

LEVELING THE PLAYING FIELD FOR THE RIGHT TO SPORTS AND LEISURE IN BRAZIL? GENDER ISSUES IN THE GENERAL SPORTS LAW

Received on: December 15, 2023

Passed on: February 09, 2024

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ABSTRACT: The General Sports Law (LGE) was enacted in June 2023 and despite the presidential veto affecting 40% of its content, LGE mentioned the right to sport for women, breaking historical silence on the matter. Given the historical inequality in access and participation for girls and women in sports, this essay examines how LGE addresses gender issues, recognizing sports as a fundamental right for the comprehensive human development of all individuals. We analyze the legislation based on the premises of cultural analysis, highlighting language as a cultural artifact and a power technology. We observe how the discourses present in the legislation articulate, produce, or limit the inclusion of women in sports.

KEYWORDS: Legislation. Women in sport. Public policy.

NIVELANDO O CAMPO DE JOGO DO DIREITO AO ESPORTE E LAZER NO BRASIL? QUESTÕES DE GÊNERO NA LEI GERAL DO ESPORTE

RESUMO: A Lei Geral do Esporte (LGE) foi sancionada em junho de 2023 e apesar do veto presidencial a 40% do conteúdo, teve como inovação a inclusão a menção à participação das mulheres no esporte, rompendo com a omissão histórica sobre a temática. Considerando o cenário de desigualdade de gênero nas oportunidades de prática esportiva, nosso objetivo foi analisar a forma pela qual a LGE aborda a questão de gênero, considerando o esporte como um direito fundamental para o desenvolvimento humano de todas as pessoas. Analisamos a legislação com base nas premissas da análise cultural, que destaca a linguagem como artefato cultural e tecnologia de poder. Observamos como os discursos presentes na legislação enunciam, produzem ou limitam a inclusão das mulheres no esporte.

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PALAVRAS-CHAVE: Legislação. Mulheres no esporte. Políticas públicas.

Introduction

In June 2023, after 8 years of processing of PL No. 68 of 2017 in the Federal Senate, the General Sports Law (LGE) was sanctioned, law no. 14.597/2023, the purpose of which was to create a national sports system in Brazil (Sinesp)³. This legislation was widely expected by the sports community, to outline an organizational structure for sport, with levels and systems, specifying the responsibilities, agents and competences of public, private and third sector entities (MATIAS *et al.*, 2021).

Both the Senate and the House of Representatives shared the view that LGE should serve as a unifying legislation for the entire Brazilian sports scene, consequently repealing the Pelé Law. The aim was to establish a new comprehensive standard and build a unified system for sport, just as we have in other areas, such as health, for example. Although LGE partially achieved these objectives in its enacted form, by preserving significant portions of the rules approved by Congress, approximately 40% of the legislation was vetoed by the executive branch. These vetoes compromise the initial purposes of the project, since almost half of the planned provisions were excluded, compromising the repeal of the Pelé Law and the unification of legislation (AGÊNCIA SENADO, 2023). This includes crucial elements for the configuration of Sinesp, such as the new National Sports Council, the National Sports Plan and the National Sports Fund.⁴

The National Sports Fund was the backbone of Sinesp and was inexplicably vetoed, without any more substantiated technical or legal justifications. The main

³ For more details on the Senate proceedings, see PL 68 of 2017, of the Federal Senate, with hearing records and comments by rapporteur Prof. Wladimir Camargos, Ph.D. Available at: <https://legis.senado.leg.br/sdleg-getter/documento?dm=4402929> Accessed in December, 2023.

⁴ As of the closing of this manuscript, the Brazilian Congress had not analyzed the presidential vetoes.

purpose of this fund was to finance sports and leisure activities in Brazil, aiming to secure resources to make the right to sport effective in the country. It is worth noting that, in general, public funding for sport in Brazil operates in a decentralized manner and is subject to variations, with a significant reduction over the last decade, from 2010. The absence of this fund compromises the financial sustainability of the sports system proposed by LGE, casting doubt on the ability to enforce rights in this area in the country. (ATHAYDE; ARAUJO; PEREIRA FILHO, 2021). The jurist who reported on the Bill (PL) in the Senate, Prof. Dr. Wladimir Camargos, regretted the high number of presidential vetoes, highlighting the disfigurement of the essence of Law 14,597/2023 (ALESSANDRA, 2023). This law aimed, primarily, to establish the synchronicity and scope of a national sports system, self-sustained through taxes from electronic games, as provided for in the PL approved by the Brazilian Congress. The jurist's criticism highlights not only the quantity, but also the nature of the vetoes, pointing to a significant change in the original purpose of the legislation. This complaint highlights concerns about the coherence and completeness of LGE following the presidential interventions.

At the heart of this debate is a theme that guides LGE: the definition, ratification and guarantee of sport as a fundamental social right, in a manner that is convergent with our Magna Carta, valuing principles such as democratization and inclusion, in its second and third articles. Furthermore, sport is classified into three levels in this legislation: training, excellence and for life, the latter directly linked to the implementation of this right. The social right to sport is a demand for full human development and self-realization of capabilities and freedoms (KORSAKAS *et al.*, 2021) and for the fulfillment of human needs (ATHAYDE *et al.*, 2016a). This issue is particularly important, given that in the last two decades, legislation dealing with sport

in the country has systematically failed to address social rights (ATHAYDE *et al.*, 2016b).

Delving deeper into this topic, the legislation affirms the principle of equal conditions for access to sport, reinforced as a Sinesp guideline. Among the aspects that appear innovatively in the law, we highlight the mention of women's participation in sport. It is worth highlighting that until then only the III National Plan of Policies for Women (2013-2015) had contemplated sport as an expansion of female citizenship in the country (BERTOLLO; SCHWENGBER, 2017). According to the authors, this was “an initial step towards the constitutional recognition of sport and leisure as elements of the right to citizenship for all, with emphasis on women, of conceiving sport as an axis of inclusion for the excluded and the vulnerable” (BERTOLLO; SCHWENGBER, 2017). In the same direction as this document, LGE specifies some questions about gender equality for public policies.

Considering this scenario, the objective of this essay was to analyze and problematize the way in which the gender issue is present in LGE. To this end, we look at public policies as cultural artifacts, seeking to analyze "what is said and silenced, how it is said, under what circumstances" (PIRES; MEYER, 2019, p. 98). We still have as a theoretical methodological assumption that the understanding of language is a field of production of relations that produces bodies and establishes meaning and power.

Policies, based on this perspective, are understood as language, cultural artifact and technology of power, playing a central role in contemporary organization and impacting the way people construct themselves as subjects (MEYER, 2012). The reflection on LGE is carried out from the perspective of cultural analysis, seeking to examine and problematize discourses that shape institutions in certain ways and not in others. The intention is to recognize, describe and problematize the discourses present in

LGE involved in the production of women's inclusion in sport. In this context, gender is perceived as an organizer of society and culture, encompassing the processes by which culture constructs bodies as feminine or masculine (MEYER, 2004).

By gender, we understand the social, cultural and linguistic constructions involved in the processes that act in the differentiation between men and women (LOURO, 1999; MEYER, 2004; WENETZ; MARTINS, 2020). Operating from the gender category makes it possible to understand that the differences and inequalities between women and men are not biologically determined (GOELLNER, 2007; LOURO, 1999; SCOTT, 1995). Thus, when we observe the inequalities in opportunities for practicing sports between men and women, which justifies the specific mention of women in LGE, we are referring to a process built throughout history, whose peak is found in the prohibition of some sports modalities for women (BRASIL, 1941). In this regard, we also do not approach gender as if subordinations and inequalities were "derived from the performance of roles, functions and strict cultural characteristics of women and men" (MEYER *et al.*, 2014, p. 889) (MEYER *et al.*, 2014, p. 888). From this perspective, laws are "constituted and permeated by gender assumptions, at the same time as they are implicated in their production, maintenance and resignification" (MEYER *et al.*, 2014, p. 889).

To argue how the gender issue is presented in LGE, we analyzed the legislation sanctioned in 2023, looking for direct and indirect references to this problem. To interpret these mentions, we used three contexts that intersect, influencing the construction of this legal proposition. Firstly, we discuss how these gender inequalities put pressure on the right to participation and universal access to sport, directing our attention to the response given through LGE. Secondly, to address women's access to public policies, we address the complexity of the intersection between gender equality,

democracy and social rights for the constitution of citizenship. Historically, women have been excluded from political participation and have been deprived of many rights throughout the 20th century. Within this scope, the gender issue becomes intrinsically linked to democracy and the guarantee of social rights, exploring how social inequalities represent significant challenges, especially in the context of access to sports practice. These two topics are the following sections of this article.

Thirdly, we present how LGE addresses gender issues in the sports scene. Finally, we held a critical debate by establishing connections with international legislation that has directed efforts to address the complexity of the gender issue, thus outlining a broader and comparative panorama of the challenges and progress on this issue.

Gender Inequality and the Social Right to Sport and Leisure

In the context of sport and leisure, gender inequality is evident, according to data from PNAD, 2015 (IBGE, 2017). Among those engaged in sports, only 39.4% are women, despite them making up 53.8% of the general sample of PNAD (MARTINS; SILVA; VASQUEZ, 2021). In other words, just over a third of sports practitioners are female. Comparatively, while 30.7% of Brazilian men dedicate themselves to sport, this number is only 17.1% in the case of women (MARTINS; SILVA; VASQUEZ, 2021). This panorama is a reflection of cultural discourses that associate different expectations with girls and boys, as well as women and men in relation to the sports universe (OLIVER; HAMZEH; MCCAUGHTRY, 2009). Notably, many sports are described in terms linked to masculinity, aggression, and virility, as argued by Messner (2010). Consequently, women face less encouragement and have limited resources to participate

in sports activities, subjecting themselves, when they do so, to a greater risk of discrimination (GOELLNER, 2010).

Considering that the taste and habit of practicing sports is built throughout life, childhood and adolescence have a crucial weight, which makes us look at the role of Physical Education at school (KNUTH *et al.*, 2010). When analyzing girls' participation in Physical Education (PE) classes using data from the National School Health Survey (PENSE) from 2015 and 2019, a significant disparity becomes evident. In 2019, data reveals that, on average, girls participate considerably less time than boys in classes of Physical Education (MARTINS; VASQUEZ; MION, 2022). The median number of minutes of PE practice per week for boys was 35 minutes, while the average reached 49 minutes. In contrast, girls had a median of 5 minutes and an average of 30 minutes. In other words, more than half of girls actively participate for less than 5 minutes per week in PE classes. This discrepancy becomes more pronounced when we observe the situation within the same school, where children have access to the same classes. In this context, girls record an average of 15 minutes less of effective practice compared to boys (MARTINS; VASQUEZ; MION, 2022).

As a result, in PE classes and other spaces available at school, boys normally dominate the times and spaces available for physical activities (SOUSA; ALTMANN, 1999). This reality raises a crucial question: how can girls learn and develop a taste for sport if they are systematically excluded from active participation during PE classes? It is clear that the opportunities offered to girls and boys are different, which directly impacts the formation of preferences, tastes and skills related to the sports universe (SO *et al.*, 2021).

The participation of girls and women in sports is significantly lower, reflecting cultural stereotypes and structural barriers. The school, as a space that shapes tastes and

dispositions, reveals disparities in the participation of girls in Physical Education classes, pointing to the urgency of interventions that promote equity from childhood (ALTMANN, 2015; JACO; ALTMANN, 2017).

We also highlight that the barriers faced by women do not manifest themselves in a uniform manner, as they vary according to several interconnected factors. Women do not constitute a homogeneous group, and this diversity is crucial for a more in-depth analysis of gender issues (MEYER, 2004). Data presented in the report of the United Nations Development Programme (UNDP, 2017) highlights that elements such as economic status, race, gender, disability and other intersectional identification factors play significant roles in access to sport and leisure. For example, white women are more likely to be involved in sports than black women. Furthermore, those who get involved in sports have an income that is approximately double the national average for women (MARTINS; SILVA; VASQUEZ, 2021). This factor corroborates the need for an intersectional perspective, which considers the complex interactions between different forms of discrimination and social divisions, recognizing that women's experiences are challenged by a multiplicity of elements (COLLINS; BILGE, 2020).

In this context, intersectionality emerges as an essential analytical tool to guide the construction of public policies (COLLINS; BILGE, 2020). It offers a more comprehensive approach, capable of taking into account the different dimensions of identity and the interrelationships between different forms of oppression. By incorporating intersectionality, public policies can be more effective in addressing the complexities of women's experiences and ensuring a more inclusive and equitable approach. Intersectionality must, therefore, be a fundamental analytical tool in the construction of public policies that aim at gender equality and equity, contributing to the construction of a more just and inclusive society.

The Gender Issue in Public Policies

When addressing the issue of public policies and access to social rights in a democratic society, we need to highlight the profound social inequalities that mark our reality. The construction of a democratic society, capable of allowing the full participation of historically marginalized political actors, faces significant challenges in the search for the realization of social justice (FRASER, 1990). Women were systematically deprived of their presence in various public spaces, generating profound repercussions on female citizenship (FERREIRA, 2004). The idea that public space and, consequently, public policies were unrestrictedly accessible to anyone who wanted them ignored the numerous inequalities that were present, preventing access for subaltern groups in society (FRASER, 1990). Feminist movements have raised this issue, particularly in Brazil, since the 1980s, demanding a series of rights that women were still deprived of.

Despite the transformations resulting from feminist debates in recent decades, structural inequalities persist. Women's responsibility for household chores and the pay gap in relation to men reflect the persistence of gender hierarchies (BIROLI, 2018). This sexual division of labor directly reverberates in contemporary democracies, limiting women's access to public spaces and political participation. The systematic exclusion of marginalized groups, notably women, reveals the hierarchical nature of democracy, keeping them in a condition of underrepresentation and marginality, compromising their ability to act as protagonists in transforming this scenario (BIROLI, 2018).

In response, in the wake of global neoliberalism, the social inclusion agenda promoted from the 1990s onwards feminized social vulnerability and focused on marginalized groups with very precarious policies (MEYER *et al.*, 2014). Related to

this process was the weakening of the social movements of the 1980s and the development of a second wave of feminism, institutionalized by the State, replacing the previous feminist collectives with specialized and professionalized NGOs. The institutionalization of this movement strengthened a transversal approach in the formulation of public policies, establishing dialogues with international organizations, such as the UN (ALVAREZ, 2014). According to the author, in this context, “gender - one of the defining discourses of the field in this second moment, as we will see below - became, in UN parlance, "mainstreamed", or "cross-cutting", by political institutions" (ALVAREZ, 2014, p. 26). Gender, therefore, formed a political grammar capable of creating bridges between diverse feminist political demands and projects.

The contemporary expansion of feminisms brought with it an expansion of demands and female protagonism in spheres that had been neglected until then, such as the social right to sport and leisure (BERTOLLO; SCHWENGBER, 2017; BONALUME; ISAYAMA, 2020). In the specific context of social rights related to sport, an additional challenge emerges, centered on the need to rethink gender binaries, sporting representations and stereotypes, as well as the very structuring of these spaces. In this context, equitable policies become imperative, recognizing the different social opportunities between men and women.

Gender Grammars in Sports Policies

In this context of mainstreaming the gender issue and establishing a common political grammar based on this reference, a series of women's sports organizations at a global level organized themselves at the World Conference on Women and Sport in 1994. From this conference, a collective identity was forged, legitimized by the production of the Brighton Declaration, a set of ten principles that, when addressed,

would help to develop a sporting culture that allowed and valued the full participation of women in all aspects of sport (MATTHEWS, 2021). This declaration was used as a symbolic tool, with tangible links to the UN's powerful rhetoric, to mobilize activism and subsequent action in favor of women's participation in sport.

The result was the "Brighton Declaration on Women and Sport" (1994) which embodied a sporting culture that would "enable and value the full participation of women in all aspects of sport". It incorporated principles related to equity and equality in society and sport; facilities; school and youth sports; women's participation; high-performance sports; leadership in sport; education, training and development; sports information and research; resources; and domestic and international cooperation (HARGREAVES, 1999).

Moving towards a vision of justice that combines equality and equity in sport, the Brighton Declaration propagated the following principles:

b) Equal opportunities to participate in sport - whether as a leisure or recreational activity, for health reasons, or in high-level competition - is a right of every woman, without distinction of race, color, language, religion or belief, sexual orientation, age, family situation, disability, political opinion or affiliation, national or social origin.

c) Resources, power and responsibility must be allocated equitably and without gender discrimination and must correct any unjustifiable imbalances that may exist between the opportunities offered to women and men (INTERNATIONAL WORKING GROUP ON WOMEN AND SPORT (IWG), 1994).

The discussion on equality and equity in public policies is essential to understanding the bases of justice in sports participation. Gender equality refers to the absence of discrimination based on sex, encompassing opportunities, allocation of resources and access to services. In turn, gender equity presupposes the search for justice in the distribution of benefits and responsibilities, recognizing the differences between men and women and aiming to correct imbalances (REEVES; BADEN, 2000).

The notion of gender justice can be seen from the perspective of parity of participation (FRASER, 2002). Nancy Fraser develops a three-dimensional conception of justice, expanding beyond the issue of parity of participation, which allows members of society to interact with each other as partners (FRASER, 2009). In addition, two conditions must be met: first, there must be a redistribution of resources that reduces material inequality and economic dependence, which impede participation and opportunities for members to interact with each other in a social space. Secondly, of an intersubjective nature, it is necessary that cultural value patterns equally respect all social authors and ensure that they have opportunities to have social esteem and status, which lead to recognition (FRASER, 2009). Non-recognition is perpetuated through institutionalized patterns that regulate interaction according to cultural norms that prevent parity. Non-recognition can take a range of forms, it can be judicialized, as law, or it can be institutionalized as government policies, administrative codes or professional practices. Since this outcome is an institutionalized form of subordination, it is a gross violation of justice.

That is, Fraser's (2002, 2009) broad conception of justice brings together both recognition and redistribution, without reducing one to the other. Recognition concerns the effects of institutionalized norms and means of social position of social actors; and redistribution involves the equal allocation of available resources to social actors (FRASER, 2000, p. 116). For there to be a democratic society, therefore, women need to be culturally and economically included. This implies designing policies that target these two aspects. In other words, justice is more than the absence of legal or institutional discrimination. It involves the effective conditions for social actors to actually be able to participate (HOZHABRI; SOBRY; RAMZANINEJAD, 2022).

To promote gender justice in sport, Travers (2009) suggests some points. Firstly, it is necessary to eliminate spaces and competitions that are restricted to male participation, which prohibit women, as is the case with a series of football competitions, for example. To ensure equal opportunities, it is necessary that sports organizations direct their resources equitably towards the recruitment and development of women's sports. The existence of organizations exclusively for girls and women is an important measure, as long as these organizations adopt inclusive policies for transgender people, because this would also constitute a violation of gender justice, seen here as outside the key of binarism and the essentialization of what it means to be a woman. Finally, gender justice in sport also involves fighting discrimination, with the implementation of a zero tolerance policy towards racism, sexism, homophobia and transphobia.

In this context, the gender issue is included in LGE, seeking to historically address the barriers that limit the full participation of women in the sports system. Important milestones such as the Brighton Declaration highlight the need for state and organizational efforts to ensure equal opportunities in sport, highlighting the importance of equity in the distribution of resources and responsibilities. Subsequent documents, such as the Revised UNESCO Charter on Physical Education, the Sustainable Development Goals (UNOSDP, 2019), the Recommendations of the International Olympic Committee's Gender Equality Working Group (IOC, 2019) and the United Nations 2030 Agenda, by including sport and highlighting gender equality as one of the objectives, intensify the debate (HOZHABRI; SOBRY; RAMZANINEJAD, 2022). However, Hozhabri, Sobry and Ramzaninejad (2022) highlight that goals need to be aligned with policies, research, legislation, resource allocation, planning, implementation and monitoring of initiatives and projects that have gender equality as a

principle. In this sense, considering Brazil as a signatory to these documents, we will discuss below the way in which these issues are included in LGE.

Gender Equality at LGE

LGE was the first Brazilian legislation that, when addressing the social right to sport, highlighted the participation of women. In some way, it follows the proposition of the 1st National Sports Conference on Sinesp, which established non-discrimination of gender as a principle (CARTA DE BRASÍLIA, 2004). It is part of a legislative context in which the production of proposals on the issue of gender and women has intensified (VASQUEZ; DE FREITAS; MARTINS, 2023).

On the other hand, the debate on LGE in the Brazilian Congress took place amid the conservative advance that permeated the legislative houses, contemplating an increase in congressmen linked to conservative ideologies (VASQUEZ; DE FREITAS; MARTINS, 2023). As a result, although the law deals with the presence of women in the right to sport and as leaders of sports entities, the word gender does not appear in the text of the law.⁵, although "gender equality" is mentioned by the rapporteur of the Committee of Jurists, Wladymir Camargo, responsible for reporting on the preparation of the preliminary draft LGE (CAMARGOS, 2016). This is due to the political campaign led by the Evangelical Parliamentary Front in opposition to the so-called "gender ideology". This Front considers that "gender ideology" rejects family values, motherhood and promotes promiscuity (MISKOLCI, 2018; VASQUEZ; DE FREITAS; MARTINS, 2023). The word "gender" has become non grata in political debates in the

⁵ Despite the word gender having appeared twice specifically in the introduction of the report prepared by the committee of jurists for the preparation of the preliminary draft of LGE. However, it would be interesting to highlight that this appearance was at the initiative of the only woman among the eleven members of the Commission of Jurists (CJDB), indicating the need for mixed, diverse and equal commissions. According to Camargos (2016, p. 19) in the words of the CJDB report, the obligation for sports entities that receive public funds to "maintain at least 30% of their board positions for women, making effective the gender equity set out in principle at the beginning of the text of the standard. This proposal came from a suggestion from Dr. Ana Paula Terra, our colleague at CJDB."

Brazilian Congress, especially since 2013 (REIS; EGGERT, 2017), which leads us to understand its absence in LGE, despite international documents mentioning gender equality in sport, as well as the Brasília Charter, from the 1st National Sports Conference, in 2004.

Therefore, the gender issue is treated as equality for women. The law clearly establishes the right of all people to participate in sports, highlighting in particular the need to provide equal opportunities for women in all sporting events. This recognition reinforces the importance of overcoming historic gender disparities in access to sport. Art. 3 of the law categorically establishes the right of all people to practice sports, highlighting, in § 3, the need for equal opportunities for women at all levels and functions, whether in physical education, physical activity or sport.

The inclusion of equal opportunities for women at different levels and functions results in requirements for minimum representation of women in leadership positions in sports organizations that receive federal public resources. Subsection II of the section referring to the counterparts of sports organizations, requires, in Art. 36th, the minimum presence of 30% of women in management positions of those benefiting from federal public resources and of forecasting and lottery competitions. Furthermore, in section X, the organizations' statutes require that they guarantee “participation of athletes in the governing bodies and in the electoral college through representatives of athletes elected directly and independently by the athletes affiliated with the entity, ensuring at least 1/5 (one fifth) representation of each sex (our emphasis)”. These measures contribute to promoting female representation in decision-making spaces, which is particularly important, considering that high-power positions in sports management are mostly occupied by men (SHAW; HOEBER, 2003), which reinforces homologous reproduction, in which men tend to hire only men (KANTER, 1977).

Evidently, the mere existence of women in management positions does not guarantee more equitable policies, since the power networks of organizations are complex and women tend to have difficulty in reaching out, having to negotiate and seek strategies to be heard, which does not always work (SIBSON, 2010). However, considering that in Brazil, women occupy less than 10% of the statutory positions of sports confederations that have Olympic medals, this measure brings about substantive changes, well below the still modest 30% of female representation in the international Olympic scene (AMARAL *et al.*, 2021).

In the same article, the incisive XI highlights the equality in the amounts paid to male and female athletes, including parasports athletes, in the prizes awarded in competitions subsidized by the public authorities. The existence of these articles in itself demonstrates the precarious status that sports practiced by women have in the country, demanding the registration in law of legal non-discrimination between genders (CULVIN *et al.*, 2022).

The new legislation addresses labor issues related to women and motherhood in general. This clause aims to protect the fundamental rights of athletes and eliminate discriminatory practices based on motherhood. Art. 86, paragraph 10, prohibits in employment contracts or civil contracts any “conditions relating to pregnancy, maternity leave or issues relating to maternity in general.” Art. 87, in turn, reinforces the need for collective labor agreements or conventions to respect “the peculiarities of each sporting modality and women's work.” Legal protection related to maternity follows the way in which the gender issue is present in the Brazilian legislature, since a significant volume of PLs involving the theme address issues such as pregnancy, women's health, maternity, and breastfeeding (VASQUEZ; DE FREITAS; MARTINS, 2023).

Although non-discrimination in contracts due to pregnancy or maternity is already included in the Consolidation of Labor Laws (CLT), in article 391, and the particularities of women's work (such as maternity leave, guaranteed in the CLT and job stability during and 5 months after pregnancy are provided for in the transitional provisions of the Federal Constitution of 1988), the explicit description of them in LGE reinforces the need to respect the rights of athletes who become mothers during their sports career. This issue is particularly sensitive in sport, since in addition to involving negotiation of identities (reconciling the identity of athlete and mother), the return to sport, in addition to the difficulties already inherent in the reinsertion of training and competitive form, can also result in loss of qualifying positions, loss of sponsorship, among other possibilities (CULVIN; BOWES, 2021; MASSEY; WHITEHEAD, 2022).

Also following Brazilian legislative trends, the concern with protecting women's integrity is also highlighted in LGE. The legislation highlights the fight against violence in sport, specifically covering sexism and homophobia. By including measures to eradicate these forms of discrimination, the law signals the need for a safe and inclusive sporting environment, free from prejudice and discrimination. Art. 11 highlights the importance of Sinesp adopting measures to eradicate anti-sporting manifestations, including sexism and homophobia. Article 158 highlights that demonstrations by spectators of a sexist, racist, homophobic or xenophobic nature will not be accepted within sports arenas. It also states that crimes against peace in sport will have double penalties for cases of racism and offenses committed against women, highlighting the commitment to combat violence against women in sporting competitions.

Critical Silences and Questions to Continue the Debate on Gender in Sports Public Policies

A critical analysis of the approach to the gender issue in LGE raises a series of necessary questions. The purpose of these considerations is to identify gaps, ambiguities and areas that require more specific attention to effectively promote gender equity and equality in the sports scenario. The first of them is the failure to mention the word gender when it comes to combating inequalities in sport. It should be noted that the omission of this term limits public policies related to women's sports participation.

This omission can result, in turn, in the silencing of emerging issues in sport that challenge the gender dichotomy and, on the other hand, in the lack of questioning of the cultural construction that perpetuates inequalities between boys and girls, men and women, in sport. Likewise, although the concept of equity is mentioned in the document, there is a lack of specific guidance for public policies on women's sports participation, effectively addressing social and historical inequalities. Such an approach could lead to future policies that do not adequately reflect how gender, combined with other social markers such as race, class and region, shapes opportunities in distinct ways, including among women themselves.

The lack of mention of affirmative policies for the representation of women in the management and social control bodies of Sinesp is worrying, as it may compromise the effective participation of women in decision-making bodies. Although it is mentioned for sports confederations financially subsidized by the State, it would be equally important to include this concern in relation to the Sinesp governing body. This is essential for the democratization of sport, contributing to representation and ensuring that more current issues and new demands gain visibility and are put on the agenda.

As a consequence, it is necessary that, when establishing Sinesp policies, as well as the National Sports Plan, specific strategies and indicators are incorporated to address

historical and cultural gender inequalities. This involves setting short- and long-term goals, as well as outlining areas of action towards equity.

In this direction, we highlight the need for a specific policy or framework that addresses women's participation in sport, promoting equal financial investment and attention. Consideration of international examples, such as Title IX in the US, can further enrich this dialogue. It is clear that the presidential vetoes to the National Sports Fund also affect this debate, since the financing of sports, especially as a social right, has become uncertain.

Certainly, other examples of government milestones for women in sport, such as those from Canada and Australia, in addition to the guidelines of the European Commission, among others, can enrich the debate on this topic and strengthen sports policies to democratize sport for women and girls. These policies and frameworks highlight specific areas of concern, including participation, leadership and access to sports spaces, equipment and resources that need to be democratized to ensure women's inclusion in sport. With this concern, the documents already indicate specific strategies and goals to address each of these dimensions.

In conclusion, the challenges to expanding sport as a social right involve the democratization of sport, with a sensitive view of the gender issue, in a broad way and linked to the democratization of decisions and investments. Building a more inclusive sport for women not only enhances the female sporting experience, but benefits the entire sporting and social sector, contributing to a more fair and equal society.

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