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GENDER IDENTITY IN THE METAVERSE: LEGAL GAPS AND SOCIETAL BARRIERS IN VIRTUAL SPACES

Annie Sharon Lloyd¹

I. ABSTRACT

This article is a product of the intersection of digital sociology, law, ethics, and gender studies and discusses gender identity in the metaverse with a focus on the current legal loopholes and social obstacles that disproportionately impact non-cisgender people. First, we explain how interaction and avatar technology builds identity expression on platforms such as ZEPETO and VRChat. Research indicates that sophisticated avatar customization and applications such as voice changers enable users to navigate and validate their gender identities offline. However, most mainstream virtual environments limit gender choices, constrain subtle expression, and expose the users, especially women and gender-diverse people, to virtual harms such as misgendering, harassment, and virtual sexual assault. These harms, although digital, often have real psychological effects, but fall into grey zones of jurisdiction and enforcement. Second, we evaluate shortcomings of existing legal and regulatory structures, from tort law and data protection laws to intellectual property norms and their insufficiency in tackling the specific varieties of harm in virtual environments. The findings reveal grave inconsistencies in the application of privacy, consent, and responsibility in immersive environments. Most users complain that they have few remedies through ineffective internal complaint mechanisms or the unavailability of a court remedy. In light of these insights, the research proposes certain legal reforms and international policy coordination, as well as platform inclusive design guidelines, including varying gender options for avatars, voice and identity-sensitive options, safety-by-design mediated tools, and public education. These efforts seek to ultimately develop digital realms that recognize gender identity as a class protected by the law and foster and advance equality and safety across the metaverse.

II. KEYWORDS

Gender Identity, Metaverse, Legal Gaps, Virtual Harassment, Inclusive Design.

¹ 4th Year BBA LLB student at Kristu Jayanti College of Law(India). E-mail: 22bblw15@kristujayanti.com

III. INTRODUCTION

The advent of the metaverse, a series of seamlessly merged virtual worlds entered through avatars, is a paradigm shift in human experience with identity and sociality. As more and more people reside within them through realistic avatars and immersion devices, the metaverse offers new possibilities for the creation of gender independent of physical appearance or place of residence. For gender-diverse and LGBTQ+ users, virtual worlds can provide more positive, safer spaces in which to move through identity, community, and self-expression, particularly for users who are policed or excluded in meta space.

As much as it's advertised as an inclusive space, the metaverse is rife with legal uncertainties and social barriers that will non-proportionally burden non-cisgender users. Accounts of extensive virtual sexual harassment, such as avatars groping or sexually assaulting female-presenting avatars, claimed to cause the same emotional harm as in-person assault but escaping remedy in current legal regimes. Current privacy law, including GDPR, may not adequately control the processing of sensitive biometric data such as facial expressions, gestures, or eye direction collected over these extent digital spaces. These pose unanswered questions of jurisdiction, consent, and control over data in limitless virtual spaces.

In addition, platform governance through terms of service and moderation policies tends to be without means to counter gendered harm, resulting in systemic exclusion and invisibilization of transgender and non-binary identities. Avatar systems that are customizable are often set to default to binary modes of presentation, perpetuating heteronormativity and restricting affirmative identity. Concurrently, both societal norms and misogynistic actions continue, excluding users who do not conform to traditional gender norms. In such a context, this current paper engages a doctrinal legal analysis of statutory gaps and regulatory frameworks in conjunction with a critical approach rooted through feminist, intersectional, and techno feminist legal theories. The goal is to shed light on structural weaknesses, locate jurisdictional gaps, and suggest reform options based on prioritizing virtual identity protections consistent with international human rights standards.

A. Research Questions

1. How do current metaverse platforms facilitate or restrict the expression of non-cisgender identities through avatar design, interaction architecture, and moderation systems?
2. To what extent do existing legal frameworks, including privacy, anti-discrimination, criminal, and data protection laws, address gender-based harms such as misgendering, virtual sexual assault, and identity-based harassment in immersive virtual environments?
3. What jurisdictional and enforcement challenges arise in prosecuting “metacrimes” involving avatar-mediated gender-based violence across borderless virtual spaces?
4. How do societal structures, including binary gender norms, economic inequality, and digital literacy gaps, perpetuate exclusion of transgender and non-binary users in the metaverse?
5. What comparative regulatory models and human rights principles can be adapted to recognise digital gender identity as a legally protected category?
6. What role should platform governance and safety-by-design mechanisms play in preventing gender-based discrimination and abuse in the metaverse?

B. Research Objectives

1. To critically examine how avatar technologies and platform architectures influence gender identity performance and recognition in the metaverse.
2. To analyse the adequacy and limitations of existing domestic and international legal regimes in addressing virtual gender-based harms.
3. To identify jurisdictional, evidentiary, and enforcement gaps in addressing avatar-mediated misconduct and “metacrimes”.
4. To explore the social and economic barriers that disproportionately affect gender-diverse users in accessing safe and affirming virtual environments.

5. To develop a doctrinal framework for recognising digital gender identity as a protected legal right grounded in international human rights norms.
6. To propose legal, policy, and design-based reforms, including inclusive avatar systems, biometric data protection standards, and platform accountability mechanisms.

C. Research Methodology

This article employed doctrinal legal analysis of statutes, case law, international regimes, and platform governance policies to ascertain their applicability to harms of a gendered nature that take place in virtual metaverse spaces. Comparative legal scholarship guides us in reviewing how jurisdictions globally address consent to biometric data, digital identity theft, jurisdictional uncertainty, and avatar-mediated misconduct. We analyze secondary sources of virtual sexual harassment, misgendering, and avatar embodiment violence to elicit gaps in liability, proof hurdles, and enforcement mechanisms in existing legal regimes. Finally, we distill these scholarly sources into a normative doctrinal argument, detailing legal inconsistencies and proposing rights-based reform aligned with international human rights models for the protection of virtual identity.

D. Literature Review

1. **Jiyoung Kang, Hyunjung Rhee, The Impact of Avatar Gender Transition in the Metaverse on User Identity and Gender Identity: An Experimental Analysis on the ZEPETO Platform²** - The word metaverse was first coined by Neal Stephenson's 1992 novel *Snow Crash*, in which avatars are user proxies within virtual worlds, enabling users to choreograph identity through the customization of features like appearance, expression, and behavior. In the world, avatars broker social interaction and self-presentation and influence both user self-perception and external identity projection. Kang and Rhee (2021) tested an experimental study of the ZEPETO platform

² Jiyoung Kang, Hyunjung Rhee, 'The Impact of Avatar Gender Transition in the Metaverse on User Identity and Gender Identity: An Experimental Analysis on the ZEPETO Platform' (2021) SSRN <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4750337> accessed 26 July 2025

on women using male avatars. Their findings show that gender transition through avatar embodiment increases identification with the avatar and affirmation of one's own gender identity, even extending to actual-world self-perception. These findings indicate that virtual gender-swapping can subvert normative gender roles and promote identity affirmation in stereotypically limiting social environments.

2. **Freeman, Guo, et al., (Re) Discovering the Physical Body Online: Strategies and Challenges to Approach Non-Cisgender Identity in Social Virtual Reality³** - Marginalized individuals are generally defined as groups who are in the minority of a given domain or area, or who are made to feel peripheral or like outsiders concerning the powerful group. Compared to cisgender users, non-cisgender people tend to face restrictions and limitations in terms of the way they represent and express their gender identity in diverse online social spaces such as online games and virtual worlds. Freeman, Guo, et al. (2022) describe how non-cisgender users struggle to discover and express their physical bodies online in social VR. The research details ways such as avatar customization, gestures, and interactions to establish gender identity, but also illustrates systemic shortfalls in facilitating non-binary embodiment in immersive spaces.
3. **Hua Xuan Qin, Yuyang Wang, et.al., Identity, crimes, and law enforcement in the Metaverse⁴** - Qin et al. (2025) offer a detailed legal analysis in law enforcement terms, contending that metaverse identity—experienced through avatars and digital traces poses unique legal issues when severed from physical-world identity. They differentiate between avatars as identifications or tests of human identity and ask what multiple or AI avatars ought to be defined, organized, and controlled lawfully within virtual jurisdictions. They draw on reported cases from sites such as Second Life,

³ Freeman, Guo, et al., '(Re)discovering the Physical Body Online: Strategies and Challenges to Approach Non-Cisgender Identity in Social Virtual Reality'(2022) ACM, <<https://dl.acm.org/doi/pdf/10.1145/3491102.3502082>> accessed 26 July 2025

⁴ Hua Xuan Qin, Yuyang Wang, et.al., 'Identity, crimes, and law enforcement in the Metaverse' (Nature, 12 February 2025) <<https://www.nature.com/articles/s41599-024-04266-w>> accessed 26 July 2025

Horizon Worlds, and LambdaMOO, examining virtual sexual assault, virtual theft, virtual property fraud, and group assault by hacking as emergent "metacrimes." They can do psychological but not physical bodily injury, and their categorization and enforceability are legally uncertain in extant criminal codes. Their legal discussion examines potential identity forms characterizing avatars as legal entities similar to corporations, necessitating registration with maintaining controlled anonymity, and determining liability across multiple avatars.

IV. LEGAL GAPS IN THE METAVERSE

As virtual worlds become metaverse, current legal systems are inadequate to govern the new realities of identity, crime, and governance across these boundary-less virtual places. While avatars stand in for identity and interactions, legal concepts of personhood and jurisdiction fall behind, making actions like virtual sexual assault, theft of property, and identity theft as good as untouchable by conventional statutes. Qin, Wang & Hui's⁵ landmark study highlights these challenges, showing that psychological trauma from avatar-based violations often lacks legal recognition and enforcement mechanisms across jurisdictions. They argue for a unified international legal framework akin to INTERPOL cooperation to facilitate investigations and uphold rights in virtual spaces. In addition, systematic reviews point out that current cyber-laws fall short in dealing with virtual harassment, digital identity fragmentation, and emerging virtual crimes, leaving yawning enforcement and evidentiary gaps. In addition, ID-governance frameworks analyses point out that there are no accountability standards, verification of identities, and attribution, which makes it easier to misuse anonymity and cause jurisdictional uncertainty. The below gaps in the legal frameworks are noticed:

A. Digital Identity

One key issue is the ownership and management of digital identities. In many cases, digital identities are managed by centralized platforms that control user data and

⁵ Ibid

interactions. This centralization raises concerns over surveillance, data privacy, and the potential for misuse of personal information.⁶ Users do not have complete control over the use, sharing, or commercialization of their digital selves, which results in a likely loss of agency and privacy. The concept of digital identity in the metaverse also raises questions of liability and authenticity. In an environment where people can have multiple identities or even redesign themselves on the fly, authenticating that a user is who they claim to be is going to be a daunting task. This ambiguity can facilitate harmful behaviors such as impersonation, cyberbullying, and identity theft, posing risks not only to individuals but also to the integrity of virtual communities.⁷

B. Jurisdictional Ambiguity

The metaverse challenges all traditional legal frameworks, and the biggest is in regard to jurisdiction. Virtual worlds are far removed from national boundaries, but law enforcement remains bound to the boundaries of national countries, hence huge problems for jurisdiction arise.⁸ This lack of clear jurisdiction complicates enforcement, as regulatory authorities may find themselves with limited power to intervene in disputes or criminal activities that span multiple jurisdictions.⁹

C. Recognition of Virtual Crimes ("Metacrime")

This technological advancement in the context of the metaverse is problematic in terms of generating opportunities to participate in all manners of criminal activities. It is not just owing to the structural vulnerabilities in metaverse technologies, but also to the absence of a robust regulatory regime, that these problems emerge. There are fears and early evidence that the "gamergate" culture of online misogyny against

⁶ Craig Kevin, 'Regulating the Metaverse: Legal Challenges in Virtual Economies and Digital Identity' (ResearchGate, February 2025)

<https://www.researchgate.net/publication/388724090_Regulating_the_Metaverse_Legal_Challenges_in_Virtual_Economies_and_Digital_Identity#:~:text=Digital%20Identity%20in%20the%20Metaverse,and%20control%20of%20digital%20identities> accessed 26 July 2025

⁷ Ibid

⁸ Aabhya Varma, 'Virtual Crime Scenes: Addressing Cybercrimes in the Metaverse' (2024) 6 International Journal of Legal Science and Innovation <<https://ijlsi.com/wp-content/uploads/Virtual-Crime-Scenes-Addressing-Cybercrimes-in-the-Metaverse.pdf>> accessed 27 July 2025

⁹ Craig Kevin, 'Regulating the Metaverse: Legal Challenges in Virtual Economies and Digital Identity' (ResearchGate, February 2025)

<https://www.researchgate.net/publication/388724090_Regulating_the_Metaverse_Legal_Challenges_in_Virtual_Economies_and_Digital_Identity#:~:text=Digital%20Identity%20in%20the%20Metaverse,and%20control%20of%20digital%20identities> accessed 27 July 2025

women in gaming communities will spill over into the metaverse, and there is no technological solution to this. In addition, digital assets, such as virtual real estate and wearables offered by metaverse platforms, can be used for money laundering. Difficulties in verifying children's age online add extra concerns about grooming and minor abuse.¹⁰

D. Digital Asset Ownership & Intellectual Property

Intellectual property (IP) concerns in the metaverse pose intricate problems based on the intangible, readily duplicable nature of digital content. Disputes over ownership and copyright emerge as virtual works can instantly be replicated or modified, requiring creators to lay down clear rights. Smart contracts provide some assurance by embedding digital rights management through blockchain, but code vulnerabilities expose works to exploitation. Brands also encounter trademark violations as their symbols and virtual products are abused, potentially leading to confusion among consumers and brand dilution. Licensing is important for creators to earn from their creations, but the lack of effective legal regimes leaves them vulnerable to illegal reselling. Lastly, the multinational nature of the metaverse makes enforcement more difficult as various national regulations and fuzzy jurisdictions create a complex web for cross-border IP cases.

E. Privacy and Biometric Data Protection

In the metaverse, avatars that may be created to closely resemble their owners are rich sources of both explicit and inferred personal information, causing major issues with user consent, data processing, and privacy. The present framework of data privacy legislation hasn't kept pace with the nuances of the metaverse. For example, such laws as the General Data Protection Regulation (GDPR) and the newly introduced American Privacy Rights Act were created to safeguard the personal data of persons online. Yet, how these apply to the metaverse is not well established. The orientation of the regulation in the future regarding biometric data may favour or limit very

¹⁰ You Zhou, Milind Tiwari, et. al., 'Metacrime and Cybercrime: Exploring the Convergence and Divergence in Digital Criminality' (2024) 19 Asian Journal of Criminology <<https://doi.org/10.1007/s11417-024-09436-y>> accessed 27 July 2025

importantly the inference of personal data and the development of the Metaverse as a digital service.¹¹

F. Enforcement, Moderation & Liability Weaknesses

Yet another substantial legal lacuna in the metaverse is the absence of sufficient mechanisms for enforcement, moderation, and liability. Virtual offenders are difficult to track down as they can create anonymous personas that are not linked to their real-world identities, making it challenging to identify and locate them.¹² Content moderation is dispersed, Virtual world operators may be hesitant towards actually extending cooperation towards regulation of the Metaverse as this puts them before the users of Metaverse as entities that might not extend the same virtual world experience as their competitor.¹³ Moreover, liability concerns, namely whether platforms, users, or third parties are responsible for abusive action, remain unsettled. Traditional legal frameworks are not well-adapted to address such subtleties, and thus there is a void in regulation that undermines user trust and legal certainty in virtual space.

V. SOCIETAL OBSTACLES FACING GENDER IDENTITY EXPRESSION IN THE METAVERSE

Although the metaverse is often hailed as a place that goes beyond physical constraints and allows effortless performances of identity, in actuality, it tends to replicate and even intensify deep-seated society-wide prejudices. One of the most important societal obstacles to gender identity in the metaverse is the continued persistence of binary gender norms in both avatar design and interaction architecture. Most virtual platforms still have limited gendered choices, usually male or female, when users design avatars. These are usually based on stereotypical physical traits and behaviors, hence unable to include non-binary, genderqueer, transgender, or

¹¹ Giovanni Sorrentino, Javier López-Guzmán, 'Rethinking privacy for avatars: biometric and inferred data in the metaverse' (2025) 6 FRVIR<<https://www.frontiersin.org/journals/virtual-reality/articles/10.3389/frvir.2025.1520655/full>> accessed 27 July 2025

¹² Manupatra, 'Challenges of Enforcing Laws in the Metaverse' (LinkedIn, 2 May 2023) <<https://www.linkedin.com/pulse/challenges-enforcing-laws-metaverse-manupatra#:~:text=In%20conclusion%2C%20enforcing%20laws%20in,secure%20Metaverse%20for%20all%20users.>> accessed 27 July 2025

¹³ Ibid

gender-fluid ones. Even in environments where customization is more comprehensive, the user interface and algorithmic organization of these normalize cisnormative identities and enable exclusionary defaults, pushing to the peripheries those who resist classification into binaries.

Another systemic hindrance is the omnipresence of gender-based harassment and discrimination across virtual environments. Empirical evidence and user testimony demonstrate that users of various or non-conforming genders are regularly faced with misgendering, abusive language, exclusion, and outright cyberbullying on metaverse platforms like VRChat, Roblox, or Meta's Horizon Worlds. The avatars' anonymity and disembodiment can embolden the perpetrators, with no regulation and reactive moderation from the owners of platforms almost certainly providing victims no real protection or redress. Such issues are compounded by the fact that moderation systems themselves are likely to be biased, poorly educated in gender sensitivity, or dependent on automated systems that do not recognize context-dependent gender identity-related abuse.

Furthermore, economic inequality also acts as a significant barrier to authentic gender presentation in virtual realms. Full access to gender-neutral avatar customization, voice modulation equipment, or virtual fashion products consistently requires investment. This creates a digital divide where only those who have sufficient economic capital can attempt to represent their gender identity accurately and securely. In contrast, users from lower socio-economic backgrounds—disproportionately LGBTQ+ youth may be restricted to generic avatars not representative of themselves, thus having a second-class experience of engagement in the metaverse.

There are also the significant access, education, and digital literacy hurdles. Marginalized populations may not possess the technological capital, hardware, or expertise to access virtual worlds with confidence. This contributes to the risk of alienation and tames the potential democratizing aspect of the metaverse as a space of gender experimentation. Moreover, cultural and geopolitical differences in considerable part influence user attitudes as well as platform regulation. Where the

gender nonconformity is suppressed by society or the law, the users will experience further layers of stigma, watchfulness, or platform-level oppression. These societal pressures from outside consistently infill digital realms, leaving a chilling effect that discourages substantive self-expression.

In general, while the metaverse ideologically allows for users to enact and learn about gender identities irrespective of physical embodiment, its current setup heavily mirrors and polices dominant social norms. Without conscious design interventions in platform structure, governance, and moderation policy, and wider action for digital equity and cultural sensitivity, the metaverse risks becoming yet another ex-space of exclusion for those outside of the gender binary. It is therefore critical to reimagine virtual spaces from a gender-positive and intersectional frame, so that the emancipatory potential of digital identity performance is realized equally.

VI. CASE STUDIES

A. VRChat and the Enactment of Non-Binary Identity

VRChat provides users with the ability to upload or create a personalized avatar, which has produced a wide and expressive user base. Yet, in a 2021 study by Freeman et al¹⁴It was discovered that although most non-binary and trans users employed VRChat as a means for experimenting with gender identity, their experiences were ambivalent. Others reported feeling unencumbered by the freedom of occupying gender-affirming avatars, particularly when contrasted with their actual presentation, but others experienced misgendering, ridicule, and fetishization by others on the platform. Social acceptance and norms, rather than technical capabilities, constrained safe expression.

B. Meta's Horizon Worlds and Moderation Gaps

In 2022, several users complained of abuse and harassment when interacting with avatars that were openly feminine or queer-coded. Meta's internal assessment recognized that its features, including "personal boundaries" and mute, were

¹⁴ Guo Freeman, et.al., '(Re)discovering the Physical Body Online: Strategies and Challenges to Approach Non-Cisgender Identity in Social Virtual Reality' (ACM Digital Library, April 2022)
<<https://dl.acm.org/doi/fullHtml/10.1145/3491102.3502082>> accessed 28 July 2025

inadequate to hinder repeated targeting. LGBTQ+ users felt they were under surveillance or shut out and demanded more representation in the design and moderation staff. The lack of successful moderation and inability to proactively respond to gender-based harassment from a platform governance framework.

C. UK's First Metaverse Sexual Assault Case Investigation (2024)

In a historic case in 2024, British police opened what is thought to be the United Kingdom's first criminal investigation into an alleged metaverse sexual assault. The incident involved a female child, who at the time was said to be below the age of 16, playing with a virtual reality headset to engage in a simulated game world when her avatar was attacked by several other users' avatars. The incident, described in the press as a case of "virtual rape," attracted much legal and ethical discourse on matters of user safety, particularly for children, in simulated virtual worlds. A top police officer, interviewed in the *Daily Mail*¹⁵, reinforced the long-term psychological damage endured by the victim by saying: "There is an emotional and psychological impact on the victim that is longer-term than any physical injuries." He added that the experiential quality of the metaverse can blur the distinction between the virtual and real worlds, making it harder, especially for children, to distinguish between the two.

VII. DISCUSSION

The metaverse offers a quickly developing technological frontier that exposes serious flaws in the current legal and regulatory system. The safeguards for their safety are nevertheless insufficient, haphazard, and reactive as users move through these interactive virtual environments with embodied avatars that are frequently directly associated with gender, culture, or handicap. All websites provide user-controlled features like blocking, muting, and setting personal boundaries; they are more post-harm measures than structural defences. The most likely types of harm that disproportionately target marginalised users, including transphobic abuse or

¹⁵ Rebecca Camber, 'British police probe VIRTUAL rape in metaverse: Young girl's digital persona 'is sexually attacked by gang of adult men in immersive video game' - sparking first investigation of its kind and questions about extent current laws apply in online world' *Daily Mail* (London, 2 January 2024) <<https://www.dailymail.co.uk/news/article-12917329/Police-launch-investigation-kind-virtual-rape-metaverse.html>> accessed 28 July 2025

harassment or unwelcome contact, are not well anticipated or systematically prevented by these activities. Academic literature has indicted this policy, highlighting how platform safety measures do not carry the legal authority of rights and cannot divert responsibility from the victims.

Additionally, the metaverse's potential for gender euphoria facilitated by strongly personalized avatars and alien embodiment is frequently undercut by enduring virtual harassment. This form of abuse, while occurring in virtual spaces, has measurable real-world psychological impact, resulting in distress, invalidation of self, and even trauma, particularly among LGBTQ+ users. While these spaces are immersive in nature, legal frameworks have lagged behind in labeling virtual harms as legally enforceable, and courts hardly ever view avatar-based attacks and identity-based violations as falling under the ambit of existing protective laws.

This disconnect is further exacerbated by the haphazard division of labor between public agencies and private platforms. On the one hand, the platforms themselves, including Meta (owner of Horizon Worlds) and VRChat, have community standards and moderation practices, but these are unevenly applied and constantly yield to brand reputation or legal shield interests over the interests of actual user protection. Conversely, governments at both the state and national levels have been slow to use available legal protections like anti-discrimination statutes, hate speech codes, or online consent laws in digital immersive environments. This has created a void where public and private actors are not entirely in control, and thus users do not have many options for relief.

A comparative study also shows that the user experience on different platforms varies starkly: VRChat provides immense freedom of expression and avatar motion but has been slammed for hands-off moderation that systematically allows abusive practices to thrive. Horizon Worlds, on the other hand, imposes stricter content and moderation controls but is likely to constrain user control and silence expressions classified as "unfit" under loose standards. Such competing strategies emphasize the necessity of a hybrid model for governance that reconciles strong public regulation with platform-level binding norms. Such a model must include human rights principles, user-centric

design, and harmonization of the law between jurisdictions to advance safety, dignity, and equal inclusion on all virtual platforms.

VIII. RECOMMENDATIONS

A. Legal and regulatory reforms

Governments must promptly adopt legal frameworks to recognise avatar-based identity as a legitimate extension of legal personhood in order to give legal protection for gender identity in the metaverse. This calls for the official recognition of digital gender-based violence, avatar-mediated sexual assault, and virtual misgendering as actionable injuries in criminal, tort, and anti-discrimination legislation.

With the borderless character of virtual spaces, states must implement jurisdictional cooperation protocols sounding in models such as INTERPOL and GDPR to enable enforcement, exchange of evidence, and prosecution across borders. Concurrently, data protection laws need to be revised to cover biometric and avatar-created data (e.g., facial expressions, gestures, eye tracking) as sensitive personal data, with express, revocable, and purpose-binding consent. Collectively, these changes will have the goal of injecting rights-based safeguards into virtual worlds and providing redress to gender-diverse users who are harmed in immersive virtual worlds.

B. Platform Design Guidelines and Governance

A crucial first step towards successful metaverse governance is the incorporation of varied, fluid, and non-binary gender displays in avatar design, such as pronouns, voice modulation, and animation that conveys an actual person. Sites must use safety-by-design moderation systems that actively detect and prevent gender-based harassment in the form of misgendering, slurs, and behavioural patterns using a combination of algorithmic tools and trained human moderators in order to provide safety and dignity in online environments.

Additionally, the systems need to be supported by graded fines, transparent reporting procedures, and user-friendly appeals procedures that cater to a wide range of users. Regulations that require businesses to report identity-based abuse, monitor resolution results, and submit to independent audits assessing gender inclusion, moderation

practices, and responsiveness should also be used to enforce platform responsibility. To protect user security and human rights in interactive digital spaces, non-compliance should have concrete consequences, such as monetary fines or operational restrictions.

C. Digital Access and Equity Initiatives

Enhancing digital equity in the metaverse requires interventions addressing educational and economic inequities that marginalized and gender-diverse individuals experience. For purposes of ensuring that meaningful gender expression is not restricted by financial constraints, public-private alliances should provide free or subsidized use of identity-affirming avatar customization tools such as diverse clothing ranges, voice modulation, and virtual make-up. Plans for intersectional digital literacy need to be prepared in parallel in order to educate both producers and consumers of immersive experiences regarding gender sensitivity, virtual space security, and digital rights. To produce an inclusive, harm-reducing, and awareness-based virtual world in which all participants can engage fully and securely, these courses need to involve concepts from paradigms such as feminist, queer, and disability justice.

D. International Human Rights Alignment

In order for virtual spaces to develop according to universal human rights standards, gender identity in the metaverse should be defined as a basic human right. The creation of soft law instruments, such as declarations or guiding principles, that recognise digital gender identity and virtual autonomy as being covered by existing frameworks, such as Article 19 (freedom of expression) and Article 17 (privacy) of the International Covenant on Civil and Political Rights (ICCPR), must be led by these international organisations, such as the UN Human Rights Council and UNESCO.

A Global Observatory for Virtual Gender Rights must be established as an international endeavour by NGOs, academic institutions, and technology platforms to support this normative endeavour. This group would evaluate platform management, track and record gender-based harms in the metaverse, and provide annual recommendations tailored to specific countries and online environments.

Together, these initiatives can form the cornerstone of a concerted, rights-oriented approach to safeguarding gender diversity in virtual environments.

IX. CONCLUSION

The creation of the metaverse presents a rare opportunity to rethink identity, embodiment, and security as they are negotiated in virtual space. Immersion spaces provide gender-diverse people important avenues for expression, community-building, and access to gender euphoria not available through existing physical reality. Structural deficits in accountability, safety design, and recognition through law undermine its potential. The absence of legislative protection for avatar-based misgendering, virtual sexual violence, and identity-based harassment indicates the ways in which legislative efforts rooted in offline models are not well placed to address the specifics of virtual embodiment.

Platform-based attempts at safety have tended to be reactive, sporadic, and market-driven, leaving vulnerable users exposed to digital violence with very real psychological and social impacts. Furthermore, transnationalism in metaverse communication makes jurisdictional clarity and enforcement more complex, and continues to underpin the calls for cross-border cooperation and harmonized legal frameworks.

To fill these gaps, a radical model of governance is needed, one that brings together legal, technical, and ethical approaches in an integrative manner. National legislatures need to enact virtual identity protection laws and consent practices for biometric and avatar-derived data and require platform responsibility via open moderation processes and third-party audits. At the same time, international organizations like the UN must champion soft law instruments that recognize digital gender autonomy as a protected right under existing human rights norms.

Developers of online platforms must implement inclusive avatar systems and proactively work to block gendered abuse via human and algorithmic intervention. These policies must be accompanied by equity-focused policies such as subsidizing identity hardware and intersectional digital literacy programs to make access and

safety rights, and not privileges. As the metaverse becomes increasingly integrated into everyday life, safeguarding digital gender identity is no longer a technical problem; it is a moral and legal imperative at the center of the future of digital human rights.

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