

### CONTEMPORARY PSYCHOLOGICAL ASSESSMENT AS A MEDIATOR IN THE GUARANTEE OF HUMAN, SOCIAL AND HEALTH RIGHTS

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Itala Daniela da Silva<sup>1</sup>

#### **ABSTRACT**

This article discusses the extent to which Contemporary Psychological Assessment, by being aware of social, political and historical processes, can be a mediator in the guarantee of human, social and health rights. For this, we present the history of psychology and the criticisms addressed to the process of psychological and psychopathological diagnosis. In addition, we advance by indicating the legal frameworks that ensure access to health and social assistance, as well as the relevance of critically warned Psychological Assessments (PA) to mediate access to social and health rights provided for in the current legal frameworks. This study allows us to broaden the understanding of Psychological Assessment to the extent that it removes it from the stigmatizing framework of the exclusionary technique and brings its value closer to one of the duties of the category, which is to promote health and quality of life for the population, acting with social responsibility from a critical analysis of historical and economic realities.

**Keywords:** Psychological Assessment. Health Rights. Social Rights. Human rights. Political Psychology.

<sup>1</sup> Dr. in Clinical Psychology

University of Pernambuco - Garanhuns Campus

Email: italadaniela@gmail.com ORCID: 0000-0003-1574-6617

LATTES: http://lattes.cnpq.br/3271458344215593



#### INTRODUCTION

The theoretical multiplicity present in the area of psychology shows that the understanding of human and social factors are crossed by various forces, assumed in different ways by the various epistemological perspectives. Behavioral, phenomenological, social, and other approaches delimit their objects and interventions in different ways.

We do not deny that each theoretical horizon has gained and gains strength in responding to contemporary urgencies in a specific historical scenario. As Whitehead (2006, p. 9) asserts, "the mentality of an era is born from the worldview that, in fact, predominates in the educated sectors of the communities in question" and follows "in all eras, each of the subjects evokes a worldview [...] each era, however, has its main concern" (p. 9).

In a return to the History of Psychology it is possible to identify the influences suffered by each school, as well as the responses with which each of them committed itself to historical events. The constitution of the experimental psychology laboratory in nineteenth-century Europe was aligned with the rise of scientific perspectives of a naturalistic and positivist character in which the predictability, control, and modeling of human behaviors corresponded to the desires of ascendant capitalism (Figueiredo; Santi, 2006).

In Brazil, the recognition of Psychology as a science and profession was strongly influenced by the historical scenario and the military dictatorship that yearned for the maintenance of public order (Silva, 2017). In addition, the ideas and psychological interventions produced favored the process of social control, sanitization and categorization of behaviors to maintain capitalism and social structure (Bock, 2009).

According to Silva (2017), in the context of the Brazilian military dictatorship, there were psychology professionals who did not take a stand against the violation of human rights and, on the contrary, sometimes used the knowledge and techniques of psychology to reinforce segregation and exclusion.

Law No. 4,119/1962 and Decree 53,464/1964 consolidate the profession of Psychology in Brazil and establish as a function of the category:

1) use psychological methods and techniques with the objective of: a) psychological diagnosis; b) professional guidance and selection; c) psychopedagogical guidance; d) solution of adjustment problems (Brasil, 1964, Art. 4).



In view of the lack of critical positioning (on the part of some professionals) and even attitudes of acceptance and coherence with practices of segregation and exclusion, there was/is a permanent tension and resistance arising from the psychological perspectives of the socio-historical horizon. Latin American and Brazilian social psychology recurrently problematizes hegemonic knowledge with the aim of sensitizing the category to the demands that are circumscribed within a historical horizon and are crossed by multiple social, political and economic factors.

Attention to historical data and how they transversalize the process of subjectivation and suffering are essential for professionals, especially to engender practices that are not consistent with segregation and do not reinforce the processes of exclusion, so present in the structure of the Brazilian scenario.

For an analogy, we resort to the German proverb "Do not throw the child out with the bathwater". The proverb is a metaphor that promotes the following reflection: in order to get rid of dirty waters, that is, what is undesirable, we should not throw together what is necessary and significant.

Undoubtedly, water is the uncritical practices carried out by psychology professionals who, throughout history, have been integrated into interventions and practices that have strengthened or strengthen segregation and social exclusion. When we (necessarily) criticize these attitudes, let us not throw the child together, that is, the psychological resources and techniques that, while they can be used for segregation, can also be used to promote mental health.

In order to construct critical practices, it is necessary to be aware of history and in line with the ethical assumptions of the profession. Thus, the present study discusses to what extent Contemporary Psychological Assessment, by being aware of social, political and historical processes, can be a mediator in the guarantee of human, social and health rights.

# PSYCHOLOGICAL EVALUATION: FROM REDUCTIONIST CRITICISM TO CRITICAL RECOGNITION

Exhaustively or pertinently do we return to the historical aspects of the constitution of Psychology as a science and profession? At the same time that we pose this question, it seems inevitable to us not to return to historicity when we wish to propose other points of analysis of a given phenomenon. Obviously, we do not intend an anachronistic look and



consider that each time this story is resumed, it results from the selection, excerpts and understandings of each researcher (Amendola, 2014). In this sense, the return can be exhaustive or pertinent depending on the focus, direction and novelty engendered in this historical return (Serrano, 2011).

At this point, we propose to revisit the history of the sciences and the profession of psychology in order to reflect on the aspects that denounce how Psychological and Neuropsychological Assessment can be at the service of reductionist practices that reinforce exclusion and segregation, as history points out. But, beyond this factor, in contemporary times and with the advances made by the neurological and psychological sciences and the tensions that have occurred in the field of psychology in Brazil, it would be reductionist to categorize Psychological Assessments, Neuropsychology and psychometrics only for these purposes.

On the contrary, we will argue here that, when the psychology professional is aware of historical tensions and social problems, he will be able to make use of resources and instruments in favor of a Psychology that responds to contemporary urgencies while promoting access to Human Rights in health and assistance. For this argument, let us return to history.

We know that the themes of soul, psyche and spirit are present in philosophy, theology, psychophysiology, medicine and other areas of knowledge. With certain tensions and disagreements, in the nineteenth century, the creation of the Experimental Psychology laboratory was configured as a foundational act of psychological science and when we consider this event as a founding one, we privilege the scientificity of positivism and disregard what came before this epistemological logic (Massimi, 2016).

Considering the aspects that influenced the theoretical arc that designated psychology as a science is significant, since in order to consolidate it was in line with what was present in the historical arc: the rise of positivist methods and natural sciences in which the predictability of human behavior, control and modeling were demands of rising capitalism.

The investigations between mental and physical phenomena established a frontier of investigation and produced the methods for verifying sense-perception in the scope of psychophysics (Ales Bello, 2019) which offered support for the birth of Experimental Psychology which, based on the natural sciences, sought to find the general laws of human behavior.



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Against this background, the first schools in psychology were founded, namely, structuralism, associationism and functionalism. The structuralist school had as its fundamental objective to study consciousness from the structure of the central nervous system. Functionalism analyzed consciousness in relation to the environment, that is, how human beings use consciousness to adapt to the social environment was the focus of the investigation. In addition, associationism provided the foundations for the constitution of the Law of Effect, which proposed a learning model, the foundation for behaviorism (Bock; Stolen; Teixeira, 2008).

From psychophysics, we have seen the interest in understanding how multiple stimuli could generate certain responses. These foundations also subsidized the birth of behavioral theories that aimed to teach or modulate human behaviors. Nevertheless, the development of medicine and biological sciences favored the understanding of aspects of neuroanatomy. René Descartes himself was interested in the human brain and sought an answer to the intersection between mind and body, attributing to the pineal gland the point of interconnection between mental and behavioral processes (Mograbi, D; Mograbi, G; Landeira-Fernandez, 2014).

Progress in the area of neurosciences has made it possible to understand the relationship between brain areas and cognitive processes. The relationship between specific lesions, such as in Broca's area, and their relationship with speech was one of the aspects identified in the first studies. It is important to highlight that, in addition to anatomical and clinical perspectives, that is, those that specify certain brain areas and their respective cognitive impairments, approaches that consider the complexity of biological and social interactions, including brain development and plasticity, are suggested. Alexander Luria was responsible for raising the first notes that consider the development of areas of the human brain from the stimulation that occurs in the environment. This perspective goes beyond the idea of a trans-historical brain, that is, eminently biological and that does not suffer from the influences of the environment (Mograbi, D; Mograbi, G; Landeira-Fernandez, 2014).

In this comparison between the development of science, psychological schools and perspectives of functional neuroanatomy, we can underline a transversal factor: there are more individualistic perspectives and those that seek the interaction of man with the social environment.



However, it is not possible to lose sight of the criticisms addressed to the conceptions that underline the interaction of the human being and the social environment, but that starts from the perspective of the individual, since the guiding question is: how the individual functions in the social environment. American Social Psychology itself, influenced by behaviorism, tended to analyze human behaviors from the primacy of the individual, as proposed by Floyd Allport.

For F. Allport, Social Psychology is the science of experimental behavior and should not be placed in opposition to the psychology of the individual. On the contrary, he argued that psychology, in all its branches, should be, in all aspects, the psychology of the individual (Farr, 1994). While F. Allport was a behaviorist, his brother, Gordon Allport, as a cognitivist, aimed to analyze how "the thinking, affect, and behavior of individuals are influenced by the real, imagined, or implicit presence of others" (Farr, 1994, p. 139). Furthermore, despite considering the means, the perspective of returning to the individual is maintained.

While individualist perspectives were strengthened in North America, Latin American researchers began to question the importation of European and American theories, denouncing their insufficiencies in dealing with the reality of South American countries, which is permeated by specific historical processes of colonization. In this sense, Latin American philosophers engendered the first problematizations to overcome metaphysics and individual sciences and to put on the screen the problems of the people. The Argentine Juan Batista Alberdi, in 1842, inferred:

Hence it is that American philosophy must be essentially political and social in its object, ardent and prophetic in its instincts, synthetic and organic in its method, positive and realistic in its actions, republican in its spirit and destinies. We have named American philosophy, and we must show that it can exist. A complete philosophy is one that solves the problems that interest humanity. A contemporary philosophy is one that solves the problems that interest the moment. The American Revolution will be the one that solves the problem of American destinies. Philosophy, then, one in its fundamental elements like humanity, is varied in its national and temporal applications (Alberdi, 2003, p. 16).<sup>2</sup>

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<sup>&</sup>lt;sup>2</sup> "That is why American philosophy must be essentially political and social in its object, ardent and prophetic in its instincts, synthetic and organic in its method, positive and realistic in its procedures, republican in its spirit and in its destinies. We have named American philosophy, and it is necessary to show that it can exist. A complete philosophy is one that solves the problems that concern humanity. A contemporary philosophy is one that solves the problems of interest for the moment. The American will is the one that solves the problem of American destinies. Philosophy, then, one in its fundamental elements as humanity, is varied in its national and temporal applications" (Our translation).



The germ of Latin American philosophy was planted and flourished over the following years with the development of the philosophical and social problems assumed by Salazar-Bondy (1968), Leopoldo Zea (2005) and Enrique Dussel (1995; 1979). In Brazil, the social movements that emerged as resistance during the period of the military dictatorship expanded their reflections in the areas of Philosophy, Theology (with Liberation Theology), Pedagogy (Paulo Freire) and Socio-historical Psychology (Cordeiro; Spink, 2018).

Historical events and crises in the sciences, whether natural or human, have established cracks for new hermeneutical horizons to emerge in the various areas of knowledge. Psychology was not at the mercy of this and in addition to its history in European and American countries, it has its own path on Brazilian soil. Before recognition as a profession, the first contributions to Psychology in Brazil were made by physicians and their perspectives were more in tune with naturalistic and biological knowledge (Cordeiro; Spink, 2018). The social crises of the 1960s and 1970s, which culminated in the 1988 Constitution, were fertile for critical psychology professionals who sought to resist the system. While there were those who were in line with state systems (Silva, 2017), others resisted the forces of crystallized powers (Cordeiro; Spink, 2018). The more corporatist and reductionist perspectives, as well as the socio-historical and critical perspectives, left their epistemological traces in the construction of the codes of ethics of psychology professionals. The former had a corporative and deontological character, while the latter, published in 2005, has a reflective, ethical horizon and is aligned with the assumptions of the Universal Declaration of Human Rights (UDHR) that had been promulgated in 1948 and with the Brazilian Democratic Constitution of 1988 (Amendola, 2014).

Nevertheless, it is important to highlight that as it is a Code of Ethics for a professional category, the deontological perspective is maintained, that is, there are established prerogatives that need to be fulfilled by the professionals registered with the body. In addition, the proposed reflective character is notorious. In it, ethics is at the service of a mediation, *ethos*, and not of a moral character (only). As presented in the Code,

The Code of Professional Ethics, by establishing expected standards regarding the practices endorsed by the respective professional category and by society, seeks to foster the self-reflection required of each individual about their praxis, in order to hold them personally and collectively responsible for actions and their consequences in the professional practice. The primary mission of a code of professional ethics is not to standardize the technical nature of work, but to ensure,



within values relevant to society and to developed practices, a standard of conduct that strengthens the social recognition of that category (CFP, 2005, p. 5).

In a purposeful and reflective way, Resolution 010/2005 of the Federal Council of Psychology (CFP), known as the Code of Professional Ethics, emphasizes, in addition to the multiple aspects about the relationship of professionals with the population and institutions, the ethical limits that foster psychological practices for prevention and promotion of health and people's quality of life. Its fundamental principle is the elimination of negligence, exploitation and cruelty and prohibits the use of psychological techniques and instruments as a subsidy for discrimination, torture or any type of violence (Art. 2).

From the multiple areas of specialty of Psychology, ethical conduct is required, in accordance with the code and resolutions in force. Resolution 3/2022 defines the following areas of specialty: I - School and Educational Psychology; II - Organizational and Work Psychology; III - Traffic Psychology; IV - Legal Psychology; V - Sports Psychology; VI - Clinical Psychology; VIII - Psychopedagogy; IX - Psychomotricity; X – Social Psychology; XI - Neuropsychology; XII - Health Psychology; and XIII - Psychological Evaluation.

All these areas, on a daily basis, need to revisit their epistemologies and techniques to respond to social and contemporary demands with criticality and ethics, promoting human rights and collective health. In this sense, there have been transformations in multiple specialties, including in the field of Psychological and Neuropsychological Assessment, which have taken on the complexity of human factors. It is therefore important to highlight that:

In this line, the idea that Psychological Assessment would be a mechanical practice or alien to social transformation is increasingly retrograde and mistaken. The results of a Psychological Assessment developed in the form of an evaluation process represent a work that involves, in addition to technique, long reflection, on the part of the professional and, eventually, the evaluator. Thus, nothing can be further from what is expected from a Psychological Assessment today than the criticism that the area suffered a few years ago, especially from socio-historical psychology, of being at the mercy of an excluding society. What is increasingly intended from Psychological Assessment is that its practices contribute to people being able to recognize their characteristics and potentialities, have more autonomy in their decisions and seek strategies that make them more engaged, fulfilled and happy. In social terms, what is expected is that these practices can effectively contribute to social transformation and engagement, making the largest number of people involved in an evaluation (whether the individual evaluated, or the members of their family, school, community, among other actors), understand human diversity, identify their sources of support, make use of the social resources and services they have, fight for the guarantee of their rights and access to education, health and



justice and recognize that well-being only makes sense from a relational and ethical perspective (Reppold; Zanini; Noronha, 2019, p. 26).

Thus, we can consider that the area of Psychological Assessment, far from constituting an instrument of categorization to support exclusions, emerges, in the contemporary scenario, as an area that, with a critical and situated look, equips the psychology professional to contribute to the process of recognition of rights and guarantees of health and social assistance, while enabling, with its technical and professional production, that people recognize and understand the singularities and human diversity.

# HUMAN RIGHTS, SOCIAL RIGHTS AND PSYCHOLOGY: ETHICAL COMMITMENTS OF PSYCHOLOGICAL ASSESSMENT IN CONTEMPORARY TIMES

In the history of Philosophy and the Sciences there is an axiomatic point from which epistemologies derive and converge: the notion of person and world that sustains each philosophical or scientific perspective. According to Lombo and Russo (2020, p. 288), "in any science that refers to man, it is necessary to proceed on the basis of an adequate conception of the human person". It is the notion of person that will support the ethical considerations of the practices proposed by researchers and professionals in the multiple human or natural areas.

In the search for the preservation of Human Rights and the Person, after the totalitarian events of the early twentieth century, the Universal Declaration of Human Rights was promulgated, which influenced numerous Brazilian legal frameworks, including the Federal Constitution of 1988. The Constitution ensures basic and fundamental rights that need to be assumed by the states and the nation, among them: health, social assistance and education (Brasil, 1988).

In order to organize the Health and Social Assistance System, other legal frameworks were suggested, such as: Law 8.080/1990 that instituted the Unified Health System (SUS); the Organic Law of Social Assistance in 1993 (LOAS) and other decrees and ordinances that organize and regulate the functioning of the health and social assistance systems - Decree 7.508/2011 (SUS) and Law 12.435/2011 (SUAS). It is important to mention that these milestones are the result of many social and political tensions that have occurred since the 1970s in the country, which discussed the organization of public health services, generating movements focused on collective health (Spink; Matta, 2010).



Health, Social Assistance and Education Policies are, at the same time independent, convergent, especially when it comes to transversal subjectivation processes, such as the diagnosis of neurodivergences. People with neurodivergence have guaranteed rights in Education, Assistance and Health. Some legal frameworks for people with neurodivergences are: Berenice Piana Law, 12.764/2012; Law No. 14,254/2021 that provides for the comprehensive monitoring of students with dyslexia, Attention Deficit Hyperactivity Disorder (ADHD) or other learning disorders; Law No. 13,977/2020, known as the Romeo Mion Law, which created the Identification Card for Persons with Autism Spectrum Disorder and Law 5499/23, which creates a national policy for the protection of neurodivergent people, including those with autism spectrum disorder (ASD), attention deficit hyperactivity disorder (ADHD) and dyslexia, among others.

In addition to the benefits guaranteed to people with neurodivergence, the Continuous Cash Benefit (BPC) is provided for by the Organic Law of Social Assistance for elderly people or people with disabilities (any age), provided that there are physical, mental, intellectual and/or sensory impediments that make it impossible to effectively participate in society on an equal basis with other people.

In addition, people with psychological distress and psychopathological diagnoses have access to the Psychosocial Care Network, a service that, unlike hospital-centered models, offers comprehensive psychosocial care in specialized and decentralized care centers (Brasil, 3.088/2011).

All these services are ensured by the legal frameworks, however, it is important to mention that in order to access them, whether in the public or private network (especially with Health Plans), diagnoses, certificates and/or reports from the health teams attesting to the specificities are required. In this sense, Psychological Assessments enable access to social and public and private health rights.

Decree 53.464 of 1964 regulates Law 4.119/1962 and provides for the profession of psychologist in Brazil. In Article 4 of the Decree, it is described that one of the functions of the psychologist is "To use psychological methods and techniques with the objective of: a) psychological diagnosis" (Brasil, 1964). Diagnoses are carried out through Psychological Assessments that use scientifically recognized techniques, including "psychological tests, interviews, systematic information, and document analysis" (CFP, 2022, p. 11). While psychological testing refers to the application of psychometric, projective and/or expressive tests, Psychological Assessment is a process that integrates the information from multiple



instruments and is structured considering the complexity of what needs to be analyzed, without the data being crystallized.

The documentary record is a function of the psychological, as well as the production of a pertinent document for presentation and technical and ethical discussion of the data obtained. According to CFP Resolution No. 06/2019, the Psychological Certificate and the Psychological Report are the documents that result from the Psychological Assessment and communicate the psychosocial dynamics analyzed. It is these documents that, attached to social and health processes, enable the recognition of people's social and health rights.

In this sense, Psychological Assessment, in a procedural and non-crystallized perspective, is not reduced to the analysis of nomothetic items, but articulates them with idiographic, social, interpersonal and political data that transversalize the existential specificities of people. By considering the Psychological Assessment beyond the staticness of a diagnosis, the category assumes the political commitment to mediate access to health and care rights guaranteed to Brazilian citizens by the current legal frameworks.

# PSYCHOLOGICAL ASSESSMENT: INSTRUMENTS, DEMANDS AND ETHICAL CONSIDERATIONS

Unlike psychological testing, which analyzes certain items and cognitive processes, Psychological Assessment integrates the data built and collected through multiple instruments. The choice of instruments needs to be aligned with the demand to be met. Among the instruments, we have, in addition to interviews, observations, documents, psychometric, projective and expressive tests that can be part of the Psychological Assessment process.

Before we proceed with an analysis of the tests, we need to be aware of what we are looking for in a Psychological Assessment, or rather, before that, we need to be aware of who our target audience is in the multiple areas of activity, because it is this clarification that enables ethical postures in which the recognition of Human Rights is highlighted (Bicalho; Vieira, 2018). As an example, in a critical analysis of Psychological Assessment with judicial and forensic demands, Caden and Albanese (2019) pose the question: Psychological Assessment in the legal and forensic sphere is at the service of whom? We add: What is the competence of the psychology professional when he performs a Psychological Assessment?



Just as there is no uniqueness of techniques and epistemology, there is no single answer to these questions. Rovinski (2007) calls attention to the fact that the professional is aware of his role, competence and function in certain areas of activity, so that, for the author, in the legal scenario, the focus of the evaluation is defined by the demand of the judiciary.

Regardless of where the demand comes from, the professional must be aware of the principles that guide his practice and an attitude must be transversal: the ethical commitment that inhibits the perpetuation of "exclusion, discrimination, exploitation, violence, cruelty and oppression" (CFP 10/2005, p. 9). Another significant aspect is the knowledge that the existence of legal frameworks does not directly reduce inequalities, despite this being the objective. According to Silva and Canevari (2024, p. 11849) "although public health programs in Brazil promote access to health, challenges such as underfunding, regional inequalities and lack of resources compromise their effectiveness". In this sense, health professionals, including psychologists, need to assume the role of facilitators and mediators in access to social and health rights, as well as interlocutors who tension current discourses and strengthen Public Policies and Collective Health.

Assuming public responsibility as an agent of transformation is indispensable for professionals who work in the various areas of Psychology, including Psychological Assessment. This commitment also permeates the choice of theories, techniques and instruments that will constitute and subsidize professional practices. Bicalho and Viera (2018) draw attention to the fact that this ethical circumspection is necessary, including in the construction of instruments, especially when these are psychological tests. For the authors, for a period (as discussed at the beginning of this article), evaluation was legitimized as a mechanism for the construction of "truths about certain subjects/groups to the extent that they took the results of tests as static evaluations, modeling social representations about them and giving rise to the various taxonomies" (Bicalho; Vieira, 2018, p. 148). In this sense, it is increasingly urgent to highlight discussions about the interfaces between Psychological Assessment and Human Rights, since this reflection needs to stimulate in professionals and students critical views about the multiple factors that imply in people's ways of living and, therefore, the diagnoses will also focus on this life dynamic. Thus, while Psychological Assessment can mediate access to social and health rights, it needs to promote critical analyses of ways of life, engendering strategies that promote meaningful ways of living, as well as people's citizenship.



#### FINAL CONSIDERATIONS

Each era seeks answers to the phenomena and events that occur in history and this generates multiple analytical perspectives on social and human dynamics. In recent decades, the human sciences have been critically constituted, starting from the "problems of the peoples". In this study we did not aim to categorize the best scientific or philosophical methods, because each epistemology generates practices necessary for society. Naturalist and positivist perspectives expand the resources of the biomedical sciences and construct artifices to improve the biophysiological quality of the population. The very advances of medicine and neurosciences are pertinent to understanding human diversity. Psychology professionals, in addition to critical reflections, need to know the biological principles and functional neuroanatomy, since changes in the cortical and endocrine areas, together with social, historical and economic factors, can influence people's psychological dynamics.

According to the Psychological Assessment Booklet of the Federal Council of Psychology (2022), some competencies are necessary for professionals to carry out Psychological Assessments, including: recognizing the procedural nature of all Assessments; know the current legislation; have knowledge about human development and cognitive processes; know and identify psychopathologies and serious mental health problems; have knowledge about psychometrics, from the validity, accuracy and standards of the tests to the forms of application, target audience and interpretation; have the ability to integrate data and theoretically substantiate analyses, as well as be critical about the complexity of the psychosocial functioning of people and the community.

The need to have this knowledge highlights the interfaces between Psychological Assessment and Human Rights, since, at the same time that the professional is able to recognize psychopathologies and neurodivergences, he uses his knowledge and techniques to mediate access to social rights and, above all, contributes to people and communities recognizing their rights, capacities and potentialities, promoting the understanding of human diversity in a non-exclusive but integrative way.

We consider, therefore, that the reflections presented here strengthen the area of Psychological Assessment by bringing it closer to fundamental rights, while offering subsidies for professionals and students to understand that criticality in the epistemological, technical and instrument choices can mediate people's access to social, health and educational rights. This allows professionals, in the area of Psychological



Assessment, to also assume the commitment to promote health and citizenship for people and communities.



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