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**A REFLECTION ON VIRTUAL RAPE IN THE METAVERSE: A NEED FOR LEGAL INTERVENTION***Dr. Ashok P. Wadje¹ & Jivantika Gulati²***Abstract**

Metaverse is a hypothetical concept which perceives the world as a single Virtual reality (VR) and Augmented reality (AR). The arena is 3 dimensional which can be used for a plethora of activities such as conducting businesses, online games and interaction with virtual avatars. The word 'Metaverse' originated in a science fiction novel, named 'Snow Crash' by Neal Stephenson in the year 1992. It is an immersive technology which uses Artificial Intelligence (AI) which has the capacity to construct new characters and environment in the digital space. However, with paradigm shift and rise in Information technology, the role of the technology has taken an ugly turn which has led to rise in cybercrimes. One such category is rise of virtual rape in the metaverse. In 2019, 'Rape Day', a video game was created by 'Desk Planet' where the protagonist intends to rape women during zombie apocalypse. In response to this, there was a lot of uproar and backlash by the women activists which called for shutting down its operation. However, the point of concern is there isn't a special legal mechanism which helps in combatting virtual rape in the metaverse. India still lags behind in developing stringent laws on such technologies which turn malignant from time to time. We are staying in an era of misinformation and disinformation. Metaverse rape is an emerging area of criminality which requires a wake-up call.

KEYWORDS: *Artificial Intelligence, Augmented Reality, Metaverse, Virtual Rape and Virtual Reality.*

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INTRODUCTION

In the Metaverse, it is possible to see someone sitting in the living room and experiencing the sensation of exploring the volcano bed with a buddy who lives on the opposite side of the globe. A world where one can observe both the real and virtualized worlds has been made possible by the concept known as the "*metaverse*." The Greek words "meta," which means "beyond," and "verse," which denotes wholeness on something, are the roots of the term "metaverse."³ By utilizing technology, it generates a different experience that transcends our physical existence. To put it succinctly, Metaverse is the next iteration of the internet. Perhaps because of the development of artificial intelligence (AI), individuals are interacting more on social media, which has led to an increase in sexual offenses. It is impossible to characterize the metaverse in a single definition. There is still need for further clarification on this nebulous idea. Understanding the scope of the metaverse's impact on our lives and how it encompasses everything around us is necessary before entering the realm of sexual offenses occurring there. Although it seems like the Internet, it is now more appropriately described as "an integrated network of 3D virtual worlds."⁴ The characteristics of the metaverse is stated as below:

- Metaverse uses immersive technology wherein which provides sensorial view;
- Conglomeration and physical and virtual world and there overlapping effects;
- Element interconnectivity and synchronization in virtual spaces.

"Metaverse is the internet that you are inside, rather than just looking at," states Mark Zuckerberg. As we can see, the world is now accessed through virtual reality headsets, allowing users to navigate using their own body movements, such as eye movements, voice commands, and feedback controller systems. These properties allow us to observe that consumers have a physical, sensory reaction as though it were a genuine thing. One way to describe this sensory response is as adding a tactile element to virtual reality, which elevates it above previous VR experiences. With the introduction of the Metaverse, virtual reality has evolved from a social good to a disguised evil. The rise in social media usage has coincided with a corresponding surge in online bullying and harassment. The metaverse can engage users in very powerful ways when handled appropriately. Metaverse is fostering more connectivity, dismantling geographical boundaries, and creating opportunities for equity for its users. However, when people start to view the Metaverse as their "reality" outside of the physical world, it might have severe effects.

It has been observed that certain people have been addicted to the metaverse far more than others, which leaves them vulnerable to the metaverse's vulnerabilities. Studies have indicated that the Metaverse is more capable

³ Mateusz Dolata and Gerhard Schwabe, "What is the Metaverse and who seeks to define it? Mapping the site of social construction" 38 *Journal of Information Technology* (2023), available at: <https://doi.org/10.1177/02683962231159927>. (last visited on February 15, 2025).

⁴ John David N. Dionisio, William G. Burns III, et.al, "3D Virtual Worlds and the Meta worlds and the Metaverse: Current Status and Future Possibilities" *Computer Science Faculty Works* (2013), available at: https://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=1004&context=cs_fac. (last visited on February 15, 2025).

than internet portals of enabling users to be sexually harassed and bullied online.⁵ The present study will be delving more into the aspects of sexual harassment and cyberbullying of users using the metaverse and how this booming sector is bringing in more convoluted challenges for the legislatures.

RESEARCH OBJECTIVES

1. To analyse till what the extent cyber harassment and cyber bullying against women and children poses risk to human life and bodily integrity.
2. To understand the scope of legal injury in the Metaverse space.
3. To dwell upon whether existing legal framework is adequate enough to combat the crimes committed in the metaverse arena.
4. To review the current laws and legislations both at national and global scale to curb the menace of sexual offences committed in the metaverse.

RESEARCH QUESTIONS

1. Whether acts of sexual harassment and cyberbullying against women and children in the Metaverse poses threat to the human life, body and dignity?
2. Whether acts of sexual harassment and cyberbullying in the Metaverse poses a serious question of definition of legal injury?
3. Whether existing laws, including the criminal laws of the country could be extended to the Metaverse?
4. Whether it is necessary to review or to have a retake, both national and international regulatory regime vis-à-vis sexual offenses in the Metaverse?

SCOPE OF THE RESEARCH

The present scope of the research is to emphasize upon the crimes which are committed against women and children in the metaverse. The scope of crimes is restricted to analyzing the sexual offence primarily, cyber harassment and cyber bullying. The authors will also be dealing with ethical considerations and human rights aspects in safeguarding the privacy, bodily integrity, interaction in the social sphere and avoiding discrimination.

⁵ Soyeon Kim and Eunjoo Kim, "Emergence of the Metaverse and Psychiatric Concerns in Children and Adolescents", *Journal of Korean Academy of Child and Adolescent Psychiatry* (2023), available at: <https://doi.org/10.5765/jkacap.230047>. (last visited on February 15, 2025).

SEXUAL VIOLENCE IN THE METAVERSE:

Sexual Violence in the real time world as we see in society, incrementally prevailed and available in the virtual spaces also making it difficult and posing as a challenge to society and legal fraternity and thereby calling for overhauling of the regulations governing virtual spaces such as Metaverse. Law does not operate vacuum. It has to see the reality of society and then it has to respond. Further, law needs to know the experience of society to understand and to formulate the policies and regulations to better govern virtual spaces. This paper in the following instances and data available on the topic will take a survey of the experience of the society in relation to the presence of sexual harassment and sexual violence in the virtual spaces such as Metaverse.

1. Sexual harassment and assault

According to several studies, online gaming is mostly seen as a male-dominated pastime where women are assigned a secondary status and frequently become the victim of sexual harassment.⁶ In 2020, women made up 41% of video gamers in the US and between 40% and 45% in Asia.⁷ Sexism and sexual harassment are still prevalent in online gaming communities, even though women have made up a sizable share of the gaming population throughout time.⁸

One female player of Team Fortress 2 encountered a lot of improper sexual questions, such as, "What are you wearing? Do you have any pictures? "Have you got any nude pics?" she asked other players as soon as she started talking in-game. On the other hand, in the metaverse, invasions of privacy and threats against one's virtual body are no longer confined to a screen.⁹

According to Outlaw's (2018) poll, which involved 609 virtual reality users, 49% of female users and 36% of male users disclosed that they have experienced sexual harassment in virtual reality at least once. They included virtual groping, getting "humped" by someone else, and having one's face thrust at. These results imply that Patel's metaverse encounter was not a singular instance.

⁶ Peter Meiksins and Peggy Layne, "Sexism in the Gaming Industry: Are Things Beginning to Change?" *Magazine of the Society of Women Engineers*, (2022), available at: <https://swe.org/magazine/gaming-sidebar/>. (last visited on February 15, 2025).

⁷ Dayna Pilger, "We've Always Been Here": Women in the Video Game Community" *Folklife* (2023), available at: <https://folklife.si.edu/magazine/women-video-games-experiences-representation#:~:text=According%20to%20Forbes%2C%20E2%80%9CIn%202020,underrepresented%20within%20the%20gaming%20world.> (last visited on February 15, 2025).

⁸ Mariela Bustos Ortega, Hugo Carretero Dios, et.al. "Sexist Attitudes in Online Video Gaming: Development and Validation of the Sexism Against Women Gamers Scale in Spanish and English" *Psychology of Women Quarterly* (2023), available at: <https://doi.org/10.1177/036168432311628>. (last visited on February 15, 2025).

⁹ Yogesh K. Dwivedi, Laurie Hughes, et.al, "Metaverse beyond the hype: Multidisciplinary perspectives on emerging challenges, opportunities, and agenda for research, practice and policy" *International Journal of Information Management* (2022), available at: <https://doi.org/10.1016/j.ijinfomgt.2022.102542>. (last visited on February 15, 2025).

2. Adolescents Being Sexually Harmed Online

The process of building a trustworthy relationship with a minor, usually with the intention of sexually abusing or exploiting them, is known as grooming. Although the majority of metaverse platforms mandate that users be 13 years of age or older, neither identification nor age verification is in place at the moment. Put otherwise, a child of 10 years old could claim to be 30 years old, while an adult of 30 years old could act the part of a 10-year-old child. In these kinds of situations, people might meet kids through kid-friendly avatars and win their trust in the metaverse before having private video chats or connecting offline.¹⁰ This raises the possibility of sexual exploitation. Children as young as six have been observed communicating with adult strangers on metaverse platforms such as Altspace, VRChat, and Horizon Venues.¹¹ They point out that embodiment in metaverse platforms allows strangers to physically connect through their avatars, which could encourage sexual grooming, in contrast to non-immersive online venues (e.g., chatrooms) where strangers primarily talk and share content.

Similar concerns associated with children in the metaverse have been emphasized in numerous media stories. For instance, in Horizon Worlds, where the age restriction is eighteen, a nine-year-old was utilizing their parent's virtual reality system.¹² Another instance was a deep-voiced avatar saying to a child-voiced fairy avatar, "I just want to put you in my pocket and bring you home, little fairy girl." A man who collected sexual content from children by lying about his age and using a young person's avatar was given a four-year prison sentence in South Korea.¹³

3. Being in the presence of sexual materials

By going to age-neutral virtual spaces, individuals can also interact with others through their avatars in the metaverse. While some of these rooms include avatars that mimic sexual behaviors, others are more like strip clubs. Some users talked to a BBC news reporter about "erotic roleplay" as she used a virtual reality headset to explore VR Chat while dressing like a young adolescent. Notably, a user informed her that the program enabled "unspeakable things" and "getting naked" for avatars. Additionally, multiple adult avatars approached her and displayed condoms and sex toys to her. According to her description, there are actors playing out sexual behaviors in large groups on the dance

¹⁰ *Ibid.*

¹¹ The Institution of Engineering and Technology, available at: <https://www.theiet.org/media/9836/safeguarding-the-metaverse.pdf>. (last visited on February 15, 2025).

¹² Welcoming Preteens to Meta Horizon Worlds, Meta, available at: https://www.meta.com/blog/preteens-horizon-worlds-family-friendly-vr-mr/?srsltid=AfmBOorzsbTwovBKd3v_-Mtdp2Z2YRxiSbbrRe8LX62GvADKz4TTVNX. (last visited on February 15, 2025).

¹³ Oluwapelumi Adejumo, "South Korea sentences metaverse sexual abuser to 4 years imprisonment" *CryptoSlate*, available at: <https://cryptoslate.com/south-korea-sentences-metaverse-sexual-abuser-to-4-years-imprisonment/>. (last visited February 15, 2025).

floor, conversing with each other like kids pretending to be grownup couples.¹⁴ In addition, one person tried to engage in sexual activity with the researcher's avatar, and another threatened to "rape [her] little sister" following their intercourse. Similar results were reported by another journalist, who used the aliases of a 13-year-old child and a 22-year-old woman. In addition to seeing users who appeared to be juveniles engage in sexual simulation, the journalist experienced the following:

- Continually approached and intimidated by an avatar who wanted her to reproduce with him, posing the question, "Who's going to stop me?"
- Before mimicking a sexual act, another user asked, "you like getting head from minors?"
- Reportedly, a different individual expressed a preference for "young girls ages nine to twelve."

Sexual age play is a concern associated with exposure to sexual material. When adults choose child avatars to participate in child-adult or child-child sexual acts in the virtual world, they are knowingly simulating child abuse. Although sexual age play may not be illegal in and of itself because the participants are consenting adults, these role-playing activities have the potential to normalize sexual behavior for youngsters who observe and encourage sexual grooming.

Sr. No.	Platform	Individual	Experience
1	Horizon Worlds	Sum of Us researcher	Led into a private room at a virtual party where she was raped by a user who kept telling her to turn around so he could "do it from behind while users outside the window could see"
2	Population One	Maria DeGrazia	Abused while wearing a haptic vest when another player groped her avatar's chest.
3	Echo VR	Sydney Smith	Encountered "lewd, sexist remarks" while another player claimed to have "recorded her [voice] to jerk off". After the incident, Smith described having difficulty reporting the player in the game.

Table 1. Examples of sexual violence in the metaverse

¹⁴ Angus Crawford and Tony Smith," Metaverse app allows kids into virtual strip clubs" *BBC*, available at: <https://www.bbc.com/news/technology-60415317>. (last visited on February 15, 2025).

DIFFICULTIES IN PROVING METAVERSE SEXUAL OFFENCES

The emergence of intricate operating systems and programming codes has given rise to a vicious cycle of offenses masquerading as prospectuses. The use of graphic sexual content on virtual reality platforms and regular occurrences of minors being subjected to sexual harassment are reported by The Center for Countering Digital Hate (U.S.A.). Because the inclusion that happens with the contact might easily aggravate what we perceive to be misuse of social media, it is evident that these identifying problems of bullying and harassment are more severe in cases of metaverse.

People are now more eager to explore new avenues for social interaction as a result of the pandemic. The introduction of Metaverse has heightened people's inclination to partake in activities that transport them back in time. More offenses arose when businesses like Google and Apple started experimenting with technologies like virtual reality and haptic technology, which allow users to engage with blended reality by navigating these platforms as avatars.

It is commonly assumed that online gaming is mostly a male-dominated hobby, with female participation ranking secondary. Sexual harassment frequently stems from such actions. Despite the fact that women made up about 45% of Asian gamers, it is evident that sexual harassment and offenses still occur in the Metaverse.¹⁵ One of the main concerns regarding the institution of sexual offenses is that many of these platforms or virtual rooms are designed as strip clubs, where obscene activity is encouraged and avatars are seen in engaging and promoting erotic activities. The metaverse allows users to meet each other through their avatars regardless of age restrictions. Such sexual content is quite concerning.

During the investigation of this avenue, several patterns of sexual violence were discovered. For example, Research was led into a private room at a virtual party where she was sexually assaulted by a user who repeatedly urged her to turn around so that "he could do it from behind and users outside the window could see." Maria DeGrazia was the victim of another incident in which a player touched her avatar's chest in the 'Population One' platform while she was wearing a hepatic vest. In "Echo VR," Sydney Smith had heard "lewd sexist remarks" and someone had captured her voice telling her to "jerk off." She also mentioned how challenging it was to report on the game's participant.

Youth have been drawn to the metaverse to a significant extent, and studies show that young children are more likely than adults to be victims of sexual offenses. One such procedure is grooming, where young children are tricked by predators disguised as avatars and fall into their trap. Through this technique, a relationship is formed with the implicit goal of harassing someone sexually. Even if the age restriction is 13 years old, this is

¹⁵ Sananda Bhattacharyajee, "The Dark Side of Metaverse- The rise of Sexual Violence through Metaverse: A Critical Analysis" *International Journal of Novel Research and Development*, (2024), available at: <https://www.ijnrd.org/papers/IJNRD2402097.pdf>. (last visited on February 15, 2025).

not verified. As a result, it is not difficult for a 50-year-old to pass for a 10-year-old or vice versa. The boundary of protection is dubious under such conditions. It frequently occurs in these situations that young toddlers come into contact with people who use kid-friendly avatars to get to know one other before doing things like offline interactions or private video chats, which puts kids at risk for sexual offenses or harassment.

Sexual harassment on social internet has long been considered a criminal offense. The only noticeable shift over time has been that, whilst it was formerly primarily centered on verbal and visual erotic texts, with the emergence of the metaverse, its roots have expanded to encompass a larger range of human existence. With the introduction of haptic touches, sexual abuse in the Metaverse can be experienced as emotionally taxing as real-life sexual harassment. In addition to the physical harm that results from such acts, in certain instances they can be fatal, especially when people have been threatened with being killed or having their loved ones sexually assaulted. When someone is exposed to a touch stimulus, the trauma is multiplied to a greater extent with the introduction of hybrid touches. Many people have experienced such uncomfortable conditions that have permanently damaged their lives and prevented them from leading normal lives.

People are becoming more aware of mental health concerns and are more sensitive to them, therefore these behaviors have merely served as triggers in these instances. It is considerably harder to prove for the general public to grasp whether or not this is a crime because of the prima facie problem that it occurs in virtual reality. Compared to those who have experienced direct-contact sexual harassment, the groups that experience non-contact sexual harassment are nevertheless seen to be able to recover from the trauma of such offenses. Another thing that contributes to an untreated psychiatric problem is victim blaming. It is typical for people to place some or all of the blame on the victim in order to justify the actions of the offender.

These kinds of behaviors have also resulted in traumatic suppression in the victim's mind. The victims are primarily female, and in a nation like India where the male counterpart is typically viewed as belonging to a stronger social group, it can be extremely difficult for them to shed these labels from their identities. This leads to ongoing psychological trauma that is kept private.

THE CONSEQUENCES OF SEXUAL HARASSMENT IN VIRTUAL SPACES:

A user who experiences ongoing sexual harassment may have unparalleled sexual trauma with both immediate and long-term effects. Common symptoms of sexual trauma include shock, trauma, post-traumatic stress disorder, and social disengagement. Furthermore, young children are more vulnerable to conditions like PCOS, which have an impact on their mental and eventually physical health. Adolescents under the age of thirty start to exhibit odd sexual traits or indulge in drug use.

Mental Effect:**Removing Psychological Trauma and Real-Life Sexual Victimization Responses**

Since the early days of the internet, virtual sexual harassment has persisted as a feature of online platforms.¹⁶ Previously, these hostile exchanges were mostly limited to sexually suggestive words and images. As a result, they were frequently written off and minimized as unreal experiences.

In actuality, because of its degree of immersion and realism, sexual violence in the metaverse has the potential to evoke strong emotions just as real-life sexual violence encounters.¹⁷ In doing so, even if a person's physical body may not be touched, virtual reality elicits the same psychological, emotional, and physical response. People who encounter sexual violence in the metaverse could react to it like they would in real life—for example, by raising their pulse rate—exhibiting similar fight-or-flight reactions.¹⁸ In addition to the psychological damage brought on by the event itself, people like Patel have been the target of offline threats against their lives, including rape and death. Thus, even when people are not online, these kinds of traumatic metaverse events may still have an impact on their physical and psychological health

Emotions are felt through one's avatar when interacting with non-immersive media, creating a psychological and physical barrier between the person and avatar.¹⁹ However, because users now directly experience these emotions from a first-person embodied perspective, sexual abuse in the metaverse may cause psychological damage.

Associate Professor Jesse Fox of Ohio State University claims that people who strongly identify with their avatars and authentically represent themselves would feel violated when their avatars are abused, and it would be comparable to sexual violence in real life.

According to earlier studies on sexual assault in virtual reality, there may be a lasting effect on the victim's unpleasant emotional responses and sensation of presence following the virtual encounter.²⁰ The results imply that sexual aggression experienced in the metaverse through virtual reality may intensify fear and anxiety

¹⁶ Rachel Killean, Anne-Marie McAlinden, et.al, “Sexual Violence in the Digital Age: Replicating and Augmenting Harm, Victimhood and Blame” *Social and Legal Studies*, (2022) available at: <https://doi.org/10.1177/09646639221086592>. (last visited on February 15, 2025).

¹⁷ Sexual violence in the metaverse has a real-world impact on victims, Equality Now (2024) available at: https://equalitynow.org/press_release/sexual-violence-in-the-metaverse-has-a-real-world-impact-on-victims/. (last visited on February 15, 2025).

¹⁸ Yogesh K. Dwivedi, Nir Kshetri, et.al. “Exploring the Darkverse: A Multi-Perspective Analysis of the Negative Societal Impacts of the Metaverse” *Information Systems Frontiers*, (2023), available at: <https://link.springer.com/article/10.1007/s10796-023-10400-x>. (last visited on February 15, 2025).

¹⁹ Rivu Radiah, Daniel Roth, et.al. “The Influence of Avatar Personalization on Emotions in VR” *Multimodal Technologies and Interaction*, available at: https://www.researchgate.net/publication/369686360_The_Influence_of_Avatar_Personalization_on_Emotions_in_VR. (last visited February 15, 2025).

²⁰ John Danaher, “The ethics of Virtual Sexual Assault” available at: <https://philarchive.org/archive/DANTEO-27>. (last visited on February 15, 2025).

reactions, potentially leading to serious suffering and psychological damage for the user. Because haptic technology allows users to feel tactile input, it may result in increased psychological damage. Sexual trauma involving physical contact has been linked to increased anxiety and avoidance of being touched by others in comparison to non-physical sexual trauma (such as verbal sexual harassment) (Christensen, 2016). Furthermore, even if both groups endure terrible outcomes, victims of contact sexual trauma have reported more impairment to their everyday functioning than victims of non-contact sexual trauma. Pinchevsky and colleagues, 2019). Therefore, these results imply that touch is important in trauma.

ESTABLISHING SEXUAL OFFENCES IN METAVERSE: LEGAL DIFFICULTIES

It is difficult to comprehend crimes in the Metaverse because this is a constantly changing field and there is no set definition for this avenue, making it difficult to classify them under the statutory definition of a crime. The issue will remain unresolved until the statute contains the necessary components to designate a metaverse offense. Since the metaverse is a global place, crimes committed there cannot be covered by local laws because the victim and the perpetrator may be subject to separate laws. Women experience a significant amount of verbal and nonverbal harassment online. This abuse occurs all over the internet. Sexual offenses are now frequently discussed as a major problem in social virtual reality. Female user voices and avatars are examples of how virtual reality is bringing out the bodies of women in the virtual world. Sadly, because of this gender-biased perception of individuals, women are more likely to experience unwelcome sexual attention or other virtual interactions in virtual reality locations. Unwanted virtual groping, non-consensual sexual behaviors, and accounts of rapes and other acts of sexual violence are the primary dangers to women's physical safety.

Therefore, it would be more regionally particular to apply the meaning of rape in cases of sexual harassment in the metaverse as specified in Section 375 of the Indian Penal Code 1860. Furthermore, the penalties for rape vary from nation to nation, as does the definition of the crime. Therefore, it may be difficult to prosecute a cross-border offender due to the states' legal principles being violated, which may work to the offender's advantage.

Under Section 67 of the Information Technology Act, which lists the penalties for publishing any obscene material via electronic form, if we consider a man posting any obscene or defamatory content in the virtual platform with the intention of harassing a woman, it will be considered a crime. Furthermore, Sections 67A²¹ and 67B²² of the Information Technology Act specify guidelines for the electronic transmission of sexually explicit acts and the transmission of content featuring minors performing explicit acts, respectively.

²¹ Information Technology Act, 2000 (Act 21 of 2000) s. 67A.

²² Information Technology Act, 2000 (Act 21 of 2000) s. 67B.

Other legal measures that could be helpful in these kinds of situations include The Indian Penal Code, 1860, which, while being an ancient legislation, is making every effort, with the Supreme Court's assistance, to adapt its provisions to the contemporary circumstances. Clauses such as Section 354 (A) (I) and Section 294. Furthermore, according to The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013²³, an employee is defined as any person employed at a workplace for any work on a regular, temporary, ad hoc, or daily wage basis, either directly or through an agent, including a contractor, with or without the principal employer's knowledge, whether for remuneration or not, or working on a voluntary basis or otherwise, regardless of whether the terms of employment are stated explicitly or implicitly. This includes coworkers, contract workers, probationers, trainees, apprentices, or by any other similar titles. However, the point of concern is there isn't a special legal mechanism which helps in combatting virtual rape in the metaverse. India still lags behind in developing stringent laws on such technologies which turn malignant from time to time. The Information Technology Act, 2000 which is the pioneer Act in combatting cybercrimes, doesn't defines what constitutes a 'cybercrime'. The current IT law is not in sync with the present technological advancements.

Its paramount to understand and ensure the dignity and safety of the women in the cyberspace. There isn't a provision which combats crimes committed in metaverse. The idea behind the topic is to make a policy for ensuring gender justice and establishing feminist jurisprudence. The European Union came out with the Digital Services Act 2022 which bars the distribution of the content in the online world.²⁴ The EU has also introduced the world's first proposed Act on Artificial Intelligence. However, it's pertinent to understand while regulating the framework of AI, there is a requirement to inject standards as AI is dynamic and keeps transforming daily basis. Hence, the moment the legal framework is in place it becomes defunct due to updating technology. The Bhartiya Nyaya Sanhita, 2023 which is expected to replace Indian Penal Code, 1860 with effect from 1st July 2024 also is silent on provisions related to crimes committed in metaverse.²⁵ Also, it's important to understand the degree of harm principle when a woman is a victim of such offences. There isn't a physical harm or bodily pain affecting the women. However, harm principles extend to violation of privacy and tarnishing of the reputation. We are staying in an era of misinformation and disinformation. Metaverse rape is an emerging area of criminality which requires a wake-up call.

Metaverse is an arena where women have been exposed to various sexual offences such as groping, cyber bullying and harassment. As per the report of '*Sexual Violence and Harassment in the Metaverse: A New Manifestation of Gender-Based Harms*' states that woman is under the grip of technology facilitated gender-based violence. It calls for extending the current legislation to the metaverse arena. Article 08 of the Council

²³ The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (Act 14 of 2013).

²⁴ Digital Services Act, 2022.

²⁵ Bharatiya Nyaya Sanhita, 2023 (Act 45 of 2023).

of Europe Convention on Data Protection remains pertinent, as it states privacy protection should be at the epitome as there are high chances that cybercriminals may attack by remaining anonymous identity.

Another important issue is the legal personality of digital avatars in the metaverse. If a crime is committed by the digital person in the metaverse then the question of liability and prosecution crops up. As far as the privacy of the data is concerned, the current technology is not fully equipped in combatting the crimes committed in metaverse as the technology changes on an everyday basis.

With respect to children's rights, children explore various immersive technologies in the metaverse via Virtual reality (VR) and Augmented reality (AR) such as games, chats and interact with anyone without any restrictions. But having said that, no restrictions pose a great challenge for the children's safety and security. As per the guidelines of the United Nations Convention on Rights of Child and the Lanzarote Convention, the safety of the child should be given paramount consideration in the digital environment and protecting them from legal injury. If the child is spending a lot of time in the metaverse environment, it can result into motion sickness, insomnia and sedentary lifestyle. Cyber bullying is also reported amongst the children, which has profound psychological implications such as anxiety and depression.²⁶

The existing laws, rules and regulations are not adequate to combat the sexual crimes committed in the metaverse platforms. In India, the pioneer law to combat the cybercrimes is the Information Technology Act, 2000. However, when this law came into existence it primarily deals with e-commerce. The term 'cybercrime' isn't defined in the said Act and only a handful of crimes are mentioned in IT Act, 2000. Our country doesn't have laws on Artificial intelligence and the metaverse, hence, it isn't creating a deterrent effect in society.

Recently, the European Union became the first organization which has adopted and has given the final nod to the Artificial Intelligence Act, 2024. But, since the technology of AI and metaverse is changing on everybody's basis, we need to inject standards to be in sync with contemporary times.

Limiting access	<ul style="list-style-type: none"> • Ensure your child is old enough to be on the metaverse platform/app or uses the device under close supervision • Consider signing out of your metaverse account when not in use
Acquiring knowledge	<ul style="list-style-type: none"> • Important for parents to be aware of their children's online activity • Remain informed about the metaverse, virtual reality devices, and

²⁶ Charissee L Nixon, "Current perspectives: the impact of cyberbullying on adolescent health" *Adolesc Health Med Ther* (2014), available at: <https://doi.org/10.2147/AHMT.S36456>. (last visited on February 15, 2025).

	<p>the games your child or teen is interested in (including available privacy controls, reporting features, and blocking tools)</p> <ul style="list-style-type: none"> • Have your child cast their activity in the metaverse onto another phone or laptop screen making it possible for parents to supervise children's activity.²⁷
Maintaining communication	<p>Have regular conversations with children and teens about their experience in the metaverse and online safety</p> <ul style="list-style-type: none"> • Talk with your child about the apps being used, potential risks, and what they could do to protect themselves • Educate your child that not everyone in the metaverse may be who they claim to be. • Discuss with your child how to get out of uncomfortable situations. The immersive nature of the metaverse might make it more difficult for youth to leave a situation or conversation. • Reinforce that you are available for support if your child needs help, is upset, or has an uncomfortable experience in the metaverse.

Table 2. Tips for parents to help children better protect themselves in the metaverse

CONCLUSION

Even while the metaverse is still relatively new, there are more and more allegations of sexual assault taking place there. Although the prevalence of sexual abuse in the metaverse is probably the same as it is on other online platforms, the increased immersion and realism provide worrying psychological ramifications, particularly for younger victims. In order to lessen this growing hazard, it is imperative that users, educators, parents, and legislators take prompt action and implement adequate preventive and remedial measures. The Metaverse is no longer a far-off hypothesis; first, it is here to stay; second, it will continue to grow; and third, it will continue to evolve as new obstacles arise in its path. As a result, the researcher thinks it is still very unlikely that such illegal operations might be established in virtual reality. Metaverse has helped a lot of

²⁷ Metaverse for Kids: Everything That Parents Need To Know in 2025, *JET Learn* (2024), available at: <https://www.jetlearn.com/blog/metaverse-for-kids>. (last visited on February 15, 2025).

people, but its aftereffects have also had an impact on society as a whole. The concept of sexual harassment has spread beyond the public or workplace to the realm of virtual reality, such as Metaverse. This further dims the prospects for equality and Life, which is a life free from sexual harassment. Therefore, it is crucial that academics, lawyers, and legislators handle mitigating virtual reality designs in the Metaverse. Let's use this statement to navigate the laws toward the realm of virtual reality and demonstrate how technological advancements directly contradict rather than coincide with anti-sexual harassment regulations. As a result, the researcher is able to draw the conclusion that the hypothesis, which they had before starting their investigation, is valid and can be further refined.
