94 - CHILD RIGHTS TO THE SPORT: RELATIONSHIPS WITH THE PRINCIPALS OF EDUCATIONAL SPORT

OLIVEIRA, PAULO SERGIO PIMENTEL; TUBINO, MANOEL JOSÉ GOMES
Universidade Castelo Branco LABESPORTE - Rio de Janeiro RJ Brasil
ps.Pimentel@globo.com

UNIVERSAL CONCEPT OF THE SPORT AND ITS RELATIONSHIP WITH THE MAN'S RIGHTS

The imperious need to live in society brought countless benefits to the human species, it also brought a fundamental challenge: how should humans give if such a social organization and who would capable be, among the human community's members, to play the part of imposing to its members the submission to the rules that aimed at the formation of a society organized ? It should be pointed out, however, that the need of social organization of the human groups didn't feel in a lineal way, because there were many progresses and setbacks in that phenomenon; not even it can be affirmed that the first manifestations of minimum social organization have been operated through the human reason or for pure manifestation of their animal instinct, seeking - genetically - the preservation of species. In agreement with Elias (1994), due to its social destiny, manners of behavior with different social origins are founded in a specific unit. Therefore, it must have basic rules that regulate routine social situations of distribution of victuals, appropriation of lands, home, succession of goods due to your death, sexual union among your members, punishment of those that make crimes, etc.

In this perspective, the sport can be used as one of the society regulator factors that according to Tubino (2002), the objectives of the physical education can contribute in the biological, educational and social perspectives to constitute rights the all the people. The social rights are precisely those that arise from the ideals of freedom, equality and fraternity, that are, at the same time individual as well as collective and they can be represented through the Educational Sport.

For better understanding of the function of the educational Sport, it was considered necessary to define and to evidence at least (05) five principles, to develop the children's integral formation, such as: (the) Principle of inclusion; (b) Principle of participation; (c) Principle of cooperation; (d) Principle of coeducation; (and) Principle of co-responsibility; and others. TUBINO (2005).

Sharing this thought Gebara (2000) evidenced that it is possible to affirm that the sport is a historical object or in constitution, or what is more probable, endowed with plasticity, for being inserted in social, cultural, affective and environmental practices presenting countless possibilities of the Sport-education with the physical education.

THE DOCUMENTS THAT GUARANTEE THE CHILD'S RIGHT TO THE SPORTING PRACTICE

When seeking to improve the coexistence among people in society, it was taken as example the French Revolution that looked for the democracy through the new Constitution. The established documents on the democracy had as example the model implanted by Dalton, that represented the rulers' conscience and of the population.

With the evolution of some societies, the governors didn't have another option except to adopt a democratic regime, equally respecting the rights of all. This way, considering the UNIVERSAL DECLARATION RIGHT OF THE MAN (1948), " the people of the United Nations proclaim, again, their faith in the man's fundamental rights, in the dignity and in the human person's value, in the equality of the men's rights and of the women and they pronounced solved to favor the social progress and to establish better life conditions inside of a wider freedom".

The sport in its educational ambit is developed by the cultural, social and competition subjects in a self-controlled way for the man's formation in the current society. In agreement with VARGAS (1995), in this sense, the ones who will give a profile highly original to him it will be the Right, since, in a radical synthesis, the modern sport where to be considered in your origins as a combination of the spirit agonístico of the Athenians with the genius legislator of the Romans.

It was Cagigal (1972) that began to transform the sport concept in the contemporary world starting to understand him/it as a social sport, because up to 1970, the sport was just noticed as a competition form among the athletes in search of a better performance.

One of the means of stimulating not only the right to the Educational Sport but all the children Rights in the society, according to The ministry of Education (2003), it is the development of the exercise of the solidarity, mobilizing the school community on the importance of the human rights and on the paper of the forum in the school. Because at the present time Tubino (2001), analyzed these concepts for the sport to have a larger participation in everyday life and in the man's formation in the society, in a way to contribute for the social conduct so transforming them in: Sport-education, Sport-leisure and Sport of Acting, that are the forms of exerting the right of people to sporting activities.

THE RIGHT ISSUE IN THE EDUCATIONAL SPORT

The sport stimulated in the necessary proportion to the man can improve the sporting lifestyle that is essential to the human being. Therefore, the children's sporting practice should be guaranteed in the educational Sport, so that it becomes a positive and healthy habit of man in XXI century.

However, if the imperious need to live in society brought countless benefits to the human species, it also brought a fundamental challenge: how should such a social organization be and who would be capable among the human community's members, to play the role of imposing to its members the submission to the rules that aimed at the formation of a society minimally organized? It should be pointed out, however, that the need of social organization of the human groups didn't occur in a linear way, because there were many progresses and setbacks in that phenomenon; not even it can be affirmed that the first manifestations of minimum social organization have been operated through the human reason or for pure manifestation of animal instinct seeking - genetically - the species preservation .

The right of participating in physical activities aiming at the learning of sports basic movements using the sport as a way for leisure, the education and the social inclusion, independent of its motor, affective and cognitive abilities for articipation in the Educational Sport.

Thinking about democracy with people more conscious of their participation in child's formation and that they develop a critical sense besides having their guaranteed rights, it should be looked for the dignity, justice, mutual respect, solidarity, equality and dialogue, concepts, and also rules of democratic conviviality and one criticizes to the authoritarian forms of transmission of values in your school formation (MINISTRY OF EDUCATION, 2003).

On this view, the sport became of great importance to contribute in the man's formation, because independently of becoming an athlete, he will use the sporting practice as one of the citizenship means.

Several documents (letters, declarations and other) were developed starting from the new concept of the sport, because it stopped being an obligation and it became a right of all and with it is thought change it started to constitute in a pleasure factor and improvement of the society.

THE VIOLENCE AND ITS RELATIONSHIPS WITH THE CHILD AND THE SPORTING PRACTICES.

A study about the child's rights and its intersections with the manifestation of the Educational Sport would be obliged to be deepened about the gesture of violence. So , in this chapter it was looked for conceptual references and basic subjects on the violence that could establish premises for the development of the research. The causes of violence, the role of society and family, the child's insert in the violence and finally the search for important relationships between sporting practices and violence, they were parts of this chapter of the study.

The teacher's attention is also a reason that take children they to make her/it violent acts. Therefore, the teachers should be prepared and conscious of their function, contributing to soften those acts among the children and to stimulate the civilizating process and to establish daily basic concepts of coexistence in group how to ask excuses, please, thank you and etc.

To educate for democracy, according to our educational plans, is burocratic. The role of school is in Education for democracy passing through respect to the child. If, in their activities, the students could not discuss their norms of conduct in the lifetime. That is more favorable, one cannot affirm that is educated for the democracy " .FREIRE (1991)

In agreement with it is thought line the family it is directly linked the issue democratic and the child's violence, be in an active or passive way . The active participation of family is through the form with that the parents deal with themselves at home. The parents' violent attitudes, be in physical or verbal way reflect in the children's behavior. Vargas (2002) identified those attitudes as being the seed of delinquency. This way the child that goes by this process, has a great probability of the developing a violent and aggressive behaviour , product of a disagreed creation, without the moral principles for a citizen's formation.

For Michaud (1989), the violence issue in the media is treated in an irresponsible way. The author understands that " the violence can also be linked to the values by the which the group differs and is affirmed against the other ones: it is the case of the street gang or of the sporting team (...)". AND he emphasizes that:

The fact of violence to come up as a crisis in relation to the normal state it creates, in the beginning, a likeness between it and the media. As we can verify, in one calmly banal day it is difficult to make a newspaper or a news section on TV to announce that nothing happenned . The media needs events that are sensational. The violence, with its the rupture load, is by principle a privileged feed for the media, with advantage for spectacular violenc, e bloody or atrocious on the violence common, banal and installed. (...). (MICHAUD, 1989).

In the search of understanding the human behavior, in a social context, Vargas (2002), elucidated that these facts depend directly on cognitive processes and they reveal the stable character or not of an adjustment between the child and the world.

However, the media, stuck on popularization of the shows, has been mainly very important in the exaltation of the sport, where its values and good examples surpass many the defects. The philosophical and classic documents of the international organisms, mainly of UNESCO, of UN, of FIEP, of ICSSPE and others don't leave doubts of the extraordinary role that the sporting practices can exert on the youngsters (children and adolescents), besides as systematic reaction to the violence.

One of the instruments that it can use against the violence in the search of a better society is the sport, that through Cagigal's analyzes (1972), making possible the right of all children to the sporting practice of quality and your professionals' conscience in the performance in all them ramification of the sport at the present time, in which the Educational Sportcan be evidenced by being an element of formation of the future citizen.

METHODOLOGY

Our research was developed through the analysis of eight (08) documents: the Letter of the Rights of the Child to the Sport, Panathlon (Avignone/1995), with effective propositions for a Letter of the Rights of the Child to the Sport. Neto (1995), the declaration on the child and the right of playing, 1977 in the meeting of Malta and magazine for the International Council of Internationale Play Association " in 1982 in Vienna and in 1989 in Barcelona, Calendar of Berlin in 1999, For a Letter of Principles for the Sport-education in Brazil in 1989, Brazilian Letter of the Sport in the School in 1989, Brazilian Letter of physical education in 2000, I Manifest World of the physical education - FIEP, 2000.

From the documents, sixteen definitions were elaborated (16) , that were used in an ordination questionnaire, applied in seven (07) groups of ten (10) elements and six (06) more returned they were related to the five (05) beginnings of the Sport-educational, tends as reference the Letter of the Rights of the Child to the Sport, of Panathlon (Avignone/1995). this way, the final Document was elaborated, that corresponds to the rights and principles of the Educational Sport-, that were validated by 20 professionals that act in the Sport-educational.

CONCLUSIONS

The results of this study indicate that the rights of the sporting practice besides the prinicples of the educationa lSport- should act in reciprocity to guarantee the participation of all the children to the sporting practice with quality, for their formations in all the partner-affective aspects.

The extracted conclusions in the study agree with the epistemology of Tubino (2002), in which the Right to the sporting practice is one of the methodologies used in the man's formation to improve the civilizating process, contributing to the construction of a more active,cooperative and solidary, preserving and valuing the human relationship. society,

The documents were elaborated with the purpose of offering to the children and the society physical activities that assist their needs with professional quality. These can also be useful to base the public and social politics in the national and international ambit, seeking to develop the habit of physical activities in any social dimension of the universal sport.

Therefore, the consolidation of this work seeks to assist the incentive and the valorization of the Sport to give children of different social classes the opportunity .

The Educational Sport makes possible that the children develop the sporting practice starting from the Right, that are guaranteed now by the (FEDERAL CONSTITUTION of the Republic of Brazil, art. 227, caput, parág. 1st, combined with the paragraph 3rd of the art. 217).

Our results also made possible to link some principles of the sport with the Rights, facilitating to the professionals to base the teaching objectives in the plannings to leave of those rights and of the principles in the Educational Sport.

It can be concluded that the process of selection of the child's rights in the Sport and from the Letter of Avignone, was legitimated in the development of this study by its pertinence with the partner-educational beginnings of the Educational Spor-. It is also possible to conclude, that these principles of Educational Spor-also got more effectiveness and legitimation besides what was already observed in the existent literature,by their pertinences and coherences with the children's rights in the sport.

BIBLIOGRAPHICAL REFERENCES

CAGIGAL, j. M. **Deporte, pulso de nuestro tiempo. Madrid: Editora Nacional**, 1972.

ELIAS, Nobert. **O processo Civilizador: uma história dos costumes.** Apresentação: Renato Janine Ribeiro. Rio

de Janeiro: JORGE Zahar Editor, 1994.
FREIRE, João Batista. **Educação de corpo inteiro: Teoria e prática da Educação Física**. São Paulo: Editora scipione, 2ª ed, 1991.
GEBARA, A. & MOREIRA, W.W. et alii. **Educação Física & Esportes: perspectiva para o século XXI.** Campinas: Unicamp. 1992.
NETO, Carlos Alberto Neto. **Motricidade e Jogo na infância**. Rio de Janeiro: Sprint, 1995.
MICHAUD, Yves. **A violência**. Tradução de L. Garcia. São Paulo: Editora Ática S.A, 1989.
TUBINO, M.J.G., GARRIDO, F., TUBINO, F. **Dicionário Enciclopédia Tubino do Esporte**. Rio de Janeiro: SENAC, 2005.
TUBINO, M.J.G. **500 anos de legislação esportiva brasileira: do Brasil Colônia ao Início do século XXI.** Rio de Janeiro: Shape, 2002.
VARGAS, Ângelo Luiz. **As sementes da marginalidade: uma análise histórica e bioecológica dos meninos de rua.** Rio de Janeiro: Forense, 2002.

CHILD RIGHTS TO THE SPORT: RELATIONSHIPS WITH THE PRINCIPALS OF EDUCATIONAL SPORT

Abstract

In the current society, the new sport concept, seeks to guarantee and to motivate all the people to the sporting practice. The Sport-educational has as function the man's formation, because, it should be practiced by all and given as opportunity to each child. In this kind of sport the most important is the participation, seeking a better development in their behavior besides the political and social aspects. It is believed, that these objectives can be obtained through the awareness of the professionals that act in the Sport-educational. The same should be understood through the Rights and Principles of the Sport-educational that are related to the context of the Science of Human Motricity, because they link to the man's movement and its significance for the child's formation in the school ambit. The proposal of this study was to verify the relationships of the Rights with the Principles of the Sport-educational, tends as reference the Letter of the Child's Rights in the Sport (Panatlhon/Avignone, 1995), it has the purpose of building a comparative map starting from eight (08) International and National documents; the selection and definition of sixteen (16) Rights; the classification of six (06) more representative Rights, relating them to five (05) principles of the Sport-educational. It is concluded that the extracted conclusions of the study agree with the epistemology of Tubino (2002), in which the right to the sporting practice is one of the methodologies used in the man's formation in the sense of civilizating process, contributing to the construction of a homogeneous society, preserving and valuing the human relationship. Destarte, in obedience to the Principle of Juridical Isonomia, the Constitution of the Brazilian Federal (CRFB) in its 5th article - Caput, consecrates that " all are same before the law, without distinction of any nature, being guaranteed to the Brazilians and the foreigners resident in the country the inviolability of the right to the life, to the freedom, to the equality, to the safety and the property... " and like this the child as " subject of right " he/she has at your disposal the warranty of the access to the sport practice according to the Great Diploma in the article 217.

The documents were elaborated with the purpose of offering to the children and the society in general physical activities that assist to your needs with professional quality. These can also be useful to base the public and social politics in the national and international ambit, seeking to develop the habit of physical activities in any social dimension of the sport in universal ambit.

KEY WORDS: SPORT, RIGHT, EDUCATIONAL

LES DROITS DE L' ENFANT AU SPORT: LES RAPPORTS AVEC LES PRINCIPES DU SPORT-EDUCATIONAL

Dans la societé actuelle, avec la nouvelle conception de sport, on veut assurer et toutes les personnes à pratiquer le sport. Le sportéducatif a le but de la formation de l'homme, car il doit éter pratiqué pou e tous et opportunisé de la même proportion chaque enfant. Dans ce sport, le primordial est la participation, en visant un sociaux. On croit que ces objectifs peuvent éter obtenus par la prise de la consience des professionnelles du Sport-Édacation le même, doit éter compris pour les Droits et le Principes de Sport-Éducation qui sont relatéis au contexte de Science de la Motricité Humaine, car ils se rapportent au mouvement de l'homme et son significant pour la formation de l'enfant dans l'espace écolaire. La proposition de cette étude a été verifié les rélations des Droits avec le Principes du Sport Educatif en ayant comme réference la lettre des Droits de lÉnfant dans le sport (Panathon/Avignone, 1995). Et avec l'objectif de construir un plan comparaft à partir de (08) documents Internationales et Nationales. La selection et la définition des (16) seize droits; la classification des (6) six droits; les plus representatifs, en se rapportant à cinq (05) pricipes du Sport-Educatif.. En effet, la conclusion qui ont été extraites de cette étude sont dáccord avec l'éphistémologie de Tubino (2002), à la quelle le droit à la pratique sportive est une des méthodologies utilisées pour la formation de l'homme au sens du proccès civilisatoire, en contribuant pour la construction d'une société homogéne, en préservant et en valorisant les relations humaines. Destarte, en obéiance au Príncipe de l'Isonomie Juridique, la Constituition de la Republique Féderatve du Brésil (CRFB) dans son article 5e. Caput, il consacre que “tous sont égales devant la loi, sans la distintion de quelque nature, on assurant aux brésiliens et aux étrangers qui habitent dans le pays l'inviolabilité du droit à la vie, à la liberté, à l'égalité, à l'assurance et à la propriété...” et de cette façon, l'enfant comme “sujet de droit” dispose de la garantie du accèss à la pratique desportive selon le Diplome Magnum dans l'article 217.

Les documents ont été élaborés pour offrir aux enfants et à la société en général, des activités physiques pour leurs besoins avec la qualité professionel. Ces documents peuvent aussi être utiles pour les politiques publiques et sociaux dans un niveau national et international, en visant développer l'habitude des activités phisiques dans quelque dimension social du sport dans un niveau universel.

Les mots-clés: sport, sport-éducational, droit.

EL NIÑOS DERECHOS AL DEPORTE: LAS RELACIONES COM LO DEPORTE EDUCATIVO

Resumen

En la sociedad actual, el nuevo concepto deportivo, busca garantizar y motivar a todas las personas a la práctica deportiva. El Deporte-educativo tiene como la función la formación del hombre, porque, debe practicarse por todos y debe darse como la oportunidad a cada niño. En este tipo de deporte el más importante es la participación, mientras buscando un desarrollo bueno en su conducta además de los aspectos políticos y sociales. Se cree, que estos objetivos pueden obtenerse a través del conocimiento de los profesionales en que actúan el Deporte-educativo. El mismo debe entenderse a través de los Derechos y Principios del Deporte-educativo eso se relaciona al contexto de la Ciencia de Motricity Humano, porque ellos se unen al movimiento del hombre y su importancia por la formación del niño en el ámbito escolar. La propuesta de este estudio era verificar las relaciones de los Derechos con los Principios del Deporte-educativo, tiende como la referencia la Carta de los Derechos del Niño en el Deporte (Panatlhon/Avignone, 1995), tiene el propósito de construir un arranque del mapa comparativo de ocho (08) los documentos Internacionales y Nacionales; la selección y definición de dieciséis (16) los Derechos; la clasificación de seis (06) los Derechos más representativos, relacionándolos a cinco (05) los principios del Deporte-educativo. Se concluye que las conclusiones extraídas del estudio están de acuerdo con el epistemologia de Tubino (2002) en que el derecho a la práctica deportiva es una de las metodologías usó en la formación del hombre en el sentido de proceso del civilizacion, mientras contribuyendo a la construcción de una sociedad homogénea, mientras conservando y

valorando la relación humana. Destarte, en la obediencia al Principio de Isonomia Jurídico, la Constitución del brasileño Federal (CRFB) en su 5 artículo - Caput, consagraciones que" todos son mismos antes de la ley, sin la distinción de cualquier naturaleza, garantizándose a los brasileños y el residente de los extranjeros en el país la inviolabilidad del derecho a la vida, a la libertad, a la igualdad, a la seguridad y la propiedad..." y como este el niño como" el asunto de derecho" el tiene a su disposición la garantía del acceso a la práctica deportiva según el Gran Diploma en el artículo 217.

Los documentos se elaboraron con el propósito de ofrecer en general a los niños y la sociedad actividades físicas que ayudan a sus necesidades con la calidad profesional. Éstos también pueden ser útiles basar la política pública y social en el ámbito nacional e internacional, mientras buscando desarrollar el hábito de actividades físicas en cualquier dimensión social del deporte en el ámbito universal.

Palabras llave: derechos, Deportes, Educativo

DIREITOS DA CRIANÇA AO ESPORTE: RELAÇÕES COM OS PRINCÍPIOS DO ESPORTE EDUCACIONAL

Resumo

Na sociedade atual, com o novo conceito de esporte, busca-se garantir e incentivar todas as pessoas à prática esportiva. O Esporte-Educacional tem como função a formação do homem, pois, deve ser praticado por todos e oportunizado na mesma proporção a cada criança. Neste esporte,o primordial é a participação, visando um melhor desenvolvimento no seu comportamento, junto aos aspectos políticos e sociais. Acredita-se, que estes objetivos podem ser obtidos através da tomada de consciência dos profissionais que atuam no Esporte-Educacional. O mesmo deve ser entendido através dos Direitos e Princípios do Esporte-Educacional que estão relacionados ao contexto da Ciência da Motricidade Humana, pois relacionam-se ao movimento do homem e sua significação para a formação da criança no âmbito escolar. A proposta deste estudo foi verificar as relações dos Direitos com os Princípios do Esporte-Educacional, tendo como referência a Carta dos Direitos da Criança no Esporte (Panatlhon/Avignone, 1995), tendo a finalidade de construir um mapa comparativo a partir de oito (08) documentos Internacionais e Nacionais; a seleção e definição de dezesseis (16) Direitos; a classificação dos seis (06) Direitos mais representativos, relacionando-os a cinco (05) princípios do Esporte-Educacional. Conclui-se que as conclusões extraídas do estudo concordam com a epistemologia de Tubino (2002), na qual o direito à prática esportiva é uma das metodologias utilizadas na formação do homem no sentido do processo civilizatório, contribuindo para a construção de uma sociedade homogênea, preservando e valorizando o relacionamento humano. Destarte, em obediência ao Princípio da Isonomia Jurídica, a Constituição da República Federativa do Brasil (CRFB) em seu artigo 5º - Caput, consagra que “todos são iguais perante a lei, sem distinção de qualquer natureza, garantindo-se aos brasileiros e aos estrangeiros residentes no país a inviolabilidade do direito à vida, à liberdade, à igualdade, à segurança e à propriedade...” e assim a criança como “sujeito de direito” tem ao seu dispor a garantia do acesso à prática desportiva conforme o Diploma Magno no artigo 217.

Os documentos foram elaborados com a finalidade de oferecer às crianças e à sociedade em geral atividades físicas que atendam às suas necessidades com qualidade profissional. Estes também podem ser úteis para fundamentar as políticas públicas e sociais no âmbito nacional e internacional, visando desenvolver o hábito de atividades físicas em qualquer dimensão social do esporte em âmbito universal.

PALAVRA-CHAVE: Esporte; Esporte Educacional; Direito.