

# Wikimedia Foundation contribution to the Global Digital Compact

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# Introduction

## About the Wikimedia Foundation

The Wikimedia Foundation is the nonprofit organization that hosts [Wikipedia and other free knowledge projects](#). The vision of our free knowledge movement is a world in which every single human being can freely share in the sum of all knowledge. To this end, we support a vibrant community of more than 300,000 volunteers around the world, who contribute to the Wikimedia projects by adding, editing, and verifying content in over 55 million articles across 300 languages, all for free and without ads.

## About the Wikimedia Projects

Wikipedia and other Wikimedia projects provide free access to neutral, well-sourced information about science, culture, history, and more encyclopedic subjects. The information in question is added, organized, and edited by a decentralized community of volunteers who engage in open debate to reach consensus around content decisions and [policies](#). Volunteers address most everyday content issues on the Wikimedia projects, such as intentional vandalism or edits that do not meet Wikipedia's [reliability](#) and [neutrality](#) standards, without interference from the Foundation. This unique community-led governance and content moderation model has allowed the Wikimedia projects to achieve the prominence and high quality they have now, and the volunteer-led, distributed decision-making that occurs on the Wikimedia projects is a manifestation of the ideals of online participation and expression.

The Wikimedia model is unique and allows editors and volunteers to work together towards the creation of a shared knowledge. We believe that this model should be protected and supported, as well as other community-based models of information sharing. However, these are often unknown by governments and agencies drafting policies and tech regulation.



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Internet-related policy development should not only be consistent with universal human rights standards, but also developed and implemented through a multi-stakeholder model and be grounded in a transparent and accountable process, with meaningful participation of different stakeholders, who can best advocate for alternative models of positive internet developments. For this reason, we appreciate the United Nations initiative to develop a Global Digital Compact through a multi-stakeholder process, and welcome the opportunity to submit our input.

The Wikimedia community experiences the consequences of technology regulation everyday, and sometimes faces unintended consequences of misguided policies alongside harms caused by laws that are inconsistent with human rights standards. With these concerns in mind, the Foundation's Global Advocacy team, composed of experts in technology policy and regulation, has worked to collect input that reflects and highlights both the Wikimedia model explained above and the experience of our global communities and volunteers.

Our team worked to reflect that experience and Wikimedia’s nonprofit, volunteer-led model in our recommendations, which have been collected from the Foundation’s individual experts and then reviewed collegially as a team.

# 1. Avoid internet fragmentation

## Core Principles

An open, interoperable, resilient, and secure internet is essential for Wikimedia projects, which are hosted and run globally so that everyone, everywhere, can participate in the sum of all knowledge. For instance, Wikipedia is available in more than 300 languages, regardless of geographies, and Wikimedia volunteers can contribute to multiple language versions, no matter their location.

Laws intending to split the internet and/or create differences in access to the internet harm the projects and make it impossible to realize our vision.

The [2022 OHCHR report on internet shutdowns](#) highlights how the lack of internet access, especially during periods of conflict, is connected with human rights abuses, and the disruption of health and welfare systems. The 2021 UN Secretary General report [“Our Common Agenda”](#) indicates universal access to the internet as an enabler of human rights. Internet shutdowns, disruptions of service, and any means to create differences in internet access across regions are a direct violation of people’s human rights. Wikimedia volunteers work worldwide to create, share, and maintain trustworthy information concerning all human knowledge, and do so even in locations with limited internet access, such as war zones or remote rural areas. Internet fragmentation and shutdowns prevent their work on the Wikimedia projects and readers’ access to vital information. The information they can access and share is essential to form free

opinions, especially where access to said information is limited.

Avoiding internet fragmentation is paramount to ensure that the most vulnerable parts of the population, no matter the geographies, can more generally have access to vital information and participate in the sum of all knowledge.

Participation in sharing knowledge both with and from those most vulnerable is essential to Wikimedia projects, which is why it is vital to promote a diverse and equitable digital environment where technological innovation is at the service of the common good. Said digital environment makes it possible for Wikimedia volunteers to share knowledge from different perspectives and sources in different cultural and geographical areas, enabling minorities and historically-excluded voices not only to participate in the sum of all knowledge, but also to make content on Wikimedia projects more trustworthy and less biased by including local and community perspectives. A fragmented internet, on the contrary, risks increasing inequalities.

## Key Commitment/ Pledges/Actions

Legislation that fragments and splits the internet by imposing different standards and requirements in different geographies causes undue burden on global platforms like Wikipedia as well as on its volunteers. Because Wikimedia volunteers contribute content in various languages regardless of their locations, they cannot continue to access and share knowledge if the internet is fragmented.

- Governments, civil society, and private companies should prioritize a free, open, interoperable, reliable, and secure internet, and avoid any regulation or policy that can lead to a splinternet.

- Governments should take appropriate measures to ensure that digital innovation serves the common good, and to reduce risks of market concentration lowering people’s choices and opportunities to access the internet, its information, and services.

Everyone, everywhere can only participate in the sum of all knowledge if they have equal access to the internet, especially minorities and historically-excluded communities. If governments impose sanctions affecting internet services and activities, especially in conflict zones or areas where minorities reside, this can prevent these and other people from accessing Wikimedia projects and their content. Similarly, when people do not have equal access to the internet, this harms their ability to access and share information, which is essential for the exercise of their human rights.

- Governments should ensure that international sanctions do not prevent communities from accessing the internet.
- Governments should promote and provide affordable broadband services and extension of broadband services in remote or underserved communities.

The Foundation promotes the Wikimedia model and other examples of open, community-led, equitable information sharing. Unfortunately, these models are often not well-known to lawmakers. The result can be laws and regulations that inadvertently hinder the functioning of platforms like Wikipedia due to their focus on the top-down, centrally-directed model of large commercial platforms. Multi-stakeholder participation in technology policy regulation is essential to ensure that the diversity of models that exist on the internet are considered and supported by emerging legislation.

- Governments and international organizations should ensure that a wide variety of stakeholders are adequately involved in internet-related decision-making processes, especially civil society groups, and that these processes are grounded in transparency and accountability.

## 2. Protect data

### Core Principles

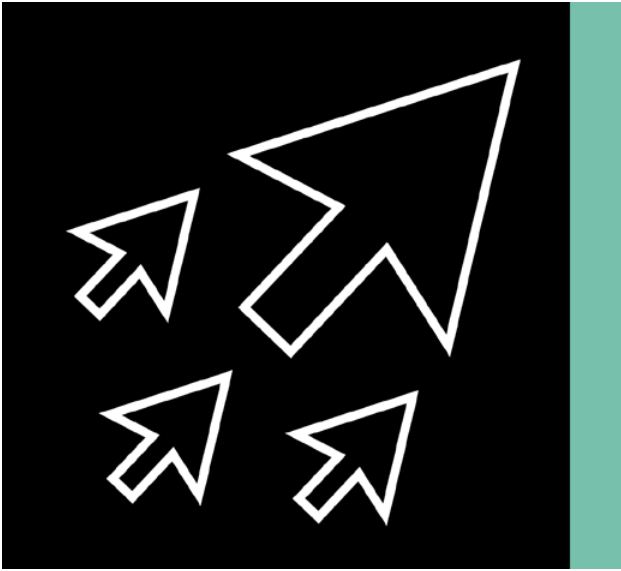
Privacy is a human right. Its unwarranted invasion not only interferes with the right to free expression and other human rights, but can also represent an existential risk for minorities and others who are disproportionately exposed to surveillance and other risks, including journalists, activists, dissidents, and marginalized persons whose governments seek to monitor and silence.

Wikimedia projects are edited by volunteers of every identity—social, religious, ethnical, and political, to name a few. They can often be members of at-risk categories, and their volunteer work can at times lead to political prosecution, incarceration, and even risks to their lives. To ensure their safety, it is essential that their identities are protected on the internet and that their privacy is respected.

Our goal is that everyone, everywhere, can participate in the sum of all knowledge, but people cannot engage freely in it if their activities are being tracked. Surveillance that fails to adhere to the “[necessary and proportionate](#)” principle is particularly damaging to human rights and has significant chilling effects on the exchange of free knowledge.

Collecting user data also presents a cybersecurity risk. There is no foolproof way of storing data. In case of a data breach, the personal data of Wikimedia





volunteers can be used by bad actors to persecute and endanger them. For this reason, the Foundation collects very little personal information about our users, and retains it for only a short time. The less data online platforms hold, the less attractive they are to hackers, hostile governments, and other bad actors that seek to access sensitive data and present an immediate and serious risk to their users—and, in the case of the Foundation, even the lives of Wikimedia volunteers. Due to our principled support for privacy, we also do not track people across the internet, display ads, or sell user data to anyone. In accordance with the [Human Rights Council Resolution on the promotion, protection and enjoyment of human rights on the Internet](#), which states that technical solutions to secure and protect the confidentiality of digital communications, including measures for encryption and anonymity, are important to ensure the enjoyment of all human rights offline and online, we advocate for data minimization as well as pseudonymization and aggregated or de-identified data, which also improve cybersecurity.

### Key Commitment/ Pledges/Actions

Only when everybody, everywhere can participate in the sum of all knowledge can it be free and open. However, for many Wikimedia volunteers, contributing to the projects can mean having to share information that contradicts government

claims, or that would expose them to unwanted attention. This is especially true for minorities and the most vulnerable parts of the population. For some volunteers, a data breach or doxxing can mean a threat to their freedom or even life.

- Governments, as well as private companies, should refrain from implementing surveillance policies, technologies, and services that violate human rights. Legislation providing for targeted surveillance should be complemented with robust data protection laws. Without adequate safeguards, people have no recourse to protect themselves from unauthorized surveillance, targeted criminal activities, or data breaches.
- Governments should ensure that surveillance laws adhere to “necessary and proportionate” principles, and should hence refrain from engaging in mass or blanket surveillance of communications online.
- Governments must ban the sale of private surveillance technology that has been used to surveil journalists and human rights activists until proper safeguards to protect human rights are in place, and there is adequate assurance that this technology will be used only for legitimate purposes.
- Governments should minimize the number of targets for surveillance, and should commit to notifying targets of surveillance that their communications have been collected once the purpose of the surveillance has concluded.
- Private companies should minimize the data they collect about their users to reduce the amount of data available for government surveillance.
- Private companies should not retain user data longer than necessary to achieve legitimate purposes, and should de-identify and/or delete data at regular intervals.



*Victorgrigas, CC BY-SA 4.0*

- Private companies should be transparent with users about the data they collect and when that data might be shared with other entities.
- Private companies should inform their users when their information has been shared with a government agency, unless they are legally prevented from doing so.

### 3. Apply human rights online

#### Core Principles

The internet is a key tool for facilitating freedom of expression, which empowers individuals to exercise many other rights, such as the rights to education, artistic expression, economic advancement, free thought, and political participation. Individuals everywhere, no matter national or subnational borders, have the right to access the internet freely in order to exercise their freedom of expression, including during times of conflict or disaster.

The Foundation's commitment to protect the Wikimedia volunteer community-

led governance model reflects the strong commitment to freedom of expression built into our projects. This commitment has helped make them reliable sources of knowledge for billions of people in pursuit of a better world. In many ways, the work that volunteers contribute to collective projects like Wikipedia can build the cooperation and understanding, as well as the social and technological skills, which are crucial to the efforts needed toward achieving the Sustainable Development Goals (SDGs).

In fact, the right to freedom of expression directly contributes to the achievement of the SDGs by enabling the basic coordination and communication necessary to effectuate any of these goals. Strong protections for this right and that of association create the conditions to form movements, share information, and build upon the advances of a global community.

Human rights principles require governments to refrain from infringing upon individuals' freedom of expression and right to privacy online. Strong technical and policy solutions by private sector entities and online platforms, including community-led platforms like Wikimedia projects, are necessary to protect their users' freedom of expression and privacy.

#### Key Commitment/ Pledges/Actions

Governments, international organizations, private sector entities (including technology companies), and online platforms are responsible for protecting human rights principles in online spaces. Human rights principles should be at the core of government policies, as well as all content moderation and privacy decisions made by private sector entities and online platforms.

- Governments should prioritize human rights principles in all laws, policies, and regulations affecting the internet.

- Governments should enact policies that prevent them from overreaching and requesting user data and/or content alterations as well as from engaging in censorship in ways that are inconsistent with human rights principles.
- Private sector entities and online platforms should make human rights commitments in alignment with the UN Guiding Principles on Business and Human Rights, and should enact strong technical and policy solutions to safeguard users' human rights online.
- Private sector entities and online platforms presented with government requests for user data and/or content alterations, or government-imposed censorship, should respond in a manner that upholds human rights principles in accordance with the UN Guiding Principles on Business and Human Rights.
- Private sector entities, including online platforms, should conduct due diligence to identify and mitigate human rights harms they cause, contribute to, or to which they are linked.
- Governments, private sector entities, and online platforms should engage constructively and in good faith with civil society, grassroots movements, academics, and individuals in order to promote accountability.
- Civil society, grassroots movements, academics, and individuals should hold governments, private sector entities, and online platforms that violate human rights principles online accountable.
- Governments as well as private companies should promote a human rights-based approach to the design, development, deployment, dissemination, evaluation, and regulation of digital technologies, including accountability of both governments and technological products and services.

## 4. Accountability for discrimination and misleading content

### Core Principles

Wikipedia is currently the largest resource for open and free knowledge in the world. It is one of the most consulted websites worldwide, and its data is also used by search engines like Google, virtual assistant technologies like Siri and Alexa, and machine learning algorithms for information and fact-checking purposes. This makes Wikipedia, and the other Wikimedia projects, targets of disinformation. Thanks to its community-led model, which includes thousands of volunteers worldwide, Wikipedia continues to provide free information that is sourced and vetted by its volunteers, [positively influencing the entire information ecosystem](#).

When addressing discrimination and misleading content online, governments, private companies, civil society organizations, and other stakeholders must make sure that legislative proposals do not end up hurting the right to freedom of expression as well as digital commons platform models like Wikipedia.

For example, laws seeking to fight disinformation by increasing platform liability for user-generated content pose a direct threat to Wikipedia's decentralized, community-led content moderation model, which as noted [provably works well in keeping disinformation and vandalism off widely-read and influential Wikipedia articles](#).

Copyright laws creating undue barriers to access to knowledge or requiring tracking of content production are a direct threat to the Wikimedia model. To establish a healthy information ecosystem, it is crucial to promote flexible copyright regimes



and open licenses that enable sharing factual, trustworthy information for non-commercial and public interest purposes. This is vital because online spaces are left open for disinformation when accurate information is unavailable to be shared for these purposes.

Wikipedia's content moderation principles do not allow original research: information must be based on sources that the volunteer community has deemed reliable. Hence, Wikipedia both contributes directly to the information ecosystem through its open model, and also relies on this ecosystem being healthy for its content. The quality of content in turn suffers if the ecosystem is not composed of a plurality of trustworthy and diverse media outlets. To ensure public access to reliable information, support for broad public access to independent media and research must be prioritized, especially local and community media.

### **Key Commitment/ Pledges/Actions**

The efforts of Wikimedia projects to develop more trustworthy content rely on the diversity of volunteers and their community-led content creation and moderation model, which emphasizes consensus and use of reliable sources.

Such content moderation, very different from that of large for-profit technology companies, requires time. To protect community-led, public interest, and non-commercial models, emerging legislation should allow adequate time for communities to collectively work on content. All stakeholders should ensure these online platforms and models are shielded by liability protections so they can operate and thrive.

Governments as well as private organizations and groups have coordinated and encouraged disinformation campaigns to disrupt or exert influence over Wikimedia editorial processes. These actions interfere with people's rights to access neutral, verifiable information, and to express themselves.

Coordinated disinformation is a particular threat to versions of Wikipedia in languages that are edited by relatively few volunteers, who need more time for edits and moderation. Volunteers—more so those who are minorities or come from at-risk categories—may face persecution for their efforts to confront governments' attempts to share misleading information, especially when Wikipedia becomes an online redoubt for unbiased information.

- Governments should forbid laws that use disinformation and propaganda as pretexts to promote their own particular points of views and curb political opposition. Hence, governments should not be the sole arbiters of what constitutes disinformation.
- Governments and international organizations should ensure multi-stakeholder monitoring of influence campaigns, focusing primarily on disinformation actions over misleading content.
- Proposed laws, including those seeking to address disinformation, should be subject to human rights impact assessments, and existing regulations and laws should be subject to periodic human rights review.

Wikimedia projects and the rest of the information ecosystem influence each other: providing and requiring reliable sources makes both for healthy encyclopedias and a healthy environment. Hence, healthy and diverse independent media, especially at the local and community level, are essential. Accordingly, regulation should support independent media, research, and all forms of independent and freely accessible information, especially when shared through open licenses.

## 5. Digital commons as a global public good

### Core Principles

Wikimedia projects' content, be it text, images, data, or other, is created and developed under a Creative Commons open license and is, by definition, part of the digital commons. Informational resources and technologies are open to all, and these are designed to be used by the same communities that have created them. Everyone, everywhere, can access, reuse and/or remix them with attribution, and participate in their development in order to advance toward the Foundation's goal of joining in the sum of all knowledge.

This vision and the openness of Wikimedia projects makes their resources and content a global public good. Everyone, not only the Wikimedia volunteer community, can use and develop them, as well as further develop the community-led policies that sustain them. Minorities and historically-excluded communities are especially encouraged to join in these efforts.

Digital commons such as Wikimedia projects are essential to provide wide access to accurate information, which in turn is fundamental for the development of the SDGs by supporting digital public goods that can be used by all.

As more services and information sources move online, having access to digital public squares and digital repositories of knowledge and memory is increasingly a prerequisite for participation in public life. The ability to access and share knowledge can create social good and promote social equity, but barriers to access often mirror and amplify existing inequities instead.

Consequently, we need a robust public information infrastructure that supports and safeguards global public goods, since gathering and sharing information helps fulfill the promise of the internet as a digital public good. Such an information

ecosystem requires not only investment in technical infrastructure to ensure easy and equitable access to public information, but also support for fields that produce and organize knowledge like journalism and academia. This support extends to legal structures and open and free licensing of many different types of information.

### Key Commitment/ Pledges/Actions

Digital commons such as Wikipedia and other Wikimedia projects should be supported because they are global public goods, and contribute to the development of the SDGs.

- Governments and international organizations should protect and support the right of communities to create and maintain online platforms dedicated to public information and other digital public goods.
- Governments and international organizations should work through multi-stakeholder processes to develop standards and definitions for what constitutes a digital public good, ensure the right to expression online is protected, and that people are not punished for accessing or sharing factual information.
- Governments should balance intellectual property rights interests with the right to information, and ensure the continued existence of a robust public domain.
- Governments and international organizations should invest in and promote the creation and distribution of content that is relevant to local and communities in a variety of languages.
- Governments and international organizations should support and invest in a variety of knowledge production and preservation organizations and institutions.
- Governments and international organizations should create policies that

promote digital inclusion and safety for historically-excluded and/or marginalized groups.

- Governments and international organizations should invest in online connectivity and critical digital and media literacy.

## 6. Liability Protections for Community-led Platforms

### Core Principles

Policymakers are seeking to impose increased liability on online platforms, holding them directly accountable for third-party hosted content. These legislative and regulatory efforts respond to very real online dangers: harassment, disinformation, and other harmful content. However, regulatory responses imposing liability on internet intermediaries inadvertently risk harming community-led models of information sharing and content moderation like Wikipedia.

The Foundation does not generally write, edit, or curate the articles on Wikipedia. Unlike large social media platforms, Wikimedia projects rely on a decentralized, volunteer-led content moderation model. The Foundation only complements community-led efforts by providing tools development, research, trust and safety support, and subject matter expertise.

The Wikimedia model, scalable and replicable, works on collaboratively-built trust. Most regulations aimed at curbing harms caused by the largest for-profit companies often fail to consider our model. Without intermediary liability protection, platform hosts including the Foundation would be forced to proactively monitor and preemptively delete content shared by volunteers in order to avoid endless lawsuits. Wikimedia projects could not exist as we know them: the volunteer community cannot set and enforce rules for content on the projects if the Foundation is held

legally responsible for every upload or edit it makes. The outcome prevents ensuring that all people, regardless of economic, geographic, or other privileges, access information equitably.

While large commercial platforms have content rules written by staff and enforced by content moderators employees, community-led platforms rely on volunteers to create and enforce rules for permissible content. Human interactions imply both advantages and complications, and require real-time communications. Some hosted content may be offensive, inaccurate or misleading, and/or illegal, since mistakes happen even when moderating content in good faith. And yet, the Wikimedia model is [reliable](#) and [resilient, reducing disinformation as well as content that is harmful and/or illegal](#).

Liability protections ensuring that platforms cannot be held legally responsible for user-generated content help support community-led content moderation models. They also allow platforms to give communities more control over content and encourage civic engagement when creating and developing collaborative information sharing projects.

### Key Commitment/ Pledges/Actions

- Governments should grant online platforms legal protection from liability for user-generated content in order to protect the right to freedom of expression and encourage public interest spaces on the internet.
- Governments should consider the chilling effects that platform liability has on free expression, and the ways in which incentivizing platform censorship will harm human rights globally by decreasing the ability of marginalized groups to have their voices heard.
- Governments should explicitly recognize different types of business models, content moderation models, userbases, and goals

when determining a given platform's exposure to liability for user-generated content.

- Governments should not attach criminal liabilities for compliance officers, since fear of false prosecution and/or arrests can incentivize platforms to engage in excessive censorship.
- Governments should not mandate the use of AI or automated tools for screening content. Very few platforms can afford deploying such technologies and, as a consequence, such a request would stifle innovation and create a barrier to entrance for start-ups and smaller organizations. Additionally, these tools can produce a number of false positives and negatives, which also casts chilling effects on free speech.
- Governments should not require content takedowns by platforms. Instead, governments should consider notice-and-action regimes that require platforms to review potentially harmful content and decide whether to take some form of action with respect to that content, especially allowing and promoting the use of community processes.

## 7. Copyright

### Core Principles

Copyright law establishes who can access, interact with, and use creative and cultural works. Hence, copyright regimes must properly balance the interests of the human rights to free expression and to education with the enforcement of intellectual property rights of private companies and individuals.

Many copyright laws often provide intermediary liability protections on a notice and takedown basis. This regime can be abused to suppress speech, particularly where the volume of copyright notices or legal context rely on automatic removals based on flawed algorithmic

identification. Even if content is restored after an incorrect removal, the initial suppression can limit its reach, impacting free expression at scale.

Copyright law should explicitly encourage free expression, and facilitate cultural participation and access to the benefits of knowledge and scientific progress. The public interest of knowledge and information protected by intellectual property rights should also be considered: suspensions and exceptions to copyright might further vital research, allow access to medicines and health technologies, or enable public and private institutions to increase the resilience of cultural heritage to natural and social disasters.

Content on Wikimedia projects is created, accessed, remixed, reused, and shared under a Creative Commons free culture license so that everyone, everywhere, can freely access, modify, and reuse it with attribution.

Copyright laws creating undue barriers to access to knowledge or requiring tracking of content production threaten the Wikimedia model, and other similar nonprofit, content creation and sharing models. Flexible copyright regimes and open licenses protect public interest platforms, and enable open sharing of factual, trustworthy information, which leads to a healthier information ecosystem.

- Governments should refrain from requiring that platforms decide whether hosted content subject to a copyright holder complaint infringes their rights. It is expected and desirable that only independent judicial authorities, not private sector entities, have the power to determine copyright infringement.
- Online copyright enforcement mechanisms required for platforms should not interfere unduly with free speech. Such mechanisms should adopt an educational and awareness-raising approach, rather than a retaliatory one requiring the



removal or blocking of content through an expedited, extrajudicial process initiated by a copyright holder.

### Key Commitment/ Pledges/Actions

- Governments, as well as international organizations, should promote the development of human rights-respecting copyright regimes.
- Governments should refrain from imposing copyright obligations on private sector entities to implement content filtering mechanisms.
- Governments should adopt international instruments that recognize and reinforce the public interest in copyright, including steps to ensure that copyright limitations, durations, and exceptions serve to strengthen access to knowledge across borders.
- Governments should support open access to all publicly funded educational, artistic, literary, and scientific knowledge. Governments should also consider that the public interest might, upon occasion, require the suspension of the intellectual property rights, say, that of vaccines, medicines, and other new technologies when faced with a pandemic. Similarly, the public interest might require research exceptions to copyright in order to increase the capacity to undertake further vital research and, thereby, better serve the public.
- Governments should support copyright limitations and exceptions that allow archives, libraries, and museums to fulfill their public interest missions and that allow teachers and students to use copyrighted materials for teaching and learning purposes. Flexible copyrights regimes allow that anyone, regardless of their background or resources, can learn, carry out, and benefit from research and innovation, and also access and enjoy knowledge and culture, even across borders, which greatly improves the resilience of culture and heritage during or after moments of crises such as fires, wars, floods, and other natural or social and political disasters.
- Governments should support making any content that has been significantly funded with public money freely available to the public. This includes educational content from public broadcasters, data collected and analyzed by government bodies, and publicly commissioned studies.

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