WIKIMEDIA FOUNDATION

Submission to UN Special Rapporteur on Freedom of Opinion and Expression Ms. Irene Kahn: Input for the thematic report on Freedom of Opinion and Expression and Sustainable Development - Why Voice Matters

Wikimedia Foundation

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Executive Summary

Wikipedia—the world's largest free online encyclopedia—and other free knowledge projects hosted by the Wikimedia Foundation provide platforms through which everyone, everywhere, has the opportunity to share and access well-sourced and fact-based knowledge freely. These projects can play a significant role in advancing freedom of expression and, in turn, the aims of all of the Sustainable Development Goals (SDGs), including those related to education, inclusion, equity, equality, and non-discrimination. Challenges remain, however, to ensure that these opportunities are fully realized.

This submission describes government actions and individual behaviors that can be detrimental to freedom of expression online, and the disproportionate effect that these can have on historically marginalized or underrepresented groups. We continue by describing activities that the Foundation is undertaking to uphold human rights and also to address known gaps and biases in knowledge and representation on Wikimedia projects. Finally, we provide examples of how legislation can both support and hinder our mission to make free knowledge available.

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 Wikimedia Foundation. This unique 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.

Introduction

The Foundation welcomes the opportunity to submit input for this report to the Human Rights Council on "Freedom of Opinion and Expression and Sustainable Development - Why Voice Matters."

The Foundation believes access to knowledge is a human right. Free knowledge, along with the fundamental right to freedom of expression, empowers people to exercise many other rights, including the rights to education, artistic expression, economic advancement, and civic and political participation. Individuals who contribute to Wikimedia projects provide an accurate record of current events, counter misinformation and disinformation, and give voice and visibility to marginalized and vulnerable communities, thus serving as stewards of knowledge and defenders of freedom of expression.

The Foundation offers the following responses to questions listed in this call for submissions.

1. **In your view, how does the right to freedom of opinion and expression contribute to the achievement of the SDGs? Please provide examples, where possible, with concrete data relating to impact. Please also mention relevant laws, policies and other measures.**

The right to freedom of expression contributes to the achievement of the SDGs by enabling the basic coordination and communication necessary to effectuate any of these goals. Strong protections for free expression create the conditions for movements to form, information to be shared, and advances to be built upon by a global community.

The Foundation's defense of the volunteer community's governance model reflects the strong commitment to freedom of expression that is built into our projects, and has helped make them reliable sources of knowledge for millions of people in pursuit of a better world. In many ways, work on collective projects like Wikipedia can help encourage the cooperation and understanding, as well as the social and technological skills, that are crucial to the work needed toward achieving the SDGs.

2. **Are there restrictions or other challenges to freedom of expression or access to information that affect the delivery of public services and achievement of economic, social and cultural rights in your country? Which groups of people are most affected by these restrictions and in what ways? What measures would you recommend to address their problems?**

While access and contribution to Wikimedia projects is designed to be free and open to everyone, the projects and the volunteer community face a variety of threats from governments, private organizations or groups, and individuals. These include barriers to participation that impact or target the content as well as the people on Wikimedia projects.

Some examples of barriers that target content are:

- **Takedown Requests:** Requests to take down or alter content threaten free expression on Wikimedia projects, particularly when these come from governments. The Foundation interferes as little as possible with the content created and maintained by volunteers—a practice that is [enabled in some countries](#) by strong intermediary liability protections, which shield platforms from liability for content added by users. In areas without these types of protections, however, governments have greater latitude to enforce laws requiring platforms to exercise greater editorial control over user-generated content, chilling speech and concentrating power in a few powerful people. This impact is compounded when laws banning specific types of content violate international human rights standards, especially when seeking to remove information about particular marginalized groups or political conflicts.

- **Censorship and Blocking Internet Access**: Some governments have even blocked access to Wikimedia projects due to disputes over content removal orders. From 2017–2020 Wikipedia was [blocked in Turkey](#), depriving an entire country of up-to-date, accurate information on a multitude of topics and depriving the world of Turkey's informational and cultural contributions to Wikipedia. We have seen similar blocks in other countries, most recently in [Pakistan](#). These instances hold entire nations' access to information at bay over disputes related to only a few articles. That is why it is

important for the international community to denounce all governments attempting to censor accurate information online over content disputes.

- **Organized Disinformation Campaigns by Governments:** Governments as well as private organizations and groups may coordinate or encourage deliberate disinformation campaigns to disrupt or exert influence over Wikipedia's volunteer editorial processes. These campaigns interfere with individuals' freedom of expression, who are seeking neutral, verifiable information online, by deliberately and systematically spreading false or misleading information about specific topics, or to discredit the reliability of the projects or Foundation itself. On versions of Wikipedia that have few active editors in a particular language, corrections can take longer, and organized campaigns can suppress the free expression of those editors working to build an accurate encyclopedia.

- **Restrictive Copyright Laws:** Copyright laws must properly balance the interests of free expression with the enforcement of individuals' intellectual property rights. Because many copyright laws typically provide intermediary liability protections on a notice and takedown basis, this infrastructure can be abused to suppress speech, particularly in contexts where the volume of copyright notices or legal context rely on automatic removals based on flawed algorithmic identification techniques. Often, even if content is restored after an incorrect removal, the initial suppression will limit its reach, something which can have repercussions on free expression at scale.

Some examples of barriers that target people, seeking to suppress their participation, are:

- **User Information Requests**: The Foundation regularly receives requests, covered in our [Transparency Reports](), from governments or individuals for information about users who have created, edited, or accessed specific content. We believe it is essential to protect our users' right to privacy in order to enable their right to free expression. To do so, we limit the amount of information that we collect and store about our users in the first place, and employ a [careful consideration process]() before granting any data requests.

- **Government Surveillance**: Governments possess immense resources that can be deployed to surveil the activity of those who access or contribute to Wikimedia projects. While some surveillance may be necessary for law enforcement or national security purposes, these practices must be in line with human rights law, must be narrowly tailored, and subject to oversight. However, surveillance of users' online activity remains common in some jurisdictions, especially in countries with restricted internet freedoms or by authoritarian governments, where some topics are considered

politically sensitive or taboo. Such surveillance violates users' right to privacy and can have a chilling effect on the exercise of freedom of expression online.

- **Volunteer Persecution**: Members of the Wikimedia community may experience intimidation, harassment, legal threats, and threats of persecution and violence by governments or other actors, who find their participation in or contributions to the projects to be threatening. Consequently, legitimate concerns for their safety and fear of reprisal have led volunteers to self-censor or to stop participating in the projects altogether. These threats stifle freedom of expression by creating a climate where self-censorship takes root, and specific communities or viewpoints are excluded.

3. What factors affect the right to expression and information of women and girls, indigenous peoples and other poor and marginalized communities and their access to information and communications technology in your country? What legal, policy or other measures has the government taken to overcome these problems? How effective are these measures and what improvements would you recommend?

Negative online environments can impact participation and expression online, particularly from those in marginalized or vulnerable communities. The Foundation's 2020 [human rights impact assessment](), conducted by Article One Advisors, notes a growing understanding that minority and vulnerable communities experience the majority of harassment online. These challenges in community spaces—i.e., harassment, discrimination, violent speech, and unwelcoming spaces—disproportionately affect women and underrepresented communities online, exacerbate existing systemic barriers to accessing the internet, and can prove detrimental for their safety, visibility, and full enjoyment of their rights.

Examples of some of the conditions that contribute to and result from decreased online participation by marginalized or vulnerable groups follow.

- **Harassment:** Research by the Foundation and Jigsaw [reveals]() that women and people with "other genders" reported higher rates than men in 10 out of 11 forms of harassment on Wikimedia projects, which include name calling, trolling, doxxing, threats of violence and discrimination. It also found that more than half of the people surveyed who reported experiencing harassment on a project decreased their participation to some degree. The Foundation's research [shows]() that only 15% of contributors to English Wikipedia identified as "women," underscoring a general underrepresentation not just among women, but among marginalized communities more broadly. In fact, racial, ethnic, and linguistic minorities face similar challenges to participating in Wikimedia projects and benefiting from free knowledge that those of

marginalized genders do. These risks are heightened when these behaviors are directed at children, particularly girls, and the Foundation is presently conducting a child rights impact assessment to better understand these risks and their prevalence.

- **Knowledge Gaps**: The retreat of marginalized contributors from unfriendly communities has resulted in measurable racial and linguistic knowledge gaps that threaten to entrench existing inequities. The Schomburg Center for Research in Black Culture [observed] a gap among people of color in the United States as contributors and as topics of articles on Wikipedia alike, a trend that is larger internationally. Our human rights impact assessment [notes] similar concerns around participation and representation gaps among other ethnic minority groups. The report notes that only 500 of the world's 7000+ languages are represented online, and that English and Chinese dominate. The predominance of certain languages online perpetuates the structural inequities that prevent many underrepresented groups from full participation in online spaces and, thus, full enjoyment of their freedom of expression.

Online platforms, in partnership with governments and civil society, have a responsibility to try to overcome these challenges. Platform hosts must take concrete steps to minimize the harms caused by harassment, discrimination, and violent speech. We have included our interventions on these issues in our responses to **Question 4**.

4. What have digital companies done to promote safe and uninterrupted online access to timely and pluralistic information and communications of women and poor and marginalized communities? How can information and communication technology companies better engage with governments and communities to promote sustainable development?

In 2021, the Foundation adopted its first [Human Rights Policy] in order to reaffirm its commitment to upholding the human rights of all those who interact with Wikimedia projects. Among other responsibilities, this policy commits the Foundation to carry out human rights due diligence and proactively identify, analyze, and mitigate potential human rights harms the projects may cause, contribute to, or be linked to. Since the policy's adoption, the Foundation has worked to counter many of these external threats by:

- **Completing a Human Rights Impact Assessment** for a proposed technical project, and consulting experienced volunteers to better understand the human rights opportunities and risks of a new tool before the Foundation makes a decision on its release;

- **Initiating a Child Rights Impact Assessment**, and consulting experienced volunteers to identify and analyze human rights risks to minors using Wikipedia projects to help, so

we can better reduce them and make the projects a safer environment for minors;

- **Developing a Human Rights Due Diligence Framework** to guide when and how the Foundation will carry out human rights due diligence in a cohesive and systematic way, which also takes into account our limited resources.

The Foundation has also worked actively to counter gaps and biases in knowledge and representation in Wikimedia projects that can result from the systemic sociocultural barriers and instances of harassment. This work contributes to more knowledge becoming available to more people globally, thereby advancing the rights and development of historically marginalized and underrepresented groups. The Foundation has carried out this work by:

- **Uncovering and Filling Knowledge Gaps:** The Foundation has a set of [research initiatives](#) to study and address knowledge gaps, which include the [Knowledge Gaps Index](#), a tool to measure and track our progress toward knowledge equity. We also provide [grant funding](#) to support volunteer communities in growing content to preserve local languages under threat, address gaps in representation, and establish spaces of cultural memory and heritage.

- **Fostering a Welcoming Culture and Engaging Newcomers:** The Foundation works hand in hand with volunteers to ensure those in underrepresented groups feel welcomed and safe in contributing to Wikimedia projects. This includes a first-of-its-kind [Universal Code of Conduct (UCoC)](#) for the projects, [new features](#) to help newcomers overcome technical, conceptual, and cultural challenges to editing, and a [content translation tool](#) that simplifies translating articles.

5. What laws, policies and practices exist in your country to facilitate public participation and access to information and data relating to sustainable development?

In the United States, where the Foundation is headquartered and subject to jurisdiction, there are numerous laws facilitating participation in free and open knowledge projects. Many of these, however, have been under threat of revision as the government attempts to crack down on large online platform abuses. The Foundation advocates for privacy, open and flexible copyright, free expression, and laws that allow people to freely contribute content to our projects. Examples include:

- **Copyright**: Section 512 of the US Copyright Act establishes a notice and takedown regime balancing copyright enforcement rights with legitimate speech interests, and mitigating platforms' need to proactively monitor for copyright violations. Recently, some legislative proposals have attempted to upset this balance by giving intellectual

property owners greater enforcement powers, and requiring specific technical measures to ensure content remains off platforms. By allowing abuse of enforcement systems to suppress disfavored speech, these shifts in balance threaten to chill speech on informational platforms like Wikipedia—whose content is either in the public domain, freely licensed, or excepted from copyright (i.e., fair use).

- **Liability Protections**: As mentioned above, intermediary liability protections for platforms are essential to enabling community governance, editing, and content moderation models by protecting platforms from liability for content uploaded by contributors. Section 230 of the Communications Decency Act establishes these protections in the US, but it has been increasingly under threat of amendment or repeal as lawmakers seek to address harms or alleged bias occurring on large platforms. However, without intermediary liability protections for third-party content, platforms will be forced to exercise a heavier editorial touch on content, creating conditions that are unsuited to equitable access to information.

- **Surveillance**: Mass surveillance robs audiences and contributors of privacy, safety, and freedom—especially people in vulnerable and disadvantaged communities. Participation online is restricted when people are afraid their communications are being surveilled, a phenomenon [demonstrated](#) on Wikipedia in the wake of revelations about the US government's mass surveillance activities in 2013. In 2023, the program that authorizes these activities—i.e., Section 702 of the Foreign Intelligence Surveillance Act—is to be reauthorized, which presents an opportunity to limit the scope of this program to better protect free expression.

- **Disinformation**: Disinformation is a danger to democratic processes and human rights around the world, but the wrong policy response to disinformation can threaten freedom of expression. The Foundation and volunteers work to tackle disinformation on Wikimedia projects, and encourage governments to adopt policies that are lawful, necessary and proportionate to address this challenge while protecting freedom of expression.

The Wikimedia Foundation appreciates the opportunity to submit our comments for your consideration and welcomes further discussions and sustained collaboration on issues of free expression as well as access to knowledge.