



Successful Pro Bono Collaboration:

CGRS Helps Secure Protection for Gay Muslim Man from India

The [Center for Gender & Refugee Studies](#) (CGRS) is known for our work with women and girl asylum seekers fleeing gender-based violence. But CGRS has also been at the forefront of establishing legal protections for sexual minorities of all genders. A recent collaboration with the Steptoe & Johnson law firm highlights CGRS's commitment to the rights of LGBT asylum seekers.



In many countries, the sexual orientation or gender identity of LGBT individuals places them at odds with prevailing cultural values. This is especially true for individuals living in countries where fundamentalist religious beliefs prevail. In its worst manifestation, widespread discrimination can lead to rape, torture, and even death.

In India, discrimination and violence against LGBT individuals remains pervasive despite a [ruling from India's High Court](#) two years ago decriminalizing homosexuality. The High Court's ruling is progressive, but it applies only in Delhi and is just a first step. The ruling declared [Section 377 of the Indian Penal Code](#), which criminalizes consensual homosexual acts, in violation of the Constitution's guarantees of dignity, privacy, equality, and freedom from discrimination, and referred to the [Yogyakarta Principles](#) that outline binding international human rights norms relating to sexual orientation and gender identity.



However, decriminalizing sexual orientation does not automatically change deep-seated social attitudes, which have been slow to evolve in India. [Religious leaders](#) have been vocal opponents of the ruling, as have [political leaders](#). "Religious organizations and scholars representing Hinduism, Islam and Christianity are condemning the high court's judgment," reports an [editorial in Outlook India](#). The [US Department of State 2010](#)

[Human Rights Report: India](#) notes, “LGBT persons also faced physical attacks, rape, and blackmail. Some police committed crimes against LGBT persons and used the threat of arrest to coerce victims not to report the incidents.”



CGRS was pleased to be able to help when we received a call from [Colleen O'Brien](#), pictured at left, at the Los Angeles office of [Steptoe & Johnson LLP](#), who was representing “Salim,” a gay Muslim man from India. Her client’s work visa was expiring, and he was seeking asylum in the U.S. so he would not have to return to India where he faced pressure to enter into an arranged marriage and “reparative” shock therapy. CGRS provided his pro bono attorney with a country conditions research memo and advisories on LGBT asylum.

With CGRS’s assistance, Salim has been granted asylum. CGRS will continue to provide country conditions evidence to build records for LGBT asylum cases such as Salim’s. This has become especially important in light of the recent decision in *Castro-Martinez v. Holder*, decision was critical for shaping Salim’s case, in which the Ninth Circuit found that the applicant had not proven that the Mexican government was unable or unwilling to protect against violence towards a gay youth.



The Center for Gender & Refugee Studies develops and provides advocates with legal advice, country conditions reports, practice advisories, expert affidavits, and access to an unsurpassed searchable database of asylum case records. We offer these services **free of charge.**

[Join the CGRS network](#) for updates on campaigns, events, and gender asylum issues.

Search our [database](#).

Please help protect refugees like Salim by making a [tax-deductible donation](#) today.



[THE MORIAH FUND](#) WILL MATCH EACH DOLLAR YOU GIVE CGRS!

Your gift truly makes a difference for women, children, and LGBT asylum seekers fleeing persecution — Thank you so much for your support!