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DIGITAL RIGHTS FOUNDATION PUBLIC COMMENT SUBMISSION ON OVERSIGHT BOARD CASE REGARDING UK DRILL MUSIC

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Digital Rights Foundation Pakistan (DRF) welcomes the opportunity to provide comments on case 2022-007-IG-MR, regarding UK Drill Music.

Determining whether drill music can be posted on any of Meta’s social media platforms has wide-ranging implications on “acceptable” forms of expression on the internet and the power asserted by law enforcement agencies (LEAs) over the “policing” of content. This is a matter of particular interest to Digital Rights Foundation (DRF) based in Pakistan, which concerns itself with various forms of online free speech that are routinely attacked by law enforcement agencies and the state apparatus under the pretext of “security”.¹

Despite the crackdown by UK law enforcement, drill music is undeniably a significant part of UK street culture. Beyond its portrayal as a rallying call for gang-violence, it serves as a medium for disenfranchised youth, particularly black and brown youth, to express their discontentment and frustration with the system that perpetuates discrimination and exclusion. This also explains why the drill music scene is thriving despite active ongoing opposition and clashes with law enforcement.²

Though some studies have connected “violence” in music with increased aggression,³ more recent studies have demonstrated that the lyrics and imagery in drill music were not a leading indicator of (or even incitement of) real life crime and that no causal relationship between the two can be ascertained with purely observational data.⁴ The current war on drill music ignores the possibility of “adverse selection bias” where people who are more likely to commit violent

¹See DRFs relevant work: [Submission on Right to Freedom of Opinion and Expression: Opportunities, Challenges and Threats to Media in the Digital Age](#) and [Social Media Rules - Amicus Brief - January 2022 \(1\).docx](#)

² [UK Drill Rap Videos Banned by Police: Operation Domain](#)

³ [Violent music lyrics increase aggressive thoughts and feelings, according to new study](#)

⁴ Kleinberg, B., & McFarlane, P. (2020). Violent music vs violence and music: Drill rap and violent crime in London.. <https://arxiv.org/pdf/2004.04598.pdf>

crimes (as a product of socio-economic forces) happen to share an affinity with that music.⁵ While drill music does reference violence frequently, it is worth noting that much of the violence is symbolic, used to build the “reputation and identity” of gangs.

Assessing whether or not the threat perceived by law enforcement is justified should then be done relying on empirical, independently sourced evidence regarding the threat posed by drill music, whilst also taking into consideration any contextual evidence or intelligence which the police may have exclusive access to.

Any determination of art such as drill music cannot be understood without the context of overcriminalization of the communities that produce it. In the UK, two rappers have previously received a suspended one-year sentence for performing their song at a concert.⁶ In this backdrop, it is important for Meta to develop specific and clear standards based on international human rights law (IHRL).

Artistic expression is protected under Articles 19 of the UDHR and ICCPR. These Articles notably cover cultural and artistic expression, even expressions some might find offensive. Broadly, the genre of drill music falls under these categories. Under IHRL, exceptions exist for protection of national security and public order. These limitations must be (i) provided for by law, (ii) serving a legitimate aim (iii) necessary for a legitimate purpose.⁷

Meta’s Community Guidelines regarding ‘Violence and Incitement’ must fall within these exceptions. The policy regarding coded statements, which is likely to impact artistic expression that relies on inferences and symbolic speech, currently does not elaborate on the nature of veiled and implicit threats. It goes beyond a clear and present danger standard of imminent violence, and can be read as covering generalized expressions of violence. The Guidelines as they stand could result in a widespread ban on drill rap and must be fine tuned to determine whether speech is part of a larger culture and expression of violence, or is directly resulting in violence. This question is crucial because over-regulation of art, particularly based on determinations made by LEAs, has the potential of stifling subcultures, curtailing social media’s ability to become avenues of expression for marginalized communities, and perpetuating racialized logics of policing on digital platforms.

As part of its commitment to freedom of expression, Meta’s policies must factor in allowances for humor, satire, and artistic expression. Technology can be leveraged to introduce mechanisms to protect these categories of speech by allowing creators to pre-mark their content as “satire”. Further, to protect its users against widespread and imminent harm Meta can codify the

⁵ [Drill down: Drill music, social media and serious youth violence](#)

⁶ [Skengdo and AM: the drill rappers sentenced for playing their song | Music | The Guardian](#)

⁷ [The Right to Freedom of Expression Under International Law](#)

time/manner/place restrictions mentioned earlier in its policies; they can temporarily remove the content and restore it once the threat has been resolved.

In processing takedown requests by LEAs, a number of factors must be taken into account. Firstly, whether the takedown request gave substantial and specific reasons to link the content to incitement to violence. Meta should consider a high evidentiary threshold. Secondly, logics presented by LEAs in cases such as these must guard against “street illiteracy” which results in misunderstanding of content and art produced by marginalized groups.⁸ Thirdly, content moderators handling requests from LEAs must take into account historical and political factors determining the relationship of content producers with the state in order to contextualize the reasons by LEAs. Furthermore, it is also important to ensure the competence of content moderators and their ability to make complex determinations such as balancing public safety with artistic freedoms. Standards that allow for these determinations at scale should not preclude localized content moderation models that are responsive to the local context, agile enough to take specific complexities into account while implementing generalized Community Guidelines.

For this particular case, extreme measures like “Operation: Domain” and “criminal behavior orders” issued by UK police to ban even the performance of drill music⁹ seem unnecessarily restrictive, and orders by LEAs to social media platforms appear to be an extension of the same. This is supported by the fact that creating music with “violent” lyrics” and imagery is not against the law in the UK, and studies find no definitive or causal relationship between real-life crimes and drill music. The OSB, in taking its decision, would benefit from engaging with communities of drill music creators to better understand these dynamics.

Lastly, given the outsized power of state bodies such as LEAs to impact speech and influence social media platforms, Meta should practice radical transparency for every request it receives from LEAs, documenting each request as it occurs: description of the offending content, the grounds of reporting content (including but not limited to what section of community guidelines was violated), the number of requests complied with and why, number of requests denied and in such a case on what grounds did Meta deny these requests.

*To read the Oversight Board’s full decision on this case:
<https://www.oversightboard.com/decision/IG-PT5WRTLW>

**To see all submitted Public Comments:
<https://oversightboard.com/attachment/857566115421658/>

⁸ [Drill down: Drill music, social media and serious youth violence](#)

⁹ [UK Drill Rap Videos Banned by Police: Operation Domain](#)