

**Using Care Ethics to Analyze the Morality of Facebook's Actions in Myanmar**

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By

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On my honor as a University student, I have neither given nor received unauthorized aid on this assignment as defined by the Honor Guidelines for Thesis-Related Assignments.

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## **Introduction**

According to a 2018 United Nations report, Myanmar's military has committed serious human rights violations against the Muslim Rohingya minority group, with some violations amounting to the gravest crimes under international law. The report goes on to directly implicate Facebook as an effective tool for the spread of propaganda and hate-speech against this minority group, and states that the company's response has been slow and ineffective even after multiple warnings and examples of the platform being misused. Academics have linked online hate-speech and fake news with offline violence and have predominantly focused on the legality of Facebook's action, or lack thereof, regarding these hate-speech violations, and how it could be prosecuted under international law. This approach to analyzing Facebook's actions, although necessary, fails to consider the moral responsibility that Facebook has to its Myanmar users. If we neglect the moral dimensions and focus solely on the legality of Facebook's actions, we risk underplaying the role international moral guidelines play in holding internet and social media companies accountable. To neglect this dimension is to risk future perpetuation and exacerbation of human rights violations. Using the care ethics framework, I will demonstrate that Facebook owed a duty of care to its Myanmar users and will argue that the company's failure to provide integrity of care was an act of immoral negligence. To do this, I will divide my analysis into three sections to answer three predominant questions: Did Facebook owe a duty of care to its Myanmar users? Did Facebook appropriately recognize its responsibilities to Myanmar users? And lastly, were Facebook's actions adequate and implemented within a reasonable timeline?

## **Background**

On August 27, 2018, the United Nations released a report describing atrocities committed by the Myanmar military against the Muslim Rohingya population occurring in 2016 and 2017. The report alleged that the military carried out mass murders and gang rapes against the Rohingya minority group with “genocidal intent,” and called for generals to be punished for human rights atrocities (Newton, 2018). The report also described a systematic “ethnic cleansing” over multiple years which resulted, at the time of the report, in more than 700,000 Rohingya people fleeing the country over the course of a single year (Mozur, 2018). Amidst these reports of human right violations, Facebook was directly implicated as a “useful instrument for those seeking to spread hate, in a context where for most users Facebook *is* the internet” (Newton, 2018). The report went on to call Facebook’s response “slow and ineffective” (Newton, 2018).

## **Literature Review**

The situation in Myanmar is a very complex and multifaceted issue, and a multitude of reports and scholarly papers can be found on many different aspects of the current state of affairs. Some scholars, such as Silvia Venier, have written extensive pieces on Facebook’s direct and indirect involvement in Myanmar. The piece explained in detail how the company had a responsibility to the Myanmar citizens and under which international laws this corporation could be held accountable and be made to take action. While Facebook’s infamous involvement in Myanmar seems inconceivable, as author Andrade points out, this is not an isolated event. In his piece “*Paving the way for regulation: how the case against Facebook stacked up*”, he investigates Facebook’s scandals and fraudulent activity on a global scale in order to unveil a

pattern that, according to him, should be heavily regulated by liberal democracies to prevent further damage.

In her essay, Silvia Venier specifically analyzes Facebook's impact on Myanmar's persecution of the Rohingya minority and how the company's actions, or lack thereof, could be prosecuted and punished under international law. More specifically, she points out that certain articles in the Rome Statute could be interpreted and used in an international court to justify charges against the technology company. The essay seeks to answer the question "whether the fact that a social media platform facilitated the commission of internationally recognized crimes and that social media operators did not take any action to mitigate these risks... is enough to engage international criminal responsibility" (Venier, 2019). Moreover, the essay not only analyzes matters of corporate culpability but also responsibility. Within her piece, Venier makes the case that if Facebook had followed the 2011 UN Guiding Principles on Businesses and Human Rights, the platform "would not have been so extensively used to demonize the Rohingya and to incite the commission of what appears to be genocidal or criminal acts" (Venier, 2019).

While Venier's piece focused specifically on the impact Facebook had on Myanmar and the Rohingya crisis, Diogo Queiroz Andrade analyzes Facebook's impact on democracy around the world. Andrade makes the case that while, during its inception, social media platforms such as Facebook had very powerful and positive effects on cultures and societies around the world (for example the so-called *Arab Spring*), more recently social media has become a "threat to democracy and open society" (Queiroz Andrade, 2019). The essay points out a recurring pattern in many different countries such as Myanmar, Sri Lanka, South Sudan, Ukraine, India,

Philippines and Brazil where Facebook has been directly involved or implemented as a tool for hate speech and persecution, with many of these cases ending in violent acts. Even more concerning is that even though Facebook executives were aware of these cases, “None of these reports led to a change in policy from Facebook. If anything, it led to a wider problem, with disinformation techniques spreading to other platforms” (Queiroz Andrade, 2019). Although the E.U. and U.S. have made recent progress in implementing regulations, the root of the problem is the social media’s entire business model (targeted advertising), which is why it is so difficult to control unless strict regulations are put in place. “The challenges that such a powerful social network poses to democracy is that Facebook can’t correct its mishaps because they are ingrained in its own DNA. In short, the problem with Facebook is Facebook itself” (Queiroz Andrade, 2019).

While the previous pieces have focused on Facebook’s accountability through a legal lense, my essay will provide a new perspective of accountability through an ethical framework. Using a care ethics framework, I will analyze Facebook’s implementation of their platform in Myanmar and their response to the unfolding crisis, and conclude whether Facebook provided the necessary care for all Myanmar citizens.

### **Conceptual Framework**

The morality of Facebook, how the company implemented the platform, and how it reacted once the platform started being used as a tool for propaganda, hate speech and persecution, can be analyzed using the theory of care ethics. Instead of basing morality on abstract principles, care ethics bases morality on the act of caring and how well this care is provided (Pantazidou & Nair, 2013). Care ethics states that morality does not stem from moral

principles or a set of universal rules, but instead from relationships and the obligations and responsibilities that come with these different relationships (van de Poel & Royakkers, 2011a). In this framework, moral problems are in terms of responsibility to an individual and the group, and the solution lies in maintaining, nourishing and/or protecting the relationship between the individuals (van de Poel & Royakkers, 2011a). These connections of mutual responsibilities and care, even if the level of responsibilities is asymmetrical (such as a parent and child), are the basis of Care Ethics. When applied to engineering, Care Ethics dictates that engineers and companies owe a duty of care to stakeholders, including users.

Drawing from Toronto's piece on *Care Ethics*, Joshua Kardon defines five elements of care:

1. Attentiveness: caring about; noticing the need to care, or recognizing the need of others;
2. Responsibility: taking care; having more than an obligation, but a responsibility arising in part from one's position or knowledge;
3. Competency: caregiving; having the ability to carry out the caring act effectively and correctly;
4. Responsiveness: care receiving; being receptive to care, being aware of the care receiver's perceptions; and
5. Integrity: acknowledging the interrelationship of the above four elements (Kardon, 2005).

When applying Integrity, Kardon further defines "Care rests on judgments that extend far beyond personal awareness and require an assessment of needs in a social and political, as well as personal, context" (Kardon, 2005). Kardon goes on to explain that the first four elements are the pillars of integrity of care and that actions that fail to meet or provide any of these elements

constitute a failure of integrity, making said action immoral. Figure 1, an illustration of this concept, can be found on the appendix of this piece.

For my analysis, I will examine the morality of Facebook's actions by answering three questions pertaining to the first three elements of Care Ethics: Did Facebook owe a duty of care to its Myanmar users? (Responsibility) Did Facebook appropriately recognize its responsibilities to Myanmar users? (Attentiveness) And lastly, were Facebook's actions adequate and implemented in a timely manner? (Competence). If both responsibility and knowledge of this responsibility can be established, then it is possible to determine whether the steps taken by Facebook and the timeline with which these steps were implemented were appropriate and encompass integrity of care.

## **Analysis**

### *Did Facebook owe a duty of care to its Myanmar users? (Responsibility)*

In this section I will demonstrate why Facebook did have a duty of care to its Myanmar users. I will do so by examining the position the company held and the impact it had on Myanmar society since the time it was first introduced.

Prior to 2013, Myanmar's telecommunications sectors had been heavily regulated by the military controlled government, which allowed only state-owned phone companies to exist in the country. These regulations meant that in 2012 approximately 1% of the population had Internet access. After the deregulation of the telecommunication sector in 2013, competition between local and foreign companies quickly began dropping the price of SIM cards and data plans to much more accessible figures (Stecklow, 2018). In 2018, the number of connected users jumped from just over 5 million users to nearly 20 million, with the majority accessing the Internet

through mobile phones (BSR, 2018). One mobile application in particular gained vast popularity in Myanmar: Facebook.

By 2018, Facebook had a monopoly on the social media industry, with a report from Business for Social Responsibility (BSR) stating: “There are equal numbers of internet users and Facebook users in Myanmar” (BSR, 2018). However, Facebook’s popularity did not happen by chance. They quickly overtook its competitors thanks to a deal between Facebook and Myanmar’s state telecommunications provider, which allowed cellphone users to access the website without cost to their data plan (Fink, 2018). Facebook was so popular, in fact, that the application often came preinstalled in mobile phones. Myanmar’s state-run editorial, *New Light of Myanmar*, stated in 2013 that in Myanmar, “a person without a Facebook identity is like a person without a home address” (McLaughlin, 2018).

In Myanmar, Facebook has become synonymous with the internet, the place where most users get all of their information and news. Even the government utilizes Facebook to make major state announcements such as the resignation of the nation’s president in March of 2018 (Stecklow, 2018). As the primary outlet and distributor of news and information, Facebook had a responsibility to actively monitor and take action when content posted in its platform violated its terms of services. This duty of care is even more apparent when taking into consideration the lack of digital literacy of most Myanmar users<sup>1</sup>. Facebook was and remains responsible for all the content in its platform, especially in light of its clear position of power having massive influence in the information and news industry within Myanmar. Given Facebook’s

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<sup>1</sup> Refer to the BSR report for an examination of Myanmar’s digital literacy.



responsibility the question then becomes: Did Facebook appropriately recognize its responsibilities to Myanmar users?

*Did Facebook appropriately recognize its responsibilities to Myanmar users?*

*(Attentiveness)*

I will analyze the issue of attentiveness and demonstrate how Facebook willingly ignored their responsibility of care to its Myanmar users. While a lack of awareness regarding the responsibility a company harbors for its users is immoral in its own right, should the company be aware of its duty of care, the morality of their actions and response time can be appraised more concretely.

In 2013, as the new quasi-civilian government started to roll back restrictions and censorship laws on the telecommunications sector<sup>2</sup>, the number of internet users in Myanmar quickly started to rise. Amidst these new regulations, the Human Rights Watch released a report titled *Reforming Telecommunications in Burma: Human Rights and Responsible Investment in Mobile and the Internet*. Detailed in this report are the law and policy changes, as well as outlined steps on how companies attempting to enter the mobile and internet market in Myanmar can do so responsibly, promoting and advocating for human right protections for Myanmar users. The report warned “Companies entering Burma face a significant risk of contributing to abuses, particularly in sectors, such as telecommunications and the Internet, that have been linked with past abuses and where rights-based reforms to date have been inadequate” (Human Rights Watch, 2013).

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<sup>2</sup> Refer to Human Rights Watch report: *Reforming Telecommunications in Bruma* for more information of censorship and telecommunication reforms in Myanmar

This was one of the first and most prominent warnings to companies such as Facebook of the responsibilities that introducing their products and services in Myanmar would constitute. Suggesting that Facebook did not see this report as a defense would, at best, demonstrate corporate incompetence and, at worst, woeful negligence. However, this would not be its last or only warning.

In July of 2014, riots erupted in the city of Mandalay after a false story claiming that a Muslim man had raped a Buddhist woman spread online, predominately through Facebook. The Myanmar government attempted to contact Facebook in order to take the post down and prevent further escalations, but after their communications attempts were unanswered, the government was forced to briefly block access to the site (Stecklow, 2018). Only after the site went down, Facebook officials contacted the intermediary individual between the Myanmar government and the company, expressing concern over the platform being unreachable (McLaughlin, 2018). The momentary shut down of Facebook diffused the riots, but by that time the riots claimed the lives of two men and injured around twenty others (McLaughlin, 2018). This is just one example of the multiple violent riots that have flared up between Muslim minorities and Buddhists since the Rakhine state crises in 2012<sup>3</sup>, where Facebook was used to incite offline violence.

Before even entering Myanmar, Facebook should have been aware of the responsibility it owed to its Myanmar users. Facebook had multiple warning signs from a multitude of individuals, organizations, and even the government of Myanmar itself. Having been informed about the violence incited through the platform and criticality of the situation, Facebook ought to have recognized the need of care they owed to its Myanmar users. Now that a duty of care and

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<sup>3</sup>Refer to *The Dark Side of Transition: Violence Against Muslims in Myanmar* for information on the Rakhine clashes and the spread of violence following the incident.  
<https://www.crisisgroup.org/asia/south-east-asia/myanmar/dark-side-transition-violence-against-muslims-myanmar>

knowledge of this duty of care have been established, what follows is an analysis of Facebook's actions to the Myanmar crises based on competency.

*Were Facebook's actions adequate and implemented in a timely manner? (Competency)*

Now that a duty of care and knowledge of this duty have been identified, Facebook's competency can be appropriately analysed. In the following section, specific actions by Facebook will be scrutinized to demonstrate their failure to provide competent care as defined by Kardon: "having the ability to carry out the caring act effectively and correctly" (Kardon, 2005).

In September 2018, a Fact-Finding Mission (FFM) commission by the Human Rights Council released a report examining the situation in Myanmar from 2011 to the time of release. In its report the FFM states that it "established consistent patterns of serious human rights violations... in addition to serious violations of international humanitarian law" (UNHRCOHC, 2018). The report goes on to say "many violations amount to the gravest crimes under international law" and it directly implicates Facebook asserting:

The role of social media is significant. Facebook has been a useful instrument for those seeking to spread hate, in a context where, for most users, Facebook is the Internet. Although improved in recent months, the response of Facebook has been slow and ineffective. (UNHRCOHC, 2018)

The FFM's report specifically criticized Facebook's failure to monitor and repress hate speech. The report speaks of Facebook's response as the collection of action up until the time the report was written, and describes them as "slow and ineffective." This description implies that in general, Facebook's actions were incompetent, constituting a failure in integrity of care and

therefore, makes Facebook's actions immoral. In the following segment, I will analyse a specific example to provide context as to why the response has been "slow and ineffective."

In an interview with Vox in 2018, Mark Zuckerberg used an example of Facebook stopping an incitement of violence in its messenger application in an attempt to show Facebook's progress in monitoring and addressing hate speech/violence in its platforms in Myanmar. While Zuckerberg might have seen this as a positive example, representatives of Myanmar Civil Society Organizations had a different view. In an open letter to Mark Zuckerberg<sup>4</sup>, representatives of Myanmar Civil Society Organization (MCSO) wrote that "the messages (pictured and translated below)<sup>5</sup> were clear examples of your tools being used to incite real harm. Far from being stopped, they spread in an unprecedented way, reaching country-wide and causing widespread fear and at least three violent incidents in the process" (Myanmar Civil Society Organizations, 2018). Furthermore, the open letter lambasted Zuckerberg's attempt to take credit for diffusing the situation, stating that Facebook has an over-reliance on third parties, lacks proper mechanisms for emergency escalation, demonstrates a reticence to engage local stakeholders around systematic solutions, and a lack of transparency. The letter proceeds to indicate that "Seven months after the case mentioned, we have yet to hear from Facebook on the details of what happened and what measures your team has taken to better respond to such cases in the future" (Myanmar Civil Society Organizations, 2018). As described by the U.N. FFM, Facebook takes an unacceptably long time to address issues associated with its platform and, in most cases, the steps it did take did not fully rectify the problem at hand. This example

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<sup>4</sup> Full letter available in the following link:

<https://assets.documentcloud.org/documents/4432469/Myanmar-Open-Letter-to-Mark-Zuckerberg.pdf>

<sup>5</sup> Figure 2 on the Appendix shows the message called to question and Figure 3 shows a timeline of Facebook's response.

demonstrates how Facebook implemented small reactive fixes instead of taking sweeping proactive and preventive actions to reduce further damage. Reactive fixes implies that a problem has to occur in order for a response to take place and the response only addresses that specific problem instead of the root cause. This makes them slow and ineffective. This is emphasized in a subsequent email exchange between Zuckerberg and representatives of Myanmar Civil Society Organizations<sup>6</sup> in which MCSO representatives responded to Zuckerberg's attempts to clarify his remarks:

This doesn't change our core belief that your proposed improvements are nowhere near enough to ensure that Myanmar users are provided with the same standards of care as users in the US or Europe...When things go wrong in Myanmar, the consequences can be really serious – potentially disastrous.

(Russell, 2018)

Even now, after the violent incidents in 2015 and 2017, Facebook is still playing catch up rather than looking ahead. As of 2018, Facebook does not have any employees or an office in Myanmar. Instead, it outsources hate speech monitoring in their platform to a third party, which reportedly hired its first two Burmese speakers in 2015 and had (as of 2018) only “about 60 people reviewing reports of hate speech and other content posted by Myanmar's 18 million active Facebook users” (Stecklow, 2018). Once again, Facebook did far too little, far too late, demonstrating inability to carry out the caring act effectively and correctly.

The lackluster actions and exorbitant amount of time and pressure it took for Facebook to take actions shows a lack of understanding of the severity of the situation as well as an

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<sup>6</sup> The full exchange email can be found on <https://techcrunch.com/2018/04/10/facebook-is-again-criticized-for-failing-to-prevent-religious-conflict-in-myanmar/>

unacceptable degree of incompetence for a corporation as large as Facebook. Even so, some Facebook proponents might argue that Facebook is working on rectifying its previous actions and understanding how to better proceed in the future by commissioning BSR (Business for Social Responsibility) to perform a Human Rights Impact Assessment on Facebook's role in Myanmar. In reality, however, the report while providing a clear and effective strategy for future action, does not adequately examine the damage and detrimental impact on human rights that Facebook has already caused within the nation of Myanmar, effectively eluding the matter of culpability.

After commissioning the report, Facebook released in a company blog post an unredacted version of the assessment in an attempt to improve company transparency. In the blog post by product policy manager Alex Warofka, Facebook acknowledges that "The report concludes that, prior to this year, we weren't doing enough to help prevent our platform from being used to foment division and incite offline violence. We agree that we can and should do more" (Warofka, 2018). The blog goes on to update on the current progress on the five key areas identified in the assessment.

While commissioning BSR and releasing an unredacted version of the assessment is a step towards the right directions, it is not without major flaws. Before even analyzing the report, it is important to note that Facebook released it on November 5th, 2018, just hours prior to midterm elections. The timing of this release made it nearly impossible for the findings of the assessment not to be buried under the news of midterm elections. It is hard to believe this action was not premeditated to try to lessen the backlash that would ensue, undermining Facebook's

push for transparency. However, even if the report was released at a different date, it does not fix its shortcomings.

The Human Rights Impact Assessment stated that one of its primary objectives was to “Identify and prioritize actual and potential human rights impacts, including both risks and opportunities,” and that it based its methodology in the UN Guiding Principles on Business and Human Rights (UNGPR). However, as examined by Priya Pillai, an international lawyer consulting in matters of international justice, transitional justice and human rights, the wording of the UNGPR principle has been slightly altered, which changes the scope of the assessment:

The requirement of a business to “identify and assess any actual or potential adverse human rights impacts” in Principle 18 relating to due diligence is changed to “identify and prioritize”, thereby arguably sidestepping the need to actually assess the harm caused or that continues to be caused. (Pillai, 2018)

It is then not surprising that academics have raised concerns over the report only briefly mentioning and not addressing the atrocities committed in Myanmar and Facebook’s link to them. The report effectively outlines future plans and strategies that would help the platform minimize its contribution to human rights violations in Myanmar, but it does not thoroughly represent past actions or impact so far, nor does it address the criticisms raised by the U.N. FFM. Specifically, Pillai mentions that the assessment does not address whether the impacts are “directly linked to its operations, products or services without cause or contribution on its part” (Pillai, 2018). BSR conducted a Human Rights Impact Assessment that does not adequately, if at all, assesses how Facebook has impacted Myanmar’s human rights case, willingly or otherwise. Although looking at the future and implementing policies and plans to ensure Facebook’s

involvement in human rights violations are addressed and mitigated is crucial, this type of assessment should have been done in 2013 when Facebook was entering the market, as outlined in the Humans Rights Watch report. Doing so five years late and after multiple instances of human rights violations should be a source of shame, not an example of improvement.

After establishing responsibility and knowledge of the situation in Myanmar, it emerges that Facebook's actions have been either slow, ineffective or both, making the company's response as a whole incompetent. Failing to provide competent actions in order to provide adequate care, constitutes a failure in integrity of care and therefore makes these actions immoral.

## **Conclusion**

The morality of Facebook's actions regarding the use of its platform in Myanmar can be appraised using Care Ethics to conclude that the company did indeed have a duty of care to its Myanmar users, but failed to provide integrity of care. Specifically, Facebook failed to provide adequate and effective care by implementing small reactive fixes, often too late to make a meaningful difference, instead of systematic preventive policies, showing lack of corporate competence. A lack of competency in Facebook's actions constitutes a failure of integrity of care, making Facebook's actions immoral. While Facebook may be held accountable under international law<sup>7</sup>, it is also important to examine the moral dimensions of the actions taken by corporations such as Facebook to understand the importance that internationally agreed moral guidelines for responsible business operations have in protecting all citizens of the world. Implicit in this piece is a discussion of the power dynamic between Facebook and users and

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<sup>7</sup> For specific articles of the Rome Statue under which Facebook could be trialed, refer to Venier's *THE ROLE OF FACEBOOK IN THE PERSECUTION OF THE ROHINGYA MINORITY IN MYANMAR: ISSUES OF ACCOUNTABILITY UNDER INTERNATIONAL LAW*



Myanmar, but future work can expand to explicitly analyse this power dynamic and the fourth pillar of care ethics, responsiveness.

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## Appendix

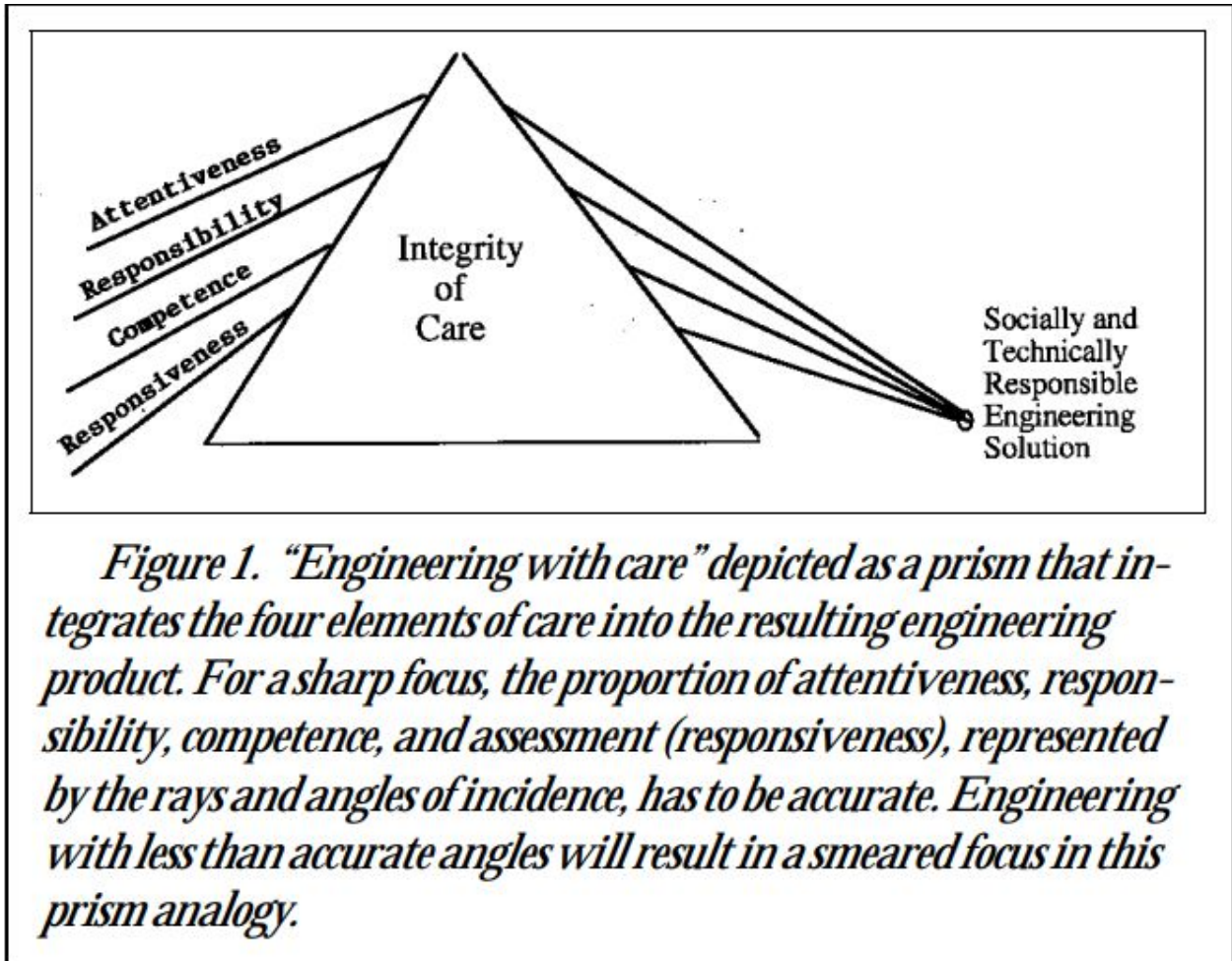
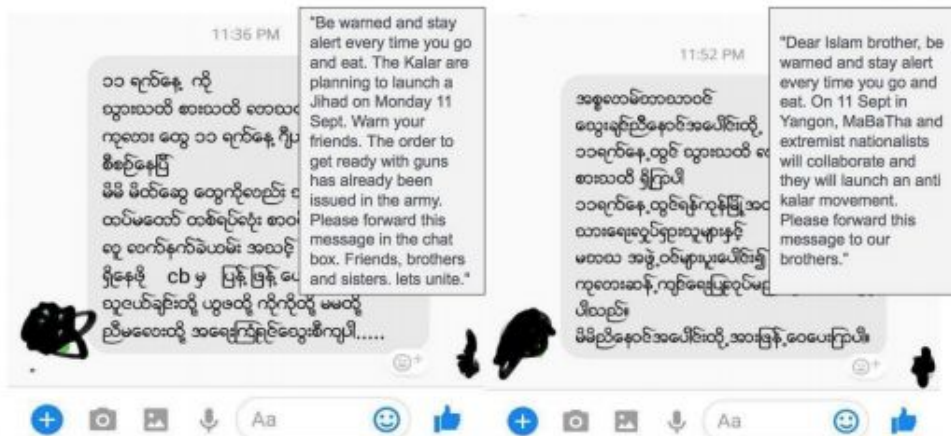


Figure 1: “Engineering with care” (Pantazidou, M., & Nair, I., 2013)



**Figure 2: Zuckerberg's Example Translated** (Myanmar Civil Society Organizations, 2018)



**Figure 3: Facebook Response Timeline** (Myanmar Civil Society Organizations, 2018)