



# “Comité de sages” report

Critical summary presented to members and partners

English translation

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## Context

The “*comité de sages*” on gender identity was established by the government in December 2023, following altercations between protesters from the pan-Canadian parental rights organization Million March 4 Children and counter-protesters at a [rally held in Montreal](#) on September 20th, 2023.

This demonstration was part of a general mobilization of transphobic groups in both Canada and the United States and followed a [redirection of the efforts of conspiracy groups](#) after the lifting of health measures imposed during the pandemic. A few [gatherings in front of libraries](#) offering drag story hours had notably been organized by anti-vaccine figureheads since the spring and successfully postponed, most notably in Sainte-Catherine in Montérégie.

Following the altercations that took place in Montreal, the premier had declared to be a “[bulwark against extremes](#)” and quickly announced the creation of an advisory committee under the responsibility of the Minister of Families, Suzanne Roy. At the time of the announcement, the committee made up only of cisgender people was unanimously denounced by 2sLGBTQIA+ rights groups.

In the months that followed, a [call for its dissolution](#) was [signed by 150 feminist, community, trade union and student associations](#).

The committee's hearings have been held behind closed doors for the following year, involving among others [organizations labeled as transphobic](#) and marginal in civil society.

## General considerations

We believe that **the report is very aligned with the mandate given to the “Comité de sages”**. Indeed, its members had been mobilized in a context where points of view for advocacy groups were equated to those of conservative groups hostile to advances in the rights of trans people. The report, in this sense, elevates marginal and generally hostile viewpoints, while portraying 2SLGBTQIA+ groups as one of the irreconcilable poles in a tense social climate.

It seems obvious to us that the report is first and foremost a **rhetorical work of political communication** on the part of the government and aims to **strengthen the position of the latter as an arbiter of civil society**, in other words as a "bulwark against extremes".

This interpretation is largely based on the committee's choice to anonymize participants, thereby **significantly increasing the credibility of marginal perspectives** in research, feminist and community groups, by **equating them with groups and researchers who have constituted a broad consensus**, both in their own community and in civil society in general.

We are particularly perplexed that **such an opaque exercise** can be presented as a work of public consultation and have **serious reservations about the use of the Ministry of Families** to conduct it. Indeed, most of the committee's questions and recommendations do not fall within the purview of this ministry and go far beyond the role of the state more generally.

We believe that the approach of the government and its committee is primarily **aimed at justifying unilateral and paternalistic action by the state on issues that are part of public debate and of relations between members of civil society**. We are concerned that this report is a first step in a social engineering project that would attack the **independence of doctors, sports organizations and community organizations**, for example.

The implementation of its conclusions will need to be closely monitored by opposition parties and civil society to **avoid abusive state intervention in areas that fall within the scope of professional autonomy or freedom of expression**. We also wonder about the follow-up mechanisms that will have to be put in place given the breadth of the area of interest of the “sages” and in particular the role that certain institutions ignored by them will have to play, such as the new commissioner for the welfare and rights of children.

## Detailed analysis

As the report is still recent, it is certain that our reading will deepen in the coming weeks. However, we find it necessary to take a chapter-by-chapter overview at this time, in order to present our views on some of the issues raised in the report.

The speed with which we are called upon to react given the context imposed by the government unfortunately prevents us from providing detailed data, which is extremely rare and often unreliable.

### Chapter 1 – Gender identity

The first chapter is one of the most extensive of the report, and certainly the most confusing. In general, the report follows the conclusions reached in this first part, particularly with regard to the language used and the staging of an explosive social conflict that would require rapid and decisive intervention by the State.

The **committee takes a decisive step back from the language generally used in research in order to reinforce its "moderate" stance.** For example, the “*sages*” chose to use “biological men and women” rather than “cisgender”, but quickly abandoned this distinction, preferring “women” altogether, which should be understood as excluding trans women.

#### Sex / Gender distinction

The committee, as the government responsible for it did when Bill 2 was presented in October 2021, spends a considerable amount of time trying to distinguish between sex and gender. In particular, they give credence to the notion that some cisgender women believe that the concept of gender excludes the biological reality of female bodies. However, this is not the case.

In general, we believe that the concepts of sex and gender must be understood together, including greater granularity in the data and intervention that is more sensitive to variations in experience and vulnerability factors. Sex, as defined by the committee, relates to the concept of “sex assigned at birth,” which is the biological characteristics that refer to sexual dimorphism in humans.

**The notion of “assignment,” as it is currently used in trans research and communities, does not constitute a negation in the terms of this dimorphism, but rather stems from a feminist analysis of the social attribution of certain personal characteristics, material**

**resources, and the expectations that are placed on bodies with regard to gender norms.** Separating the notions of sex and gender is in this sense profoundly anti-feminist.

Moreover, it is true that the **Civil Code provides that doctors "note" ("constatent", n.d.t.) sex** on the birth certificate. However, this observation should not be confused with the notion of "biological sex", but rather be interpreted as a **legal act defining the "sex marker" ("mention de sexe", n.d.t.) to be recorded on civil status documents** and the resulting identity documents.

It is important to note that prior to 2022, the Civil Code did not define any of these terms and that between 2015 and 2022, the designation of sex simply had to reflect the gender identity of the person. This seems to us to be in line with the right to identity as defined in the Civil Code and did not pose any problem in itself. The Moore decision could very well have been respected in spirit by changing the practices of the *Directeur de l'état civil* since nothing in the Civil Code mentioned the binary nature of the designation of sex.

**The unnecessary complexity of terms is for us a desire for confusion rather than clarity and opens the door to serious abuses in the action of the State.** The "*sages*" suggest, for example, that the designation of sex be distinguished from a designation of gender, which is both unnecessary and potentially infringing on the rights of trans people, as was widely discussed around Bill 2.

**Let us add that the reduction of trans people to their identity overshadows their own bodily and biological realities.** Indeed, even if we keep the definition of "sex" adopted by the "*sages*", it seems obvious to us that a trans person undergoing hormone therapy or having obtained genital surgery cannot be confused with the members of his or her sex assigned at birth. This blind spot is essential to the whole approach of the "*sages*".

## Social tensions

This chapter gives a **lot of credence to the idea that the recognition of trans people would create a problem for social cohesion.** Two sub-chapters are devoted to the concerns of women (i.e. cisgender) and homosexual people.

One idea in particular makes its way throughout the document : that gender identity requires social recognition, while sexuality does not have the same necessity. This interpretation takes us directly back to the omnibus bill and Pierre E. Trudeau's comment that the state should not interfere in the nation's bedroom. However, we know very well that the recognition of same-sex spouses and parents by the state, insurers and employers, for example, constitutes a considerable advance in the quality of life and material conditions of people from sexual minorities. This argument is null and void.

**The concern of some cisgender women that the word gender "replaces" the word sex is based on a confusion in terms.** A confusion that is ratified by the "*sages*".

The notion of gender has indeed been central to the development of feminist thought, long before the development of the resulting gender theories. Gender, throughout the text, must be understood as "gender identity", which poses a huge problem since identity is precisely an intimate and personal relationship in the face of a system of social norms and attribution. **By reducing the reality of women to a biological question, it is possible that they will notice a decline in the invisibilization of women that they decry, but this would be at the cost of the invisibilization of the systems of oppression to which they are subjected.**

In general, the tensions highlighted in this chapter are systematically interpreted from cisgender perspectives and their consequences on trans people are completely overshadowed. **This leads us to interpret the report as a tool to represent trans people as a problem that needs to be addressed in order to satisfy the concerns and emotions of the majority who are particularly sensitive.**

Finally, **the issue of self-censorship in the academic and research context goes far beyond the scope of the issues under consideration**, and we believe that gender minorities are being used as scapegoats. If the issues concerning us are really the subject of heated debate, it is difficult to believe that such a marginal minority could have the impact that is highlighted in the report. In this sense, we perceive that some people seem to believe that their freedom of expression or academic freedom protects them from any substantive criticism, which is likely to be made by colleagues, students, etc. We cannot be held responsible for these disagreements or the incivilities associated with them.

Moreover, liberation movements have always been portrayed as excessive and unnecessarily confrontational and a minority ridiculed and ignored in the public space resorting to spectacular actions to advance its rights is a usual component of our liberal societies.

## Chapter 2 – Rights, discrimination and privacy

We have not made any significant efforts on this section at this time. The notion of discrimination was not a particularly interesting axis for us since it is limited to individual actions and rejects the idea of a systemic analysis of oppressions. **We believe that the effects of transmisogyny would be better understood through a statistical analysis of inequalities and vulnerability factors, leading to social programs and socio-economic support rather than an intervention based solely on individual rights.**

## Chapter 3 – Gender affirming care

Again, this chapter has not been interpreted in detail. **Overall, we are opposed to any form of pathologization of transness and believe in a harm reduction approach.** The disproportionate importance given to doctors and health professionals in determining our deviance undermines the integrity of trans people and ignores the fact that it is not strictly necessary to use their services to exist.

**As in the case of abortion, we defend bodily autonomy and wish to remind that it is not a question of "if" we will resort to exogenous hormones or surgeries, but "how".** Indeed, we see that a good part of our communities buy on the grey market or fall back on sex work, for example, to acquire the financial resources to obtain care abroad. This situation increases the risk factors associated with medical transition and is directly linked to an excessive barrier to access to this care.

Doctors place a disproportionate importance on their professional responsibility and come to believe that they are responsible for our transitions. We believe that this is an intimate and personal process that ultimately has little to do with their medical competence.

In addition, their ability to **control our access to this care leads to a power relationship that is detrimental to the health care provided by them**, in particular by leading people to hide certain concerns or health issues for fear of losing their access.

We advocate for a **holistic approach to care, especially for minors, that would include communities and mobilize our community knowledge.** Informed consent remains the golden rule, yet we see great disparities in the information available. In this regard, we believe that pharmacists would be better equipped to inform us about the risks and benefits of hormone replacement therapy and could play a more positive role than doctors, as is the case in the majority of the world, which does not apply the WPATH rules.

## Chapter 4 – Education

We do not have expertise in the education network and will reserve our comments on this subject for the time being. However, we believe that the **inclusion of communities in sexuality education is paramount and wish to remind that family and school environments are often the main site of transphobic violence.** Any approach based on parental involvement seems to us to be naïve at best and dangerous for the integrity of young people at worst.

## Chapter 5 – Non-mixed spaces and sports

This last chapter is certainly the most contentious for the Movement for Transfeminism. In our opinion, it demonstrates a **moral panic surrounding the bodies of trans women and their place in the social space, especially in single-sex spaces.**

This interpretation is largely based on the **significant visibility that is given to alleged fears or discomforts on the part of cisgender women, without providing sources.** It should be added that trans women themselves are not entitled to such treatment, being generally considered an embarrassment and deviant bodies to be controlled to reassure a worried population.

### Washrooms and changing rooms

We do not have a particularly strong opinion on the form of sanitary facilities, including toilets and changing rooms, but believe that the right to privacy should be respected as much as possible in their construction. This issue is far from limited to the presence of trans women in locker rooms, for example, since many women may be uncomfortable with certain provisions for reasons of their own.

However, we would like to point out that the State has not traditionally played a decisive role in providing access to facilities of this type, except through the construction of public toilets when circumstances require it or in its own sports facilities, for example. **We are obviously opposed to any form of legislation that would regulate access to such infrastructures, both private and public.**

### Housing resources

This is a particularly sensitive point for us because **shelters as community resources are part of two large national organizations that did not participate in the consultations.** From our point of view, this profoundly affects the credibility of the committee's positions.

In the absence of an overall picture, the “*sages*” fall into an **anecdotal assessment based on an overrepresentation of the fears and presumed emotions of cisgender women who are victims of violence, without taking into account those of trans people, and in particular of women.** This further demonstrates the inequity of views that prevails throughout the document.

Moreover, the **bodies of trans women are taken in a caricatural and dishonest way,** their appearance being represented as an object of trauma and compared to that of pubescent teenagers.

We recognize from the outset the challenges of including trans women in women's shelter resources, but are deeply shocked to see that the “*sages*” refuse to consider the particular violence to which they can be subjected by their cavalier integration into unsuitable resources. The interests of trans women, their experiences and their particular oppressions are completely ignored, except to justify their exclusion.

However, we know that women are not a homogeneous group and that their needs vary enormously according to their personal situation and that various marginalizing factors must be taken into account in their support, especially when they are in a vulnerable situation. **We strongly believe in an intersectional approach that is sensitive to issues of racialization, disability or migration status, for example. In this sense, the specific oppressions of trans women must certainly be taken into account.**

To address these important issues, we believe it is better to be pragmatic and **provide the necessary support to shelters, particularly in terms of funding, to develop adapted resources and feminist modes of intervention in collaboration with trans women's groups.** In addition, we would like to see **dedicated funding for the hiring of transfeminized workers** who can participate in this effort.

While there are serious issues related to access to resources for trans women, especially in the regions, we believe that forcing their inclusion in spaces that do not want to welcome them would undermine their safety and integrity. It is therefore necessary to **develop a joint upstream approach between the host organizations and the trans women's groups, so that a strategy that is sensitive to the realities of each is implemented.**

Until access is improved, we believe that **autonomy in access to housing could be supported by the implementation of a guaranteed minimum income or specific financial support measures.** Also, the Movement for Transfeminism could be mandated and funded to **enter into agreements with private housing actors in order to avoid aggravating the crisis affecting our community in terms of access to housing.**

### Detention centers

This section is also shocking to us because **the comfort of correctional officers and other inmates with the bodies of trans women is more emphasized than the needs of the latter.** The safety and dignity of inmates also seem to us to depend on many factors that are independent of the presence of trans women in women's prisons. We are well aware of the problems related to the obsolescence of the Leclerc prison, for example, or incidents of racist violence by staff and inmates alike. This issue is also crucial when we know that a disproportion of inmates are Indigenous.

On the possible abuses of self-identification in the management of transfers, we believe that if men are actually trying to be transferred, it probably has more to do with the conditions of violent confinement in men's prisons, and we seriously question the perception that incarceration in either of these facilities can be considered a privilege.

**We are particularly concerned about the introduction of an evaluation of the "sincerity" of transition processes.** We believe that this is dangerous to the dignity of inmates and, given the committee's general disregard for the experiences and concerns of trans women, we expect this attitude to be reflected in such tools.

It should be added that the **assessment of dangerousness in the prison system is not limited to transfers to women's prisons, but applies to the allocation to certain spaces** and access to the general population, and should be based on factors that are free of prejudice, whether related to gender identity, racialization or cultural origin. **The danger posed to trans inmates should also be assessed** before integrating a cisgender inmate into a space where transgender inmates are present.

## Sports and recreation

The fact that the committee has looked at this issue, which is definitely a matter for civil society, is a problem in itself in our view. **Sports associations and federations should be autonomous in determining their members, in accordance with the Quebec Charter of Human Rights and Freedoms.**

Once again, **the committee gives credit to a campaign of fear, by including caricatural representations of the bodies of trans athletes**, compared to their cisgender competitors. The latter are almost ridiculed, represented as frail and fragile, as opposed to fantasized trans women. The only case mentioned concerns a cisgender woman who voluntarily withdrew from a boxing competition. The point of view of her opponent is ignored, her name is not even mentioned. **This constitutes another instance of the systematic dehumanization of trans women in the report.**

The committee's notion of "informed consent" is based on the idea that trans women pose an additional danger to cisgender women, particularly in combat sports. However, this argument is particularly laughable for disciplines organised according to weight categories.

## Conclusion

The report of the "*comité de sages*" is representative of the state of public discourse regarding trans women. **We are represented in an abstract, caricatural and**

dehumanizing way, and our needs are systematically subservient to the concerns of cisgender people.

Thus, it is clear to us that the government is invited to act in a way that favours an approach based on the subordination of our interests to their acceptability for the cisgender majority. **Our access to public space, equality and the full enjoyment of our economic and social rights are conditional on the comfort and perceptions of a supposedly hostile public.**

The “*sages*” made visible efforts to exclude our lives and concerns from their analysis. They therefore invite us to **redouble transmisogynistic violence in the most significant aspects of our lives, and in particular towards vulnerable trans women.**

This exercise is mostly rhetorical and seeks to resolve the social conflict it is building from scratch through unilateral and paternalistic action by the State that has the potential to further increase the marginalization to which we are subjected.

As feminists, **we would like to remind that the scarce data that exist points to great precariousness, isolation and significant socioeconomic disadvantage. We are saddened to see that the “*sages*” are trying to solve a problem of perception through state violence and social exclusion rather than calling for specific investments in research and in the development of dedicated resources, in partnership with civil society.**