

ADVANCES IN SPORT AND LEISURE POLICY REGULATIONS FOR PEOPLE WITH DISABILITIES

Received on: 12/28/2020

Approved on: 01/30/2021

License: 

*Débora da Silva Oliveira*¹

*Luciana Assis Costa*²

Universidade Federal de Minas Gerais (UFMG)

Belo Horizonte – Minas Gerais - Brazil

ABSTRACT: The study carried out an analysis of the federal and municipal regulations of Belo Horizonte-MG, which has guided sports and leisure policies for people with disabilities. Fifty-four municipal legislations and fifty-two other federal legislations and parts of the Federal Constitution were analyzed. As an inclusion criterion, the following terms were adopted: accessibility, culture, tourism, leisure, recreation, toys, parks, sports, people with disabilities, inclusion and social inclusion. The data were analyzed following the assumptions of the content analysis. The results show that advances in federal and municipal legislation for people with disabilities have led to the formulation of inclusive sports and leisure policies. They also signal the need to detail the attributions and responsibilities of the federated entities for the implementation of the policy.

KEYWORDS: Public Policies. People with Disabilities. Legislation.

AVANÇOS NA REGULAMENTAÇÃO DA POLÍTICA DE ESPORTE E LAZER PARA AS PESSOAS COM DEFICIÊNCIA

RESUMO: O estudo realizou a análise da regulamentação federal e do município de Belo Horizonte - MG que tem orientado as políticas de esporte e lazer para as pessoas com deficiência. Analisaram-se cinquenta e quatro legislações municipais e outras cinquenta e duas legislações federais e partes da Constituição Federal. Como critério de inclusão adotou-se a presença dos termos: acessibilidade, cultura, turismo, lazer, ócio, recreação, brinquedos, parques, desporto, esporte, pessoa com deficiência, inclusão e

¹ Master's Degree in Leisure Studies from the Interdisciplinary Postgraduate Program in Leisure Studies (PPGIEL) by Universidade Federal de Minas Gerais (UFMG), Teaching Degree in Physical Education from UFMG, Effective Professor at the Municipality of Santa Luzia/MG, Member of the Group of Research in Public Policies of Sport and Leisure (POLIS-UFMG).

² Professor at the Department of Occupational Therapy by Universidade Federal de Minas Gerais (UFMG), Coordinator of the Research Group on Public Policies for Sport and Leisure (POLIS-UFMG), Permanent Professor at the Interdisciplinary Postgraduate Program in Leisure Studies (PPGIEL) - UFMG and the Postgraduate Program in Occupation Studies – UFMG.

inclusão social. Os dados foram analisados seguindo os pressupostos da análise de conteúdo. Os resultados demonstram que avanços nas legislações federais e municipais para as pessoas com deficiência têm induzido a formulação de políticas de esporte e lazer inclusivas. Também sinalizam para a necessidade de detalhamento das atribuições e responsabilidades dos entes federados para a implementação da política.

PALAVRAS-CHAVE: Políticas Públicas: Pessoa com Deficiência. Legislação.

Introduction

The Federal Constitution of 1988 inaugurates an amplified structure of social protection, with the legal recognition of a range of social rights, including sport and leisure (SANTOS, 2014). It also emphasizes fundamental societal elements for democracy, as the well-being of all people, without discrimination and prejudice of any origin. According to the constitution, the State must “promote the good of all, without prejudice of origin, race, sex, color, age and any other forms of discrimination” (BRASIL, 1988). And it also stresses “the protection and social integration of people with disabilities” (BRASIL, 1988). That is, the right to leisure is now seen as an element of social promotion and integration for everyone, especially people with disabilities.

Since 1988, constitutional norms, complementary laws, ordinances and decrees have been enacted, seeking to regulate and even complement the Constitution. In this regard, several sectoral policies were formulated to meet the specificities of groups, in the sense of an equitable expansion of social rights. With regard to the right to leisure, this expansion took place from the 1990s, when some inclusive policies stood out, such as the Child and Adolescent Statute - ECA (BRASIL, 1990), the National Policy for the Elderly (BRASIL, 1994) and the National Policy for Persons with Disabilities (BRASIL, 1999), which began to include leisure, aiming at accessing this right to everyone.

Despite the performance and political pressure of social movements in defense of equal rights for people with disabilities in Brazil and in the world and legal advances in favor of these rights, it is noticeable that the State still does not ensure the rights of people with disabilities to egalitarian and universal mode (CARAVAGE and OLIVER, 2018; ARAUJO et al., 2017; ANDRADE and ALMEIDA, 2012).

We will emphasize herein how the regulation of the right to sport and leisure for people with disabilities has been built, considering that the National Policy for Persons with Disabilities, which came into force in the late 1980s and has expanded in the years 2000, defends the right of these subjects to participate in cultural life, on equal opportunities with other people (BRASIL, 2009b).

Research carried out by Barbosa (IN PRELO) demonstrates the scarce production of national studies focusing on sport and leisure for people with disabilities (CARAVAGE and OLIVER, 2018). Also according to Barbosa, reiterating this statement, based on a literature review in leisure journals between 1998 and 2019, only ten studies were identified on the leisure of people with disabilities, which demonstrates the scarcity of research in this area.

As for existing studies, Andrade and Almeida (2012) point out that in recent years there has been a growing evolution in legislation on people with disabilities. Still based on the regulatory framework in the area, Andrade and Almeida point out that the “Convention on the Rights of Persons with Disabilities and the National Sports Policy make it clear that all people have the right to participate on equal terms” (ANDRADE and ALMEIDA, 2012, p. 57). Notwithstanding advances in regulations, the inclusion of topics relevant to people with disabilities in the area of sport and leisure has been embraced by the National Sport Policy and by the Caderno Legado Social – Rio 2016, which have specific points capable of promoting social inclusion. The authors highlight,

however, the lack of detailing of the actions that must be taken to implement these policies (ANDRADE and ALMEIDA, 2012).

Caravage and Oliver (2018), in a study carried out in a large city in the state of São Paulo, demonstrated that the holding of mega-events in recent years in Brazil has brought advances in legislation, sports infrastructure, research and professional training for people with disabilities. It is noteworthy that the policy of people with disabilities is the result of a set of decisions agreed between governments and civil society, which aim to guarantee social inclusion (SILVA; MENDONÇA; SAMPAIO, 2014).

Based on the foregoing, the study focused on the analysis of federal and municipal regulations in Belo Horizonte – MG, which has guided sport and leisure policies for people with disabilities. The article is divided into three sections, the first one referring to the inclusion of the right of people with disabilities in the national sport and leisure policy; the second one deals with the rights to sport and leisure of people with disabilities, and the third one deals with municipal regulations covering the inclusion of people with disabilities in the sport and leisure policy of Belo Horizonte.

Methodology

This study is a descriptive qualitative research of documentary nature. As a data collection technique, documental analysis of primary and secondary sources, of a public nature and which, preferably, were available on official platforms, was used, as well as documents made available by the Municipal Department of Sports and Leisure of the Municipality of Belo Horizonte - MG, as guided by May (1993).

Analyzes of laws and decrees of the city of Belo Horizonte – MG and the Federal Government regulating access to sport and leisure for people with disabilities were carried out. Thus, forty-four (44) municipal laws, forty-two (42) federal laws, ten

(10) municipal decrees, ten (10) federal decrees and parts of the 1988 Federal Constitution providing for sport and/ or leisure as a social right. To access the laws and decrees, the website of Municipal laws, and the official website of Planalto and Casa Civil do Brasil were used, both archiving and transparency platforms that allow access to the Brazilian regulatory framework.

The inclusion criteria for the selection and analysis of federal and municipal legislation and decrees was the presence of the following terms in the content of the documents: accessibility, culture, tourism, leisure, playful activity, recreation, toys, parks, sports, people with disabilities, inclusion and social inclusion.

Thus, after excluding laws and decrees that did not contain content relevant to the study, the documents included were duly cataloged, in order to form the database. For the formulation of the database about the normative framework, the proposal dates, promulgation dates, central theme dealt with in the document, as well as specific excerpts and contents about the object of study of this research were catalogued. Thus, after formatting the database, a timeline of the legal framework was organized.

During and after data collection through documents, content analysis was adopted. Bardin (1979) describes content analysis as a technique that uses systematic procedures to describe a message. Similar to document analysis, content analysis seeks, from the description of the communication, to make inferences related to the topic to which the message is dedicated.

As it is a documentary research, the study was exempted from consideration by the ethics committee.

The Legal Framework Regulating the Policy of Sport and Leisure for People with Disabilities

The normative framework is one of the dimensions of public policy analysis that refers to the policy's institutionality, despite the fact that the presence of laws and regulations does not guarantee, a priori, the execution of the policy (NOYA and GOMES, 2019).

This section addresses subjects covering the policies of sport and leisure, considering their normative aspect. For this, the legislation aiming to guide programs, projects and actions in sport and leisure is presented, with emphasis on the regulation of sports and/or leisure actions for people with disabilities at the federal level and in the municipality of Belo Horizonte.

A historical line was drawn on how the sport and leisure policies that serve people with disabilities in Brazil were and are being guided, with an emphasis on the city of Belo Horizonte. In organizing this line, documents made available on the platforms of the federal government, as well as the municipality studied, were used.

The cut was based on documents promulgated that deal with guidelines and rules for the implementation, maintenance and access to specific and non-specific leisure policies. Furthermore, documents referring to the following terms were selected: leisure, sport, entertainment, free time, leisure, public policy, inclusion and social inclusion; in addition to terms related to specific leisure facilities, such as parks, toys, cinemas and theaters.

For the organization of this set of laws, initially, it referred to the official website of the National Secretariat for Sport, Education, Leisure and Social Inclusion (SNELIS) and, above all, to the legislation signaled and made available in the same space. The aim

was to identify guiding and normative documents aimed at people with disabilities and which contained specific points dealing with leisure and/or sport.

To present the survey carried out and the results of the research, this article is divided into three sections. The first deals with how the FC and federal laws legislate on the rights of the person with a disability. The second fulfills the role of analyzing the legislation that focuses on people with disabilities and the leisure policies for these people. The third, in turn, presents the results of the survey carried out in relation to the city of Belo Horizonte and the guidelines for the sport and leisure policy for people with disabilities.

THE National Legislation Regulating the Right to Sport and Leisure

In Brazil, sport and leisure are still treated as synonyms. In most municipalities, states and even in the Federal Government, the two themes are not treated in an inseparable way and, thus, a good part of the policies and structures are formed in order to implement policies that encompass sport and leisure in a single activity, that is why whenever it comes to leisure policies, sport policies are present.

When observing the national guidelines for the development of leisure as a social right, however, it is not possible to identify that sport is also treated as a right. Santos (2014) emphasizes that the inclusion of leisure as a social right, in the Federal Constitution of 1988 (CF/88), was a legislative milestone for the expansion of social rights and for the unification of the State's obligations with and for the Brazilian people.

In its Art. 6th, the Federal Constitution makes it clear that leisure is a social right. Thus, federated entities are assigned obligations to provide the population with access to policies that make this right effective.

Art. 6th The social rights are education, health, food, work, housing, transport, leisure, safety, social security, maternity and childhood protection,

assistance to the destitute, in the form of this Constitution (BRASIL, 1988, online).

Also important, Section III of the FC provides for sport and anchors sport in social assistance. It should be noted that, at first sight, only leisure is treated as a social right. It is important to emphasize, however, that Article 217 states that it is the State's duty to encourage formal and non-formal sports.

Art. 217. It is the State's duty to promote formal and non-formal sporting practices, as each one's right, respecting:

I - the autonomy of sporting entities and associations, regarding their organization and functioning;

II - the allocation of public resources for the priority promotion of educational sport and, in specific cases, for high performance sport;

III - differentiated treatment for professional and non-professional sports;

IV - the protection and encouragement of nationally created sporting events.

§ 1 The Judiciary Branch shall only admit actions relating to discipline and sporting competitions after the instances of sports justice, regulated by law, have been exhausted.

§ 2 The sports court shall have a maximum period of sixty days, counted from the initiation of the process, to render a final decision.

§ 3 The government shall encourage leisure as a form of social promotion (BRASIL, 1988, online).

Araújo *et al.* (2017) point out that the practice of sport has not yet materialized, distancing sport as a social practice that is part of the cultural heritage of humanity. But that, as a legal framework, the CF/1988 determines the State's duty to promote sport as a citizen's right, admitting the responsibility of federated entities facing the promotion of public policies in this regard.

In the third paragraph of the article under analysis, however, the inclusion of leisure is observed, leaving ambiguities and failures regarding the definition of which activities should be performed to comply with such order. Perhaps, at this point, the problem enunciated at the beginning of this section arises: leisure and sport in Brazil are treated in a synonymous and indissociable way, which means that leisure is presented in a fragmented and, perhaps, mistaken way, as it it can be approached in different ways and through a diversity of content, from physical and sports activities to tourism (BRASIL, 1988).

This lack of clarity is not only present in CF/88, but also in Law No. 9,615 of 1998, which instituted general rules on sport, the only law providing guidance on sport in Brazil. In this law, sport is characterized from four different manifestations: educational sport, participation sport, performance sport and training sport.

Art. 3rd Sport can be recognized in any of the following manifestations:

I - educational sport, practiced in teaching systems and in unsystematic forms of education, avoiding selectivity, hypercompetitiveness of its practitioners, in order to achieve the integral development of the individual and their training for the exercise of citizenship and leisure practice;

II - participation sport, on a voluntary basis, comprising the sports practiced with the purpose of contributing to the integration of practitioners in the fullness of social life, in promoting health and education and in preserving the environment;

III - high performance sport, practiced according to the general rules of this Law and national and international sporting rules, with the purpose of obtaining results and integrating people and communities in the Country and these with those of other nations.

IV - training sport, characterized by the promotion and initial acquisition of sports knowledge that ensure technical competence in sports intervention, with the objective of promoting the qualitative and quantitative improvement of sports in recreational, competitive or high competition terms (BRASIL, 1998, online).

After the enactment of the Pelé Law, popular name for Law n. 9,615, all legislation on sport and leisure in Brazil was based on this law, which places leisure as a means for the practice of sport with an educational focus. It is known that leisure, as well as other sports practices, however, cannot be characterized and manifested in a single way. In this regard, could not the other manifestations of sport be characterized as leisure practices?

Inevitably, federal public notices for the promotion of sport and leisure bring with them these points, leisure as a means of a sport policy and not as a central objective. Unfortunately, the field of leisure and sports at the national level is regulated only by these two laws, which establish the State's obligation and define the ways in which this right can be offered to the population. From this perspective, the field still lacks legislation that clarify the obligations, as well as the duties and responsibilities of federated entities in relation to the implementation of the policy.

Anyway, CF/1988 and Law n. 9.615/1998 are the two main Brazilian regulations when dealing with matters related to sport and leisure. To encourage the alignment of public policies for sport and leisure for people with disabilities in the country, a series of decrees and laws were enacted over the years. These regulations will be presented below, complementing and creating the historical line that was traced.

The National Regulation of Sports and Leisure Policy for People with Disabilities in Brazil

As previously mentioned, the field of sport and leisure still needs to change and it is no different when it comes to policies for people with disabilities. To show how the arrangements were made to better serve people with disabilities in sport and leisure policies in Brazil, a survey was carried out on the laws that were in force and those that currently provide guidelines for the implementation of inclusive policies in Brazil.

At the beginning of the survey, three constitutional norms were identified, a complementary law, 40 laws, 14 decrees and four ordinances aimed at people with disabilities, which were listed on the SNELIS list. From the documents surveyed, only two constitutional norms, six laws and three decrees contained points related to sport and leisure, and about half spoke about the adaptation and accessibility of spaces for the enjoyment of sport and/or leisure. Based on this documentary research, a list of federal legislation for sport and leisure for people with disabilities was drawn up, as shown in Table 1.

Table 1: Federal legislation for Sport and Leisure for people with disabilities.

TYPE OF LEGISLATION	No. of LEGISLATION	CENTRAL MATTER	SPECIFIC PARTS
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Law	7.853/1989	It provides for support for people with disabilities, their social integration, for the National Coordination for the Integration of Persons with Disabilities (Corde), it institutes the jurisdictional protection of collective or diffuse interests of these people, disciplines the actions of the Public Ministry, defines crimes, and other measures (BRASIL, 1989).	Art. 2nd The Government and its bodies are responsible for ensuring people with disabilities the full exercise of their basic rights, including the rights to education, health, work, leisure, social security, support for childhood and motherhood, and of others that, resulting from the Constitution and laws, provide their personal, social and economic well-being.
Decree	3.298/1999	It regulates Law No. 7853, of October 24, 1989, provides for the National Policy for the Integration of Persons with Disabilities, consolidates protection norms, and other measures (BRASIL, 1999).	Art. 11th, CONADE is responsible for following, monitoring, planning and evaluating the execution of sectorial policies on education, health, work, social assistance, transport, culture, tourism, sport, leisure, urban policy and others related to people with disabilities;
Law	10.098/2000	It defines general norms and basic criteria for the promotion of accessibility for people with disabilities or reduced mobility, and other measures (BRASIL, 2000).	Sole paragraph. At least five percent (5%) of each toy and leisure equipment existing in the places referred to in the caput must be adapted and identified, as much as technically possible, to enable its use by people with disabilities, including visual, or with reduced mobility (Wording given by Law No. 13.443, of 2017).
Decree	3.956/2001	It promulgates the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities (BRASIL, 2001).	Article III, 1- a) measures by government authorities and/or private entities to progressively eliminate discrimination and promote integration in the provision or supply of goods, services, facilities, programs and activities, such as employment, transport, communications, housing, leisure, education, sport, access to justice and police services, and political and administrative activities.
Law	11.982/2009	It adds sole paragraph to art. 4 of Law No. 10.098, of December 19, 2000 (BRASIL, 2009a).	Amusement parks, public and private, must adapt at least five percent (5%) of each toy and equipment and identify it to enable its use by people with disabilities or reduced mobility, as far as technically possible.
Legislative Decree	186/2008	It approves the text of the Convention on the Rights of Persons with Disabilities (BRASIL, 2009b).	Article 30 - Participation in cultural life and in recreation, leisure and sport.

Law	12.663/2012	It provides for measures related to the FIFA Confederations Cup 2013, the FIFA World Cup 2014 and the World Youth Day – 2013 (BRASIL, 2012a).	Chapter V, § 7 The federated entities and FIFA may enter into agreements to facilitate the access and sale of Tickets in places of good visibility for people with disabilities and their accompanying persons, with at least being guaranteed, in accordance with the regulation, one percent (1%) of the number of Tickets offered, with the exception of accompanying persons, subject to the existence of adequate and specific facilities in the Official Competition Venues. Chapter VII - SOCIAL CAMPAIGNS IN COMPETITIONS - encouraging people with disabilities to practice sports.
Law	12.764/2012	It provides the National Policy for the Protection of the Rights of Persons with Autistic Spectrum Disorder (BRASIL, 2012b).	Art. 3rd The rights of the person with autism spectrum disorder are: I - a dignified life, physical and moral integrity, free personality development, safety and leisure.
Law	12.933/2013	It regulates Law No. 12,852, of August 5, 2013, and Law n. 12.933, of December 26, 2013, to provide for the benefit of half-price ticket for access to artistic, cultural and sporting events (BRASIL, 2013).	Art. 1st This Decree regulates the benefit of half price for access to artistic, cultural and sporting events for low-income youth, students and people with disabilities. Art. 6th People with disabilities shall be entitled to the benefit of half price.
Law	13.146/2015	It establishes the Brazilian Law of Inclusion of Persons with Disabilities (Statute of Persons with Disabilities) (BRASIL, 2015).	Chapter IX- From the right to culture, sport, tourism and leisure.

Source: Prepared by the authors.

Among the documents surveyed, Law No. 7.853/1989, Decree No. 3.298/1999 and Law No. 13.146/2015. It should be noted, however, until the development of the Brazilian Law of Inclusion of Persons with Disabilities, popularly recognized as the Statute of Persons with Disabilities, in 2015, other laws covered topics that were compiled in this single document, facilitating access to information.

The first law, after the enactment of CF/1988, which sought to regulate the rights of people with disabilities was Law No. 7.853/1989, which provided guidelines for supporting people with disabilities and their social integration, as well as legislating for the full exercise of basic social rights, such as education, health, work, leisure and social security.

However, when observing the other laws, it is possible to identify that Law No. 7.853/1989 was regulated by Decree No. 3.298/1999, ten years after the drafting of the original proposal, the decree recognized the need to clarify specific points of the law.

In this regard, we emphasize that Law No. 7853/1989, in its 2nd article, reiterates that it is the duty of the Government and its bodies to ensure people with disabilities the full exercise of their basic rights, such as education, leisure, health and other rights listed in the CF/1988. However, the law, as a way of guiding the obligations of the public power and the different spheres of government, does not explain how the competent bodies must act in order to ensure these rights. This detail regarding the attributions and responsibilities of the state will appear in Decree No. 3.298/1999, which elucidates the themes addressed in the law, so that each of the rights identified in the CF/1988 gains an exclusive section to guide the services of the public authorities and their bodies.

Taking into account the two ordinances and the differences between them, it should be clarified that the laws are intended to create, extinguish or carry out changes in rights and duties already established by CF/1988, the most powerful regulation in the country. In this case, the law is based on the constitution and the decree is guided by the law, since the decrees are only a means of clarifying points placed in the laws.

The rights indicated in Article 2 of Law No. 7.853/1989 were developed and elucidated in different sections of Decree No. 3.298/1999. In section V of Decree No.

3.298/1999 (BRASIL, 1999), are the guidelines for culture, sport, tourism and leisure, in articles 46th, 47th and 48th. In short, the articles provide for the obligations of federated entities regarding the adequacy of spaces and the offer of programs to serve people with disabilities so that they can enjoy the activities, promoting the “construction, expansion, recovery and adaptation of sports and leisure facilities” (BRASIL, 1999, online).

It is important to emphasize that the decree enacted in 1999 was the first legislation in which it is possible to observe more information on how the State should guide public policies for sport and leisure for people with disabilities in Brazil, not only referring to promotion, but also legislating about access and, mainly, about accessibility (BRASIL, 1999).

In short, Decree No. 3.298/1999 can be considered as ordering the other laws that regulate the sport and leisure policy for people with disabilities in Brazil, due to the robustness and detailing of the guidelines.

In the period between the publication of the law and the promulgation of the National Policy for the Integration of Persons with Disabilities, Decree No. 3.298/1999, there were no other regulations dealing with the policy for people with disabilities related to sport and leisure in Brazil.

After these ten years, from the 2000s onwards, it is possible to observe an increase in the number of laws that regulate sport and leisure for people with disabilities in Brazil. Law No. 10.098/2000 and Law No. 11.982/2009 provide guidelines for the accessibility of amusement parks, public and/or private, which must have at least 5% of each toy and equipment adapted for use by people with disabilities (BRASIL, 2000; 2009a). Thus, people with disabilities would enjoy these spaces with better conditions. Such laws are in line with Decree No. 3.956/2001, which guides the elimination of

barriers that prevent integration in the provision of services, goods, facilities, programs and other activities, such as sports, education, transport and other rights (BRASIL, 2001).

Public policies, as well as legislation, are written in order to solve social problems. In the case of guaranteeing the rights of people with disabilities, one of the needs is the construction of inclusive spaces that allow the exchange of experiences and experiences, as already indicated in Decree n. 3,956/2001, which promulgates the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities.

In recent years, Brazil has hosted several mega events, such as the Confederations Cup - FIFA 2013, the World Cup - FIFA 2014 and, finally, a major sporting event, the Olympic and Paralympic Games, in 2016. All these events led the country to invest in legislation aimed at making the public more accessible to the spaces where the events took place. To better serve people with disabilities, Law No. 12.663/2012 provided that at least 1% of the tickets of official competition spaces must be made available to people with disabilities, and these spaces need to offer adequate and specific facilities for the public (BRASIL, 2012b).

Before the sporting events were held, Brazil approved the text written in the Convention on the Rights of Persons with Disabilities, held in 2008, through Decree No. 6.949/2009 (BRASIL, 2009b) and which, in 2015, apparently became if the Statute of Persons with Disabilities, by Law No. 13,146/2015, which instituted the Brazilian Law of Inclusion of Persons with Disabilities - Statute of Persons with Disabilities (BRASIL, 2015).

Both laws are essential when it comes to rights for people with disabilities in sport and leisure, as they are the only documents that give clear guidance on the subject, as well as on other constitutional rights (BRASIL, 2009b; 2015).

In the case of sport and leisure, the Statute of Persons with Disabilities has an exclusive chapter on the right to culture, sport, tourism and leisure, based on other laws and decrees already existing in Brazilian legislation, such as Law No. 7.853/1989 (BRASIL, 1989), which established the National Coordination for the Integration of Persons with Disabilities (Corde) and pointed out the need for laws specifying the rights of people with disabilities and the necessary changes so that these people could fully exercise their rights basic items already indicated in the CF/1988.

The Statute of Persons with Disabilities takes a leap not only because it is a document that compiles the State's obligations to and with people with disabilities, but also because it provides guidelines for public policies for sport and leisure that, contrary to other basic constitutional rights, do not have their own system or legislation.

The Person with Disabilities Statute regulates that the right to culture, sport, tourism and leisure must be guaranteed, with equal opportunity and access. To access the goods mentioned in the statute, we must pay attention to the nomenclature used. Manzini (2005) warns us how the nomenclature can be misused, clarifying that access implies the process for something, whereas accessibility can be considered as something more concrete and palpable. The Brazilian Association of Technical Standards (ABNT) defines accessibility, through the NBR9050 standard, as the

[...] possibility and condition of reach, perception and understanding for the use, with safety and autonomy, of spaces, furniture, urban equipment, buildings, transport, information and communication, including its systems and technologies, as well as other services and facilities open to the public, for public or private collective use, both in urban and rural areas, by people with disabilities or reduced mobility (BRAZILIAN ASSOCIATION OF TECHNICAL STANDARDS, 2020, p. 2).

Already accessible is defined as the possibility of using "spaces, furniture, urban equipment, buildings, transport, information and communication, including their systems and technologies or element that can be reached, activated, used and experienced by anyone" (BRAZILIAN ASSOCIATION OF TECHNICAL STANDARDS, 2020, p. 2). Taking these definitions into account, Manzini (2005) points out that four main elements can be abstracted from the concept of accessibility, which are: a) buildings; b) transportation; c) equipment and furniture; and d) communication systems and, recently, the information, systems and technologies involved in accessing the aforementioned good, whether public and/or private.

Through Law No. 13.146/2015 (BRASIL, 2015) it is mandatory that all spaces for culture, sport, tourism and leisure must be in an accessible format for people with disabilities, therefore, all spaces must enable the full enjoyment of all (BRASIL, 2015; BRAZILIAN ASSOCIATION OF TECHNICAL STANDARDS, 2020).

Access to these goods implies, as mentioned above, more than the existence of accessible spaces, the effective possibility of enjoying them. Prior to Law No. 13.146/2015, popularized as the Statute of Persons with Disabilities, in 2013 through Law No. 12.933/2013, people with disabilities, the elderly, low-income youth and students began, for example, to have the right to half-price admission to artistic, cultural and sporting events, as a way of popularizing access to these goods.

In short, the legislation analyzed in this study points to the binding of the rights guaranteed by the CF/1988 and the need for legislative systems that bring with them the rights and obligations of each federated entity. This means to say that there is a need to harmonize rights and duties in order to offer both state and private goods. Above all, the analysis revealed that the federal legislation for sport and leisure for people with disabilities needs to be more incisive and objective regarding the obligations of different

federated entities, as it leaves open the attributions and competences established for each sphere of government, preventing clarity on who should be charged for the actions.

The Local Regulation of Sports and Leisure Policy

As already mentioned, guidelines for the preparation of public policies are carried out through legislative ordinances, such as laws, decrees, manuals and other documents that provide for rights and duties. Laws, decrees and manuals that guide public policies for sport and leisure are common, due to the gap in the CF/1988, sovereign and basis for other guidelines.

In addition, the lack of a sport and leisure system, as well as a development plan for the area, makes each federated entity and even private initiatives follow their own directives and, in most cases, there is a certain perception that this it is done in a fragile way in the context of local governments” (MENICUCCI, 2008, p. 180; CARAVAGE and OLIVER, 2018). It should be noted hat, in a federative system like the one in Brazil, the municipality has political and administrative decision-making autonomy to formulate and implement its public policies (CARAVAGE and OLIVEIRA, 2018). In this case, the drafting of legislation is attributed to the city council of councilors, a democratically elected body to carry out municipal public policies, in general, paying attention to the rights established by the federal constitution and other laws that overlap those established by the city.

The city of Belo Horizonte has legislation that is intended to guide other municipal bodies in the development and execution of public policies. As stated above, there is no clear national guidance on the attributions and responsibilities of each federated entity in relation to sport and leisure policy. The lack of a federal document, however, does not exempt the municipality from carrying out sport and leisure policies

(BRASIL, 1998).

The city of Belo Horizonte, the central matter of this study, has the Municipal Sports and Leisure Secretariat (SMEL), a municipal body responsible for planning, organizing, evaluating and implementing the sport and leisure policy. The city's sport and leisure policy is based on Law n. 9.069/2005, which instituted the municipal policy to encourage sport and leisure (BELO HORIZONTE, 2005). About the document, it is possible to observe the objectivity with which the theme was dealt with, as well as the guidance for offering an inclusive policy for all.

Article 5 of the aforementioned law reiterates the importance of democratizing the municipal sports and leisure policy, with the participation of the entire community. It highlights the need to adapt sports installation projects for people with disabilities. One of the objectives of the policy is the development of sport and leisure projects that prioritize the social inclusion of the elderly and people with disabilities (BELO HORIZONTE, 2005).

From Law No. 9,069/2005 other laws and decrees were enacted and provided other guidelines for the implementation of sports and leisure policies in the municipality. In 2010, the Sports for All Program was created through Decree No. 14.183/2010 (BELO HORIZONTE, 2010), which aims to partner with recreational clubs to implement sports centers, with activity modules oriented and evaluated by SMEL. Thus, in addition to the centers implemented by the municipality, the city has professionals and spaces through the realization of a public-private partnership.

In 2011, the Belo Horizonte School Games (JEBH) were instituted, a sporting event of an educational nature that, in addition to offering modalities of the Olympic cycle, must ensure the inclusion of at least one collective modality and an individual modality of the cycle of Paralympic sports (BELO HORIZONTE, 2011).

In addition to direct administration bodies, in this case represented by SMEL, the councils have an important mission in the formulation and monitoring of public policies. An important ordinance that provides guidelines and goals for carrying out the sports and leisure policy for people with disabilities in Belo Horizonte was recently prepared by the Municipal Council for the Rights of Persons with Disabilities (CMDPD), which is configured as a deliberative council, controller and supervisor of the policy of assistance to the disabled within the municipality (BELO HORIZONTE, 1995).

Through Resolution 06/2019a, prepared by the CMDPD, the Policy Plan for people with disabilities was formulated, whose preparation included the participation of several actors, representatives of public bodies and civil society. Through this resolution, it is possible to identify the history of people with disabilities in the city, access quantitative and qualitative data about this audience and identify goals and targets set for the coming years, considering the implementation of public policies for people with disabilities (BELO HORIZONTE, 2019a).

It should be noted that this plan is intended to clarify goals not only for sport and leisure, the central object of this research, but also contemplates access to broader social rights. Thus, the document provides for housing, education, food, transport, culture, health, communication, employment and social assistance. It was set 174 goals, distributed in nine different axes, and of these goals, 10 are directed exclusively to sport and leisure. (BELO HORIZONTE, 2019a).

Regarding the goals established for sport and leisure, proposals were drawn up with permanent, medium and short terms. Regarding the permanent goals, we have the biannual running of the Rustic Race, organized by the Superar Program³, with the

³ The Superar Program is one of the programs implemented by the Municipality of Belo Horizonte – MG, created in 1994, whose objective is to offer people with disabilities sports and leisure activities. More

purpose of holding an inclusive event for people with disabilities in the city and which, unfortunately, has not been held in recent years. In addition to the Rustic Race, we have the Amateur Soccer Centenary Cup and the Belo Horizonte School Games (JEBH), both characterized as permanent goals for enabling access for people with disabilities (BELO HORIZONTE, 2019a).

The medium-term goals are related to expanding the service provided by the Superar Program and increasing the number of centers and the number of people served. According to the Demonstration Report on the Execution of Physical Goals, available on the Portal of the Municipality of Belo Horizonte, in the years 2017 to 2019, there was an increase in attendance in terms of training. It should be noted that the program has two forms of assistance, professional training and civil society, named as training assistance, and educational assistance for people with disabilities, named as Superar Educacional attended (BELO HORIZONTE, 2018; 2019a; 2019b; 2020).

The short-term goals of the Municipal Plan for people with disabilities, with regard to sport and leisure, correspond to the feasibility of federal partnerships for the development of infrastructure for the training of high-performance athletes; the expansion of accessibility to equipment in the universal format, indicated in ABNT 9050:2020, and the registration of all people with disabilities assisted by SMEL programs, in the format already carried out by the Superar Program, following the guidelines of the Statute of the Elderly, Law No. 10.741/03, and the Brazilian Inclusion Law, Law No. 13.146/15 (BELO HORIZONTE, 2019a).

Regarding the monitoring of assistance and registration of those assisted, as well as the individuality of each one, this study, when starting the search for information, already pointed to the lack of data on assistance from other programs developed by

information and specifications about the project are detailed in Chapter IV – The implementation of sports and leisure actions in the municipality.

SMEL. Only the Superar Program, which exclusively serves people with disabilities, provides data on who the people served are and what activities are carried out. Thus, the expansion of actions aimed at evaluating and monitoring other programs is essential to make future changes to the policy, with a view to its improvement (BELO HORIZONTE, 2019a).

No less important than resolution 06/2019, prepared by the CMDPD, Bill No. 367/2017, which provides for the municipal consolidation regarding accessibility, referential services and rights of people with disabilities. The proposal contains a specific point aimed at leisure and sport, which deals mainly with accessibility to public and private spaces, as well as the need for greater funding for programs for people with disabilities. Until the disclosure of this research, the project was under parliamentary discussion for adjustments to the original proposal (BELO HORIZONTE, 2017; 2019a).

The goals presented by the Municipal Council for Persons with Disabilities (CMDPD/BH) represent important steps for the policy developed in the city to be improved, since the short-term goals aim to map the needs of the public served. This mapping is essential, due to the lack of data on people with disabilities, not only in Belo Horizonte, but in most of the municipalities. In this regard, if the Municipal Plan is followed, it is an important tool for the implementation of municipal public policies not only for sport and leisure, but for other departments that provide assistance for people with disabilities.

Final Considerations

Regarding the normative framework for sport and leisure policies for people with disabilities in Brazil, there is an expansion of the national legal apparatus, which regulates and guides policies for the care of people with disabilities in sport and leisure

programs. The promulgation of the Statute of Persons with Disabilities stands out, which detailed the rights to sport and leisure for this public, in the sense of regulating the right provided for in the Federal Constitution of 1988. In other words, the regulation of the national policy for people with disabilities has been an important parameter for the implementation of an inclusive perspective of sport and leisure policies in different spheres of government.

In relation to the municipal legislation that deals with the rights to sport and leisure for people with disabilities, there has been a broader movement in an attempt to improve programs and expand access to the public. The creation of the Municipal Plan for People with Disabilities, by the Municipal Council for People with Disabilities, in 2019, is an example of the actions that have been carried out to implement a more assertive policy for this public. The municipal plan consists of the elaboration of goals for modifying and expanding access to public policies for people with disabilities in the city.

Thus, it was possible to identify in the study that the Federal Government, as well as the Municipality of Belo Horizonte - MG, has legislation relevant to the development of sports and leisure policies that serve people with disabilities in order to achieve social inclusion, however it is not possible to identify clear guidelines on how these policies should be implemented. And that legislation on people with disabilities and their rights are the ones that bring with them the greatest potential for guiding sports and leisure policy for people with disabilities.

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Authors' Address:

Débora da Silva Oliveira
Electronic Mail: deboraoliveira.edfis@outlook.com

Luciana Assis Costa
Electronic Mail: lucianaassis.ufmg@gmail.com