

# Virtual Reality, Real Harm: Addressing Sexual Assault in the Metaverse

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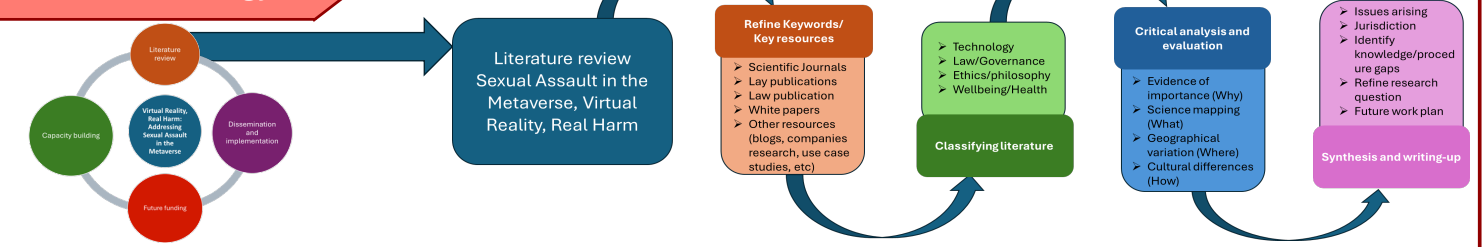
## Introduction and background

- The metaverse, a 3D virtual space replicating real-life interactions, presents new challenges for legal systems worldwide.<sup>1</sup>
- As technology advances, particularly with the development of haptic feedback systems, users can now experience touch sensations in virtual environments. This technological progress, while innovative, has opened the door to virtual sexual assaults.
- Currently, there is a significant legislative gap in addressing such virtual offenses, highlighting the urgent need for legal frameworks to keep pace with rapidly evolving technology.

## Aims and Objectives

- The project aimed to prove that virtual and real-life sexual assault should be punished in similar manners through considering the following:
  - Evaluate whether current legislation, in both the UK and countries with similar jurisdictions, can be applied to virtual sexual assault by comparing psychological impacts of real-world and metaverse experiences.
  - Explore potential legal reforms to allow prosecution of metaverse sexual assault cases.
  - Addressing the global nature of virtual sexual assault through looking at ways of punishing virtual assault cases where the offender and victim are in different countries

## Methodology



## Results

The literature review identified three potential legal approaches to address this issue:



- Expanding the definition of 'touch' in existing laws: This approach would broaden the interpretation of 'touch' in current legislation to encompass virtual interactions. While potentially the quickest to implement, it may face challenges in legal interpretation and application.
- Creating new legislation specifically for virtual offenses: This comprehensive approach would allow for addressing multiple aspects of virtual crime. However, it would likely be a lengthy process and could create a separate legal regime for virtual and physical offenses.
- Granting limited personhood to avatars in metaverse environments: This novel approach could provide a framework for addressing a wide range of virtual interactions and offences. However, it raises complex philosophical and legal questions about the nature of personhood in virtual spaces.

We identify a strong correlation between real-life and virtual sexual assault experiences, largely due to the brain's difficulty in distinguishing between physical and virtual sensations when using haptic technology. Haptic feedback, which activates the somatosensory system, can create highly realistic touch sensations within virtual environments.<sup>2</sup>

Moreover, the phenomenon of proprioceptive drift—akin to the "rubber hand illusion"—demonstrates that users can develop a sense of body ownership over their virtual avatars.<sup>3</sup> Together, these factors make virtual sexual assaults psychologically impactful, potentially triggering responses like tonic immobility, comparable to those experienced during real-life assaults.<sup>4</sup>

Each approach presents unique advantages and challenges in addressing this novel form of offense. My analysis suggests that while expanding the definition of 'touch' might be the most immediately feasible solution, a comprehensive new Act dealing with crimes in the metaverse may be necessary in the long term.

Furthermore, geographically this is a global issue - virtual sexual assault cases may involve offenders and victims in different countries, each with different legal systems. This underscores the need for international cooperation and potentially new forms of global digital citizenship to effectively address and prosecute these crimes.<sup>5</sup>



## Conclusion

This study highlights the critical need for legal reform to address virtual sexual assault effectively. As technology continues to blur the lines between physical and virtual experiences, it is imperative that legislation evolves to protect individuals in all spaces.

Current legislation proves inadequate in addressing virtual sexual assault. Section 3 of the Sexual Offences Act 2003 focuses on physical touch. The Online Safety Act 2023, while aimed at enhancing online safety, falls short of addressing the unique issues arising in the metaverse. My international comparison found that no country currently provides comprehensive legal protection against virtual sexual assault.

While expanding the definition of 'touch' may offer a quick solution, my research suggests that a new Act dealing with metaverse crimes may be necessary in the long term. Further research is needed to explore international cooperation in prosecuting cross-border virtual crimes and developing adaptive legislation that can keep pace with technological advancements.

## Citations

<sup>1</sup> McKinsey & Company, 'What Is the Metaverse and Where Will It Lead Next?' ([www.mckinsey.com](http://www.mckinsey.com) 17 August 2022) <<https://www.mckinsey.com/featured-insights/mckinsey-explainers/what-is-the-metaverse>> accessed 4 July 2024.

<sup>2</sup> Microsoft Research Blog, 'Touching the Virtual: How Microsoft Research Is Making Virtual Reality Tangible - Microsoft Research' (Microsoft Research 13 June 2018) <<https://www.microsoft.com/en-us/research/blog/touching-virtual-microsoft-research-making-virtual-reality-tangible/>> accessed 9 July 2024.

<sup>3</sup> Matthew Botvinick and Jonathan Cohen, 'Rubber Hands "Feel" Touch That Eyes See' (1998) 391 Nature 756 <<https://www.nature.com/articles/35784d>> accessed 27 June 2024.

<sup>4</sup> Jesús de, 'The Reality of Tonic Immobility in Victims of Sexual Violence: "I Was Paralyzed, I Couldn't Move"' (2023) 25 Trauma, Violence, & Abuse

<sup>5</sup> Federica Di Simone, 'THE METAVERSE: ISSUES REALTING TO CRIMINAL LAW' (2023) 1 Proceedings of the International Scientific Conference 'Social Changes in the Global World' 73 <<https://is.ugd.edu.mk/index.php/scgw/article/view/6096>> accessed 12 June 2024.

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