Legal Centre Wales, Children's Rights Alliance for England (CRAE), part of Just for Kids Law, and Youth Legal Justice Centre. (2024). [Proposed amendments to PACE Codes of Practice A and C: strip searches.](#) Children Legal Centre Wales. Last Updated: June 2024. (Accessed: 27.09.24)

<sup>3</sup>Bath, C. (November 2022) [Police Searches of People: A Review of PACE Powers – National Appropriate Adult Network.](#) Kent: The Appropriate Adult Network (Accessed: 27 September 2024) Mahalingam, U. (2022). [Around 50 children strip searched by the police every week – and most are black.](#) (Online). The Justice Gap. Last Updated: 25 May 2022. (Accessed: 28.09.24).;

Children's Commissioner of England. (2022) [Strip Search of Children by the Metropolitan Police Service- new analysis by the Children's Commissioner for England.](#) London. (Accessed: 28.09.24); Dodd, V. (2023). [Black children 11 times more likely to be strip-searched in England and Wales than white peers.](#) The Guardian. Last Updated: 26 March 2023. (Accessed: 28.09.24)

Children's Commissioner of England. (2024). [Strip searching of children in England and Wales: First complete dataset for 2018–2023, including new data July 2022–J.](#) Children's Commissioner of England. Last Updated: 19 Aug 2024. (Accessed: 28.09.24)

- the Police and Criminal Evidence Act 1984 (PACE)<sup>4</sup>
- the Police and Criminal Evidence Act (PACE) codes, in particular codes A and C<sup>5</sup>

There are further powers to strip search under Section 43 of the Terrorism Act 2000 and Section 23 Misuse of Drugs Act 1973.

<b>Types of Searches under PACE Code A and C</b>			
<p>Stop and search – search of clothing in public view</p> <p>PACE Code A 3.5</p>	<p>Stop and Search - strip search not in public view</p> <p>PACE Code A 3.5 3.6 &amp; Code C</p>	<p>Exposure of intimate parts of the body</p> <p>PACE Code A 3.7</p>	<p>Intimate Search</p> <p>PACE Code C Annex A.1</p>
<p>A search in public of clothing <b>which has not been removed</b>, must be restricted to superficial examination of outer garments.</p> <p>This does not, however, prevent an officer from placing his or her hand inside pockets of the outer clothing, or feeling round the inside of collars, socks and shoes if this is reasonably necessary in the circumstances to look for the object of the search or to remove and examine any item reasonably suspected to be the object of the search. For the same reasons, (subject to the restrictions on the removal of headgear) hair may also be searched in public.</p>	<p>The police have no power to require a person to remove any of their clothing in public other than an outer coat, jacket or gloves (apart from when an item is worn to hide identity <b>(Code A para. 3.5)</b>.</p> <p>Strip searches are defined as ‘a search involving the removal of more than outer clothing’ <b>(Code C Annex A Part B para. 9)</b>.</p> <p>Where on reasonable grounds it is considered necessary to conduct a more thorough search (e.g., by requiring a person to take off their T-shirt), this must be done out of public view, <b>for example, in a police van applies, or police station if there is one nearby (Code A para. 3.6)</b>.</p>	<p>Searches <b>involving exposure of intimate parts of the body</b> must not be conducted as a routine extension of a less thorough search, simply because nothing is found in the course of the initial search.</p> <p>Searches involving exposure of intimate parts of the body may be carried out only at a nearby police station or <b>other nearby location which is out of public view (but not a police vehicle) (Code A para. 3.7)</b>. These searches must be conducted in accordance with <b>Code C Annex A para. 11 F</b> and <b>may not</b> be authorised or carried out under any stop and search powers.</p>	<p>An intimate search consists of the physical examination of a person's body orifices other than the mouth <b>(Code C Annex A. 1)</b>. This can for example include exposure of the vagina and anus.</p> <p>When an inspector considers:</p> <ul style="list-style-type: none"> <li>- an object has been hidden that might be used to cause physical injury to the person or others at the station; an intimate search <b>must only take place at hospital, surgery, other medical premises or police station (PACE Code C Annex A 4.)</b></li> </ul> <p>if it is a Class A drug that has been hidden with the intention to supply to another person, the intimate search <b>must only take place at a hospital, surgery or other medical premises and must be carried out by a registered medical practitioner or a registered nurse. (PACE Code C Annex A 4.)</b></p>

<sup>4</sup> Police and Criminal Evidence Act 1984, (Accessed: 27.09.24)

<sup>5</sup> Police and Criminal Evidence Act 1984, c. A and c. C. (Accessed: 27.09.24).

4. At the UK level, the [Children's Commissioner for England](#) has called for mandatory monitoring and reporting on strip search of children and a review of the law and police powers in relation to strip search of children. In response to these recommendations, the UK Home Office has committed to making data collection and reporting on strip searches mandatory for all police forces and reviewing existing legislation around searches<sup>6</sup>.
5. This has been further reinforced by the Child Q Case ([see article for more information on Child Q case](#)) where the Independent Office of Police Conduct (IOPC) determined that three MPS Officers should face a gross misconduct hearing, for potential breaches of police standards of professional behaviour relating to duties and responsibilities, conduct, equality, and diversity.

The IOPC has also called for a substantial review of policing powers and laws relating to the strip searches of children to improve safeguarding and prioritise the welfare of minors. This includes a series of learning recommendations to the Home Office, National Police Chiefs Council (NPCC) and the College of Policing (COP) to review and make changes to national guidance, policing and training relating to searches involving exposure of intimate body parts. These recommendations were responded to by the different agencies.

A report published by [Chris Bath](#) for the National Appropriate Adult Network has referred to a lack of clarity and ambiguity of the current PACE legislation and guidance issued to police forces across the UK on powers to strip search vulnerable children. In the foreword to the report, Interim CEO of Alliance for Youth Justice (2022-23) Saqib Deshmukh, noted his concerns regarding racism and policing, stating:

*'The issue of discretion is central, and this is where racism and power come into play. Discretionary powers are so dangerous in the hands of an officer who treats black children and young people as suspects and not vulnerable and do not see them as children<sup>7</sup>'.*

6. The [Children's Commissioner for England](#) research has indicated that Black children are more likely to be strip searched. This disproportionate impact on this protected characteristic indicates a lack of compliance with the UK Equality Act 2010.<sup>8</sup> This has been further supported by [data](#) published by the Home Office in relation to children strip searched in police custody in the year ending March 2023, with a far higher proportion of those strip searched self-defined as being Black, Asian, or mixed race compared with adults.
7. Prior to being at the Alliance for Youth Justice, Saqib Deshmukh worked in Hackney and was on the Child Q Serious Case Review Core Group between 2021-2022. In response to Hackney's safeguarding review in the Child Q case, the UK Department for Education updated its [guidance](#) for schools in England, which covers strip search.<sup>9</sup> While many of the changes to

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<sup>6</sup> Children's Commissioner for England (March 2022) [Strip Search of Children in England and Wales](#). (Accessed: 27.09.24)

Children's Commissioner for England (August 2024) [Strip searching of children in England and Wales: First complete dataset for 2018–2023, including new data July 2022–June 2023](#). (Accessed: 27.09.24)

<sup>7</sup> Chris Bath (November 2022) [Police Searches of People: A Review of PACE Powers – National Appropriate Adult Network](#). (Accessed: 27.09.24).

<sup>8</sup> [The Equality Act 2010](#), (Accessed: 28.09.24)

<sup>9</sup> UK Department for Education and Skills (2022) [Searching, Screening and Confiscation – Advice for Schools](#).

the guidance, particularly the strong emphasis on safeguarding, recording what happens, and informing parents is to be welcomed, it still authorises the use of strip search<sup>10</sup>.

## Legislation and policy landscape concerning strip search of children in Wales

8. Devolution has accelerated noteworthy progress on policy and legislation relating to children's rights and scope for innovation and divergence from the UK Government policy and legislation. Since 2004, [youth justice policy](#) has been underpinned by children's rights and a child first approach<sup>11</sup>. Furthermore, within the limits of the devolved settlement, the [United Nations on the Convention on the Rights of the Child](#)<sup>12</sup> has been incorporated into domestic legislation. Welsh Government Ministers under the Rights of Children and Young Persons (Wales) Measure 2011 must have [due regard to the UNCRC](#) in the exercise of all their functions, this includes the development of all policy and legislation<sup>13</sup>.
9. The Welsh Government [Youth Justice Blueprint policy 2019 -2023](#) and 2024 strategy are underpinned by children's rights and a trauma informed approach<sup>14</sup>. Welsh Government supports a [National Trauma Informed Practice Framework](#) to be adopted by all services, and their policy focuses on the prevention of Adverse Childhood Experiences. Strip search of children is undoubtedly an adverse childhood experience and [evidence](#) indicates that the trauma of strip searches interferes with positive brain development<sup>15</sup>.
10. Welsh Government has made [several announcements](#)<sup>16</sup> that preparations are happening to devolve youth justice to Wales, and Police and Crime Commissioners have agreed they would welcome the devolution of policing, which it is hoped will further promote embedding a Children's Rights Approach to policing and youth justice.
11. A key component of the [Anti-racism Wales Action Plan](#)<sup>17</sup> and the [Criminal Justice Anti-Racism Plan](#)<sup>18</sup> is reducing racial inequality, along with harm reduction approaches. It is therefore extremely concerning that the Children's Commissioner for England and Home Office data (see Pt 6 above) indicates that Black children are disproportionately strip searched and there is little

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<sup>10</sup> Saqib Deshmukh is now working with the [Youth Justice Legal Centre \(YJLC\)](#) and other organisations as the Director of Insaafi CiC on developing better understanding of radical safeguarding which references both strip searches and the role of the police including, asking for a review of the 1998 Crime and Disorder Act which embedded the police in these processes. He recently spoke at the YJLC Radical Safeguarding session

<sup>11</sup> Drakeford, M. (2010). [Devolution and youth justice in Wales](#), British Society of Criminology, 10(2)

<sup>12</sup> United Nation Convention on the Rights of the Child (1989) [Treaty no. 27531](#). United Nations Treaty Series, 1577, pp. 3-178. (Accessed: 27.09.24)

<sup>13</sup> [Rights of Children and Young Persons \(Wales\) Measure 2011](#). (Accessed: 27.09.25).

<sup>14</sup> Ministry of Justice and Welsh Government (2019), [Youth Justice Blueprint for Wales \(2019 -2023\)](#). (Accessed: 27.09.24).

<sup>15</sup> Saha Shah, R. and Feierman, J. (2021). [Strip-Searching Children Is State-Imposed Trauma](#). American Bar. Last Updated: October 12. (Accessed 27.09.24).

<sup>16</sup> Senedd Cymru Welsh Parliament. (2022). [Committee for the Scrutiny of the First Minister](#). Welsh Parliament. Last Updated: 9 December. (Accessed: 27.09.24).

<sup>17</sup> Welsh Government. (2022). [Anti-Racism Wales Action Plan](#). Welsh Government. Last Updated: 24 June 2024. (Accessed: 27.09.24).

<sup>18</sup> UK Government. (2022). [Criminal Justice Anti-Racism Action Plan for Wales](#). UK Government. Last Updated: 21 December 2022. (Accessed: 27.09.24).

clarity or transparency regarding the Welsh specific data (see pt 35 below). The Anti-Racism Wales Action Plan and the Criminal Justice Anti Racism Plan comprise a national Wales-wide focus on the reduction of racial inequality across life in Wales.

The death of George Floyd in 2020, the death of Mohamud Mohammad Hassan in 2021 and the death of Mouayed Bashir in 2021 has affected the policy landscape within Wales on policing and the criminal justice system, especially around racial inequality. [The Cardiff Race Equality Taskforce](#) was founded in 2021, chaired by the now-Police and Crime Commissioner for South Wales, Emma Wools. The taskforce recommended committing to recording "ethnicity data and collaborate on data analysis and exploration at a local and national level" within Wales.

Within a UK-wide framework, the [Police Race Action Plan](#)<sup>19</sup> recommends the police "*adopt an 'explain or reform' approach to address the negative impact and outcomes experienced by Black people*", that policing will "*ensure that officers and staff understand the history of policing Black people, and the ongoing impact and trauma of disproportionality*", with a desire to reduce racial disparities, and to promote consistency in recording, analysis, and monitoring. Welsh forces could be failing to produce the recommendations within the Police Race Action Plan if they cannot produce child strip search data cross-referenced by ethnicity.

## Background to demography and population in Wales

From 1991-2021, the Black, Asian, and Minority Ethnic population has grown in Wales. In 1991, 1% of the population was identified with this category<sup>20</sup>, and in 2011, Wales was 4% minority ethnic<sup>21</sup>. In 2021, 6.2% of Wales was non-White British<sup>22</sup>.

Notably, 0.9% of people in 2021 identified as "Black, Black Welsh, Black British, Caribbean, or African", an increase from 0.6% in 2011. In comparison, the Black population in England is 4.2%, and 3.8% of people in Cardiff are Black<sup>23</sup>

The largest concentrations of minority ethnic populations in Wales are within South Wales, with the following areas having the highest percentage of people who are Black, Asian, and Minority Ethnic within Wales: Cardiff, Newport, and Swansea<sup>24</sup>.

This is important to note, because of the disproportionality of strip searches of Black, Asian, and Minority Ethnic children as detailed within the English Commissioner's report, with an acute problem of child strip search emerging within Black African, Black Caribbean, African and Black populations (see: Child Q case).

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<sup>19</sup> College of Policing (2022). [Police Race Action Plan](#). College of Policing. Last Updated: 2022. (Accessed: 27.09.24)

<sup>20</sup> Welsh Government. (2003). [2001 census of population, first results on ethnic groups and identity](#). (Online). Welsh Government. Last Updated: 19 March 2003. (Accessed: 27.09.24)

<sup>21</sup> Office for National Statistics. (2012). [2011 Census: Key Statistics for Wales, March 2011](#). Office for National Statistics. Last Updated: 11 December 2012. (Accessed: 27.09.24).

<sup>22</sup> Welsh Government. (2022). [Ethnic group, national identity, language and religion in Wales \(Census 2021\)](#). Welsh Government. Last Updated: 29 November 2022. (Accessed: 27.09.24)

<sup>23</sup> Office for National Statistics. (2023). [How life in Cardiff has changed Census 2021](#). (Online). Office for National Statistics. Last Updated: 19 January 2023. (Accessed: 27.09.24)

<sup>24</sup> StatsWales. (2023). [Ethnicity by year and ethnic group](#). Welsh Government. Last Updated: February 2023. (Accessed: 27.09.24).

## Data picture on strip search of children in Wales

### Strip search of children in police custody

12. In evidence collected by the [Home Office](#) as part of experimental statistics for the Annual Data Requirement, across 3 of the 4 police forces in Wales (North Wales Police force did not share data), 183 children were strip searched in police custody during 2021/2022. This is the first-time data had been made available on the numbers of children strip searched in police custody in Wales.

In the year ending March 2023, the Home Office [reported](#) 225 strip searches of children in police custody across the 4 Welsh police forces (Dyfed-Powys 9, North Wales 4, Gwent 63, South Wales 149).

### Strip search of children under stop and search powers

13. The Children's Commissioner for England [report](#) published March 27<sup>th</sup> 2023, confirmed that children across England and Wales had been searched by police officers who failed to adhere to the requirements of statutory guidance on the exercise of [Stop and Search](#) powers.

Data from police forces in Wales showed that in 2018-2022, there were 134 strip searches of children. North Wales Police Force recorded 12 searches, and Gwent Police Force 14 searches. South Wales Police Force reported strip searching 108 children, a figure above the national average for England and Wales. The Children's Commissioner for England failed to publish a full data picture for Wales, as Dyfed Powys police did not respond to the Commissioner's request for data under the 2004 Children's Act. Likewise, several English forces did not give data to the report.

## Research and advocacy relating to strip search of children in Welsh context January 2023 – March 2025

### Communicating concerns regarding strip search of children with relevant agencies in Wales

14. Dr Rhian Croke first communicated concerns regarding strip search of children to relevant Welsh agencies in January 2023. These concerns were communicated in an article laying out the existing data on strip search of children in Wales and how strip search is a violation of children's rights, not compliant with Wales specific legislation on children's rights or indeed the national trauma informed framework. (The article found here) <sup>25</sup>. Dr Croke also reported that strip search of children had been inadequately monitored and reported on by police forces in Wales and across the country. The data from the Home Office Annual requirement was also shared as per numbers of children strip searched in police custody.

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<sup>25</sup> Croke, R. (2022). [\*Strip Search of Children: A violation of children's rights\*](#). Children's Legal Centre Wales. Last Updated: December 14 2022. (Accessed: 27.09.24).

15. Dr Croke communicated these concerns in a meeting in January 2023, to officials at Welsh Government, Police and Crime Commissioner Lead for Children, Police Liaison Unit, and Wales Youth Justice Advisory Panel. She recommended that data be urgently collected that is transparent and demonstrates whether the police in relation to strip search of children are complying with UK PACE and UK Equality legislation. These concerns were shared with the Welsh Government Minister for Social Justice and Chief Whip. The Minister, subsequently met with the Police and asked them to commit to collecting full and comprehensive data on strip search of children in Wales, and post this to review current practice. They agreed to report on the data directly to the Welsh Government Minister for Social Justice.

## Strip search is a violation of children's rights

16. In March 2023, Children's Legal Centre Wales and Youth Justice Legal Centre hosted a global webinar on strip search, Chaired by Shauneen Lambe, Impact for Justice, and key speakers from the UK including Dr Croke and Saqib Deshmukh, and Florence Cole, Just for Kids Law, Lawyer for Child Q, US, Jessica Frierman, Juvenile Justice Law Center, and from South Africa, the incoming Chair of the UN Committee on the Rights of the Child, Professor Ann Skelton. Prof Ann Skelton agreed with Dr Croke's analysis that strip search is indeed a violation of children's rights. (For the children's rights analysis, see the transcript of Dr Rhian Croke's presentation accessed [here](#))<sup>26</sup>.
17. It was both emotional and powerful when Child Q joined the webinar and asked questions of the panel via her lawyer, Florence Cole. Child Q during her legal case said:

*'I can't go a single day without wanting to scream, shout, cry or just give up. I don't know if I'm going to feel normal again. But I do know this can't happen to anyone else, ever again.'*

## Use of alternative technologies

18. Dr Croke in the same webinar (see transcript of presentation [here](#)) considered the use of alternatives to strip searches such as the use of full body scanners, and metal wand detectors etc. She argued that alternative technologies should be used in cases that get presented that suggest it is in a child's best interests to strip search a child because children may be for example concealing objects, such as weapons that put them at an immediate risk of self-harm, protection of life, risk to others or when a child may have drugs that could be a risk to them or the community. Dr Croke argued that if there is reasonable suspicion of concealment of an illegal object, transparent and accountable safeguards must be in place, an appropriate adult should be present, and alternative technologies must be available to prove without reasonable doubt that a child is concealing an object. This will negate the need for a traumatic and intrusive search, as well as eliminate the need for discretionary decision making by the police.
19. These technologies are already used in the youth secure estate and the UK Government [publicly announced](#) in January 2023, how successful the use of alternative technologies is in the adult secure estate.

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<sup>26</sup> Croke, R. (2023). *Strip Search of Children*. Children's Legal Centre Wales. Last Updated: 7 March 2023. (Accessed: 27.09.24).

*‘Game-changing X-ray body scanners have foiled more than 28,000 attempts to smuggle drugs, phones and weapons behind bars.’ (UK Government)<sup>27</sup>*

To reduce the traumatic impact of an intrusive strip search and the long term negative and damaging impact on any child (which has been quite clearly reported by Child Q and other children) Dr Croke asked why is there not investment in the use of these technologies across police forces across the UK?

## Sharing evidence from Children’s’ Commissioner for England report pertinent to Wales April

20. In April 2023, Dr Croke on behalf of CLCW issued a statement in response to the Children’s Commissioner for England report in reaction to their research on strip search of children under the stop and search powers. The statement can be found [here](#)<sup>28</sup>. The Children’s Commissioner’s research made it clear that police forces have not been complying with statutory guidance on strip search across the UK, including in Wales. CLCW issued strong recommendations regarding better monitoring and recording strip search of children and ultimately ending the practice. In April, Dr Croke shared the evidence pertinent to Wales from the Children’s Commissioner for England report with relevant Welsh agencies.
21. The Alliance for Youth Justice also published a statement sharing their concerns in response to the Children’s Commissioner for England’s report. Their statement can be found [here](#). Saqib Deshmukh, as Interim CEO of AYJ was interviewed for the BBC and [spoke strongly regarding the need for complete cessation of strip searches](#).

## Reporting to the UN Committee on the Rights of the Child

22. Alongside this timeline of events, between December and June 2023 Dr Croke, contributed evidence to the 6<sup>th</sup>/7<sup>th</sup> reporting process to the UN Committee on the Rights of the Child, communicating concerns regarding strip search to the UN Committee via the Wales UNCRC Monitoring Group report (December 2023)<sup>29</sup> at the pre-sessional hearing at the UN in Geneva (February 2023) and in additional written information (May 2023).

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<sup>27</sup> UK Government. (2023). *Beefed-up prison security captures record level of contraband*. Last Updated: 15 January 2023. (Accessed: 27.09.24).

<sup>28</sup> Croke, R. (2023). *Children’s Legal Centre Wales Response: Report by Children’s Commissioner for England on Strip Search of Children*. Children’s Legal Centre Wales. Last Updated: April 4 2023. (Accessed: 27.09.24).

<sup>29</sup> Wales United Nations Convention on the Rights of the Child Monitoring Group, (2022). *State of Children’s Rights in Wales: Alternative country specific report on the situation of children’s rights as defined under the United Nations Convention on the Rights of the Child (UNCRC)*. Cardiff, Children in Wales. (Accessed: 28.09.24)

23. The UN Committee on the Rights of the Child communicated their response to concerns on strip search of children across the UK and issued the following recommendation in June 2023 in their [UK Concluding Observations 2023](#)<sup>30</sup>:

*'30 (a) To take legislative measures to explicitly prohibit, without exception.... the use of (ii) strip searches on children.'*

## Communicating to relevant agencies the recommendation from the UN Committee on the Rights of the Child

24. In June 2023, Dr Croke communicated this recommendation to Welsh Government, Police and Crime Commissioner Lead for Children, Police Liaison Unit, Wales Youth Justice Advisory Panel and asked the Police for an update on their data collection process relating to strip search of children and also how they were going to implement the UN Committee's recommendation to end the practice. A response was not forthcoming at that time from Police or Police and Crime Commissioners. The Welsh Government however responded that they were still actively working with the Police to obtain a full data picture.

## Question to Welsh Government Minister for Social Justice in Senedd Plenary

25. Further confirmation that the Minister for Social Justice, Jane Hutt MS had sought data from the police on the extent and use of strip searches was highlighted in Senedd plenary [June 21st 2023](#)<sup>31</sup>, in response to a Question raised by former barrister and current member of the Senedd MS Rhys Ab Owen. In response, Minister Jane Hutt stated:

*'What is important now is that we look at the extent and use of strip searches. I've raised this with the police and crime commissioner, as I've said, and we recognise that strip searches are potentially extremely traumatic for young people, and it's crucial that we understand from the police what the data is. And, as you say, this is something that we are concerned about.'*

*I have met with the children's commissioner on this issue, and I have been assured that policing in Wales leads are bringing together data from each force in Wales, to ensure that we have a full picture of how such searches are used, where the issues are, and where we need to take action. So, that will give us a more complete picture than the one that we currently have, and also, a picture of any disproportionality. I have stressed the urgency of this task, and asked for a projected timescale, and I have written to the Children's Commissioner for Wales to confirm how seriously we take this issue, and I'm*

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<sup>30</sup> United Nations Committee on the Rights of the Child. (2023). [Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland\\*](#) CRC/C/GBR/CO/6-7. (Accessed 29.09.24)

<sup>31</sup> Senedd Cymru Welsh Parliament. (2023). [Plenary](#). Senedd Cymru Welsh Parliament. Last Updated: 21 June 2023. (Accessed: 27.09.24).

*happy to report back when we get that data picture on what appropriate action should be taken in terms of this practice.'*

The Minister for Social Justice publicly asserted the urgency of the issue, the need for a full and comprehensive data picture and appropriate action taken within a clear timescale. (However, please see Pt. 34, that indicated there was still no clear data or clear course of action as of April 2024). Hutt did not specify if she would be meeting with the Children’s Commissioner of England, who has purview on policing and justice, but mentioned she had been in correspondence with the Children’s Commissioner of Wales.

It is also to be noted the Welsh Government committed to responding to the UK Concluding Observations in their Children’s Scheme Compliance report and in the Senedd plenary on November 14<sup>th</sup>, 2023, they would respond to Concluding Observations in advance of the summer recess.

## Freedom of Information Requests on Strip Search of Children from Police in Wales

Police Force	Children’s Commissioner of England Report Strip Search Data 2022	Freedom of Information request Data 2023	Disparity
Dyfed Powys Police	0 Searches	18 Searches	n/a
Gwent Police	14 Searches	75 Searches	61 Searches
North Wales Police	12 Searches	61 Searches	49 Searches
South Wales Police	108 Searches	106 Searches	2 Searches

26. From January 2023 to December 2023, Insaafi CiC experienced significant challenges in collecting data on strip searches of children from all police forces in Wales, especially in obtaining cross-referenced information on ethnicity. FOI requests were submitted to all police forces and no police force responded to requests within the statutory period.<sup>32</sup> In total, it took 9 months for police forces to respond to the requests to obtain a fuller data profile on child strip search in Wales.

### Dyfed Powys Police

FOI request to Dyfed Powys police in March 2023, and in October 2023, Dyfed Powys police responded:

*“Due to an unprecedented demand for information received by the unit we are still processing the request and are seeking confirmation as to whether your original request is still required? If you no longer require the information then you need not respond to this letter, however if your request is still valid please respond to this*

<sup>32</sup> Hard Copies for FOIs can be accessed on request from Insaafi CiC and Associates.

*email and the matter will be dealt with as a priority. If we do not hear from you in the next 10 working days then we will assume that the request is no longer required and the file will be closed.*

*It is with regret that the 20 working day deadline under section 10 of The Freedom of Information Act, in respect of this request has not been met and I again apologise on behalf of Dyfed-Powys Police for not complying with this legal requirement in respect of this matter as well as for any inconvenience this may have caused.*

*Once again please accept my apologies for non-compliance in respect of this matter.”*

Dyfed Powys police eventually fulfilled request 320/20 and reported 48 strip searches between 2018-2022 but disclosed 0 strip searches in the Children's Commissioner's report. Insaafi CiC asked which is the correct number and they are still awaiting a response from the force.

## **Gwent Police Force**

On 5th June 2023, Gwent Police Force responded to an FOI request and submitted a data set that was much higher than the reported figure to the Children's Commissioner for England and then sent a second data set that was much lower and excluded child strip searches in police custody on 7th July 2023. Neither data set matched the figure provided by the Children's Commissioner for England. Gwent Police rejected large parts of the FOI on child strip search citing excess cost, explaining that the force would have to undertake a manual trawl of records for information to provide qualitative and quantitative data on child strip search including information on ethnicity.

FOI data received from South Wales police was also contrary to Home Office data. Furthermore, very few police forces were able to share cross-referenced data on ethnicity.

Children's Legal Centre Wales and Insaafi CiC asked to be given access to the Welsh specific data from the Children's Commissioner for England but failed to secure a response.

## **North Wales Police**

Insaafi CiC submitted an FOI request to North Wales Police on 15<sup>th</sup> June 2023. North Wales police force was the only force to respond with child strip search data on ethnicity. The force explained:

*“Although excess cost removed the forces obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request.”*

## South Wales Police

Insaafi CiC submitted an FOI request to South Wales in March 2023. South Wales Police responded to the FOI request (428/43) in December 2023.

In October 2023, Insaafi CiC wrote to the now-Police and Crime Commissioner, Emma Wools, to ask for any information on child strip search. Wools sent data from the FOI department which detailed 2325 child strip searches in South Wales from 2018-2023. Insaafi CiC asked about the disparity between 108 searches and 2325 searches and was told that the police had accidentally sent stop and search statistics, not strip search statistics.

In the response, South Wales Police disclosed a data set which slightly differed from the published data the Children's Commissioner's report for England, and later sent a second set of data which mirrored the report. Upon inquiring about the discrepancies, the FOI unit commented:

*'Because we don't have static data sets and pull everything from the live system, they are subject to small changes – after the request from the children's commissioner we did go through quite an extensive QA process of the data that had been submitted so it is likely we found some that should not have been included in that original data request and this more recent data reflects that'*

27. We question whether the struggle to access data across various agencies and governments is a question of competence: it is unclear if it is a failure to achieve basic professional standards of transparency or if it is an act of obfuscation, a failure to share clear and intelligible data to avoid legal challenge.<sup>33</sup>
28. There are 58,680 minority ethnic children living in Wales<sup>34</sup>. Of this number, around 57% live in the district of South Wales Police, spanning Bridgend, Cardiff, Merthyr Tydfil, Neath Port Talbot, Rhondda Cynon Taf, Swansea, and the Vale of Glamorgan. A further 19% live in the authority of Gwent Police, and 8.7% in Dyfed-Powys police force. Dyfed Powys Police, South Wales Police, and Gwent Police refused to give any data on child strip search cross-referenced by ethnicity. 18 months on from the Children's Commissioner of England's report, we did not have any data on child strip search and ethnicity for 83.7% of Black, Asian, and Minority Ethnic children in Wales from 2018-2023.
29. Insaafi CiC submitted an FOI request to South Wales Police on 5<sup>th</sup> September 2023 to request correspondence between the Children's Commissioner of Wales and South Wales Police. The assistant Chief Constable Jason Davies from the Crime, Justice and Safeguarding and Public Protection unit on 16th May 2023 wrote:

*'The review also identified a disproportionality in the number of children and young people from black and other ethnic minority groups strip searched*

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<sup>33</sup> Duff, K and Kemp, T. (2024). [Strip-searching as abjectification: Racism and sexual violence in British Policing](#). *Theoretical Criminology*. (Accessed: 27.09.24).

<sup>34</sup> StatsWales. (2024). [Number of pupils aged 5 or over by local authority, region and ethnicity](#). Welsh Government. Last Updated: 31 July 2024. (Accessed: 27 September 2024).

*compared to children of white British heritage. The Chief Constable and I acknowledge this statistic, and as part of our robust ongoing work around disproportionality towards minority ethnic groups we will endeavour to do our utmost to better understand it and address it.*<sup>35</sup>

30. It is unclear why South Wales Police both admits disproportionality in the number of children from black and other ethnic minority groups and undertook a review of child strip search but cannot publish this data in the public domain.

## Ongoing advocacy to access the full data picture

31. In September 2023, Children’s Legal Centre Wales and Insaafi CiC were made aware that the Welsh Government had been continuing to liaise with Police and Crime Commissioners and policing colleagues, to try and secure a full data picture on strip search and that police had committed to share this data by the end of November 2023. The data, we believe, was not shared with the Welsh government in November 2023, and this data later became available in 2024.
32. In October 2023, Sioned Williams, Plaid Cymru MS as part of the [Senedd plenary debate](#)<sup>36</sup> asked for an update on action to address the worrying violation of children’s rights that were highlighted by the Children's Commissioner for England, Wales and Northern Ireland report regarding the 134 strip searches of children in Wales between 2018-2022 and she emphasised that South Wales had strip searched 108 children. Sioned Williams said that the CLCW communicates that strip searching of children is a violation of children’s rights and is contrary to the nation’s commitment to the UNCRC and the Wales only legislation that promotes children’s rights. Sioned also said that following the shocking case of Child Q, and the IOPC’s call for the substantial review of police powers and laws relating to strip searches of children, she asked the Minister what information she had received and also asked her to comment and consider that without the full devolution of powers on justice and policing on Wales how does the Minister propose to uphold children’s rights?
33. The Minister for Social Justice responded that policing is not yet devolved to Wales, and is the responsibility of the UK Government, but they have taken the issue of strip searching of children very seriously, as its potentially extremely traumatic and every case must be fully justified, appropriately conducted, and used as a last resort. The Minister reported (as noted in June Senedd Plenary) that she had met with the Police and Crime Commissioners and Police in Wales who have agreed to undertake a data mapping exercise to improve data and assurance available on this issue and to identify further action to be taken. She also noted that this links in with Welsh Government wider social justice policy and is relevant to an anti-racist Wales action plan. The Minister reported that she had asked for information on ethnicity and the number of searches undertaken.

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<sup>35</sup> Please see hard copy

<sup>36</sup> Senedd Cymru Welsh Parliament. (2023). [Plenary](#). (Online). Senedd Cymru Welsh Parliament. Last Updated: 24 October 2023 (Accessed: 27.09.24).

## Data picture shared by Welsh Government with Senedd

34. After several meetings with Welsh Government officials (November 2023 – February 2024). Children’s Legal Centre Wales and Insaafi CiC, were informed that the Minister for Social Justice was finally able to share information on the data capture on strip search of children by the Police with Chair of Senedd Equality and Social Justice Committee on March 20<sup>th</sup>. This [Letter](#) indicates that the police had begun a data collection process across the 4 police forces. However, the data is still not comprehensive. The police review reported that a total of 5,428 strip searches of children were undertaken in Wales over the two-year period between 2021-22 and 2022-23. Reporting that 6 of the searches were on children aged under 13 years. 85 of the 5,428 searches involved a more thorough search, or a search requiring the exposure of intimate areas (see [Letter](#))<sup>37</sup>.
35. It is not clear from the information that was shared in the letter, the breakdown according to age, ethnicity, and indeed other protected characteristics e.g. disability/neurodiversity correlated across **all** levels of searches. We are concerned that without a clear understanding across **all** levels of searches, of the data in Wales, that disproportionate impacts on specific groups of children could be occurring.
36. It is also important that data is collected that records the reasons for the search and whether an illegal object was found, the location of the searches, if the child was treated with dignity etc. if there was an appropriate adult present, same sex officers present etc, correlated according to the different levels of searches and in relation to each police force area.
37. Under the Home Office’s Annual Data Requirement (ADR), police forces are already required to record the age and self-defined ethnicity of individuals stopped and searched. From 1 April 2024, it was made mandatory for forces to record the level of intrusiveness of a stop and search – for example whether the search involved the exposure of intimate parts (EIP). In addition, from 1 April 2024, the Home Office has also introduced two new ADR categories in relation to any EIP search. These are the location where the search took place, and whether an appropriate adult was present. It has been indicated that these latter two categories are being collected on a voluntary basis in the first year to allow police forces to update their systems and embed recording practices.
38. Appropriate and consistent data collection should really have been embedded at the outset of the introduction of the PACE and Equality Legislation, and not as an afterthought. There is an urgent need for comprehensive data that better monitors and reports on which groups of children are disproportionately searched across all levels of searches and whether relevant legal requirements are being appropriately carried out. Only then might it be possible for the police to demonstrate whether they are compliant with the Equality Act 2010 and with the PACE legislation and guidance.

## Recommendations to UK Home Office

39. While we are aware that the Home Office is taking into consideration the recommendation of the Independent Office for Police Complaints and Children’s Commissioner for England, to

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<sup>37</sup> Hutt, J (2023), [Letter to Jenny Rathbone MS](#) and Chair of the Senedd Equality and Social Justice Committee in relation to Strip Search of Children, March 19 2024, Senedd Cymru Welsh Parliament. (Accessed: 27.09.24)

review PACE legislation in relation to strip search of children, we believe that this does not go far enough to protect children's rights. The changes are subject to a statutory consultation (Access UK Home Office consultation [here](#))<sup>38</sup>. The Children's Legal Centre Wales, Just for Kids Law, and Youth Justice Legal Centre wrote a detailed response to this consultation in June 2024, that can be found [here](#)<sup>39</sup>. In particular, the organisations called for the UK Home Office to:

- Conduct and publish a Children's Rights Impact Assessment (which includes consultation with children) as well as an Equality Impact Assessment and demonstrate compatibility with the ECHR.
- End the use of Exposure of Intimate Parts (EIP) practices with urgency through investing in alternative technologies.
- Develop statutory guidance that supports a distinct approach for children, focused on the specific needs and rights of children with a child friendly version in multiple languages

40. We are also aware, and as noted in pt 5 above, there has been an agreement for training of police officers, and so-called new processes of authorisation, this does not assure us that harm can be prevented while strip searching children continues. Duty bearers in Wales, with further devolution of youth justice and policing, should take action to end the practice of strip-searching children.

## Children's Commissioner for England Report August 2024

41. The Children's Commissioner for England published their third report on strip search under the stop and search powers – giving evidence that Wales as a region is disproportionately strip searching 10–17-year-olds per population. However, on reading a final [footnote](#) in the Commissioner's report, it appears that Dyfed Powys Police, submitted the wrong data and inaccurately inflated the figures. Demonstrating the continued inadequacy of proper monitoring and reporting on this issue. However, to be noted that South Wales Police is on the list of forces that have high numbers of strip-searching children (one of the 5 police forces with the highest rate of strip searches) comparatively to other forces across England in Wales and also to be noted that Black children in England and Wales are still disproportionately more likely to be strip searched, compared to national population figures (4 times more likely). The Children's Commissioner's Report, Executive Summary and Recommendations can be found [here](#), including also calling for investment in alternative technologies. (further detail on alternative technologies can be found in CLCW, Just for Kids Law and Youth Justice Legal Centre response [here](#)).

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<sup>38</sup> UK Government. (2024). *Proposed amendments to PACE Codes of Practice A and C: strip searches*. (Online). UK Government. Last Updated: 30 April 2024. (Accessed: 27.09.24).

<sup>39</sup> Children's Rights Alliance for England (CRAE), part of Just for Kids Law, Children's Legal Centre Wales and Youth Legal Justice Centre. (2024). *Proposed amendments to PACE Codes of Practice A and C: strip searches*. (Online). Children's Legal Centre Wales. Last Updated: June 2024. (Accessed: 27 September 2024).

## Police Liaison Unit Report on strip searching of children in Wales

42. In October 2024, Insaafi CIC submitted an FOI request to the Welsh Government for any reports on the topic of child strip search. In response, the Welsh Government published the [Police Liaison Unit's Report on Strip Searching of Children in Wales](#) (dated 11/1/2023) in November 2024. This report appears to have been shared by the Police Liaison Unit with the Welsh Government, with elements of it presented by Welsh Government to the Senedd in March 2024 (as referenced in the letter see Pt. 34 above). It is disappointing that this more detailed report was not shared earlier with the Children's Legal Centre Wales, especially given that the Centre, alongside the Children's Commissioner for Wales, was cited within the report as a justification for requesting better monitoring and recording of strip searches of children in Wales.
43. While the report provides some clarity on the Police Liaison Unit's method of categorising different types of strip searches, it still lacks sufficient detail to demonstrate how these searches are correlated with protected characteristics or how they comply with the necessary elements of the PACE legislation. We would like to emphasise the following key points:

### Search Outcomes

44. The report communicates that in the majority of cases, no items were found during searches conducted in custody. This was not made clear in the report to the Senedd. This raises significant concerns (as we've noted with reference to England/Wales-wide data above) about why children are being subjected to such traumatic searches when, in most cases, nothing is actually discovered. This calls for an urgent review of the practice.

### Presence of an appropriate adult

45. The report indicates that North Wales Police were only able to confirm the presence of an appropriate adult in about half to two-thirds of searches. This evidence was not made clear in the report to the Senedd and represents a failure to comply with PACE legislation requirement to have an appropriate adult during strip searches. It is also reported that Forces were not able to differentiate from their records, when an appropriate adult had been requested but the local authority were unable to service the request.

### Disproportionality

46. There is an acknowledgement of disproportionality in the report. This was also not made clear in the report to the Senedd. It is stated '*that if we scale the data for every 1000 of each ethnic population, there is evidence of disproportionality, however given the numbers are so small for most of Wales, the figures cannot be concluded as statistically reliable*'. This is an inadequate explanation and requires urgent further consideration, particularly in light of Chief Constable Jason Davies' clear acknowledgment of disproportionality (see Pt. 29 above).

### Safeguarding Referrals

47. It is positive that it is reported that safeguarding referrals are being regularly submitted on a range of concerns, however, it is concerning that referrals were more likely to be submitted in relation to police custody, as children who are strip searched via stop and search should also be referred. It also appears that there is inadequate data being collected to monitor effectively what is happening with regards to safeguarding referrals. Without transparency, this could again raise questions about the safeguarding practices in place.

48. This report has taken over a year to come into the public domain. It is a report of significant public interest that reveals a lack of compliance with existing legislation, a failure to uphold children's rights, and raises critical questions about the continued practice of strip searching. We urge the Police Liaison Unit to ensure that a new, more detailed report, demonstrating clearly whether PACE and Equality legislation and children's rights have been complied with, is published without delay. This updated report should provide an urgent review of the current position concerning the strip-searching of children in Wales, with specific attention to data from 2024.

## Conclusion

49. As noted above, the UN Committee on the Rights of the Child has communicated in its 2023 Concluding Observations that it should be explicitly prohibited ([Concluding Observation 30 \(a\)](#)). This has also most recently been endorsed by Concluding Observations of the UN Committee on the Elimination of Racial Discrimination ([Concluding Observation 32 \(b\)](#)). Children in contact with the police, may have already experienced layers upon layers of trauma, to then inflict a strip search on a child is completely inappropriate. Strip search of children should be seen as both traumatising and degrading. It is important to note, in that context, that trauma-led and trauma-resolving approaches are an intrinsic aspect of the Wales Youth Justice Blueprint. Strip searching children who may be in possession of illicit drugs/weapons is not a child first, trauma informed or a safeguarding approach and is a violation of children's rights. It is also important to reiterate that in most cases nothing illegal is found, yet the degrading practice continues.

Instead of traumatising and degrading children, including those who may be involved in offending behaviour, children should be treated as 'children' first with dignity and respect. In Wales, strip search is contrary to the nations' commitment to the UNCRC and the Wales-only legislation that promotes children's rights and the national trauma informed framework.

Wales should take the lead on ending the practice of strip search and instead invest in alternative technologies so that children have their rights protected.

## Recommendations

50. Immediate action is needed from Welsh authorities to protect children's rights and explore non-invasive alternatives to strip searches. These include:
1. Amending laws to explicitly prohibit strip searches of children.
  2. Investing in alternative technologies to reduce the need for invasive strip searches.
  3. Improving data collection and reporting to ensure accountability.
  4. Implementing a child-centred and children's rights approach to policing and youth justice.
  5. Provide training to police officers and other relevant personnel on the harmful effects of strip searches and best practices for child-friendly procedures.
  6. Further research into the practice of child strip search in Wales, exploring the areas of anti-racism, and children's rights within a devolved framework.