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U.S. Department of State

Hungary Report on Human Rights Practices for 1997

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HUNGARY

Hungary is a parliamentary democracy with a freely elected legislative assembly. Prime Minister Gyula Horn, the leader of the Hungarian Socialist Party, heads a coalition Government formed after the 1994 national elections. The Government respects the constitutional provisions for an independent judiciary.

The internal and external security services report directly to a minister without portfolio, and the police report to the Interior Minister. There continued to be credible reports of police abuses, although their frequency has declined compared with previous years.

The Government has demonstrated through its macroeconomic policies and extensive privatization its commitment to the transition to a market economy. The private sector generates about 75 percent of gross domestic product. Services, trade, and government employ about 63 percent of the labor force, and industry nearly 30 percent. Major exports include manufactured goods (41 percent) and machinery and transport equipment (39 percent). An estimated 25 percent of the population live in poverty, with elderly pensioners, dependent housewives and children, and Roma most affected.

The Government generally respects human rights and civil liberties of its citizens; however, in practice the authorities do not always ensure due process in all cases. Prosecutors and judges may impose what amounts to unlimited pretrial detention, although the Government expanded legal provisions for the right to fair trial. Police on occasion enter private residences to check foreigners' identification without warrants. Although senior levels of the Interior Ministry and the National Police addressed problems in

specific cases, police continued to use excessive force against suspects. Police harassed and abused both Roma and foreign nationals.

The print media are completely privatized and enjoy a high degree of independence. The electronic media remain a mixture of state-run and private enterprises: the two largest stations are state owned, but in October three commercial stations began broadcasting. Opposition politicians and some journalists criticized what they termed the Government's "media monopoly," the constraints it purportedly imposes on press freedom by economic pressure, and its discrimination against conservative media. However, there is no evidence of government interference with editorial content. Societal discrimination against Roma remains a serious problem. Anti-Semitic and racist attacks continued to decline. Spousal abuse of women, sexual harassment, and discrimination in the job market remain serious problems. Steps were implemented to improve the rights of women and persons with disabilities.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

After a suspect reportedly was beaten to death in Paszto in 1995, one of the police officers involved was dismissed, three were suspended, and the police commander resigned. After 12 months of investigation, formal charges were brought in October 1996. In February the police officers were acquitted on the grounds that there was insufficient evidence that the beating directly resulted in the suspect's death.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

No known incidents of torture occurred. Police abuses continued, including harassment, use of excessive force, and beatings of suspects. Police also continued to harass and physically abuse Roma and foreign nationals. A total of 164 police officers were accused of physical abuse in 1995 (latest available data), a three-fold increase over 1994.

The police and Interior Ministry are working to change the police's authoritarian image, and human rights organizations report that police are generally more cooperative with outside monitoring of police behavior. These efforts are hampered, however, by low salaries and a lack of physical resources. A 1997 study by the ombudsman's office, which investigates constitutional violations in the public sector, condemned police corruption but noted that it is unsurprising that it exists, given the police's low pay and poor working conditions. Police frequently harass residents, charging questionable fines for erroneous traffic violations to earn petty cash. Police showed indifference towards foreigners who have been victims of street crime.

Although prisons are overcrowded, conditions meet minimum international standards. Following a report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment published in January, the Government closed detention facilities deemed unfit and modernized others. A report for the first half of 1996 by a local human rights organization identified 28

cases of physical abuse of detainees in prisons (latest available data).

The Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

Police must inform suspects upon arrest of the charges against them and may hold them for a maximum of 72 hours before filing charges. The law requires that all suspects be allowed access to counsel prior to questioning and throughout all subsequent proceedings. The authorities must provide counsel for juveniles, the indigent, and the mentally disabled. There are credible reports that police do not always allow access to counsel, particularly for minor crimes. There is no bail system; however, depending upon the nature of the crime, courts may release detainees upon their own recognizance.

The Police Act permits police to hold suspects in public security detention (PSD) in cases where the suspect has no identity papers; where blood or urine tests must be performed to determine blood alcohol content; or if the suspect continues to commit a misdemeanor offense in spite of prior warning. Suspects may be held in PSD for up to 24 hours. Such detainees are not always informed of the charges against them, because such periods of "short" detention are not defined as "criminal detention" and so are not considered to be covered by the Criminal Code.

Pretrial detention, based on a warrant issued by a judge, is initially limited to 1 year while criminal investigations are in progress; it may be extended indefinitely on the prosecutor's motion (provided the judge concurs). The lack of a bail system gives tremendous leeway to the judge. In 1996 the average length of pretrial detention was 3 to 6 months, although nearly 10 percent of detainees were held for periods ranging from 8 to 12 months. In addition, foreigners are usually held until their trial since they are considered likely to flee the country. Roma allege that they are kept in pretrial detention longer and more frequently than non-Roma (see Section 1.e.). The law provides for compensation when a detainee is released for lack of evidence, but the procedure is exercised rarely since detainees must undertake a complicated legal procedure to pursue their claims.

The Penal Code does not provide for exile, and it is not employed.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair, although sometimes slow, process. Counsel is appointed for indigent clients, but public defenders are poorly paid and do not give indigent defendants priority; lawyers often meet such clients for the first time at trial.

Under the Constitution, the courts are responsible for the administration of justice, with the Supreme Court exercising control over the operations and judicature of all the courts. There are three levels of courts. Original jurisdiction in most matters rests with the local courts. Appeals of their rulings may be made to the county courts or to the Budapest municipal court, which have original jurisdiction in other matters. The highest level of appeal is the Supreme Court, whose decisions on nonconstitutional issues are binding. In the case of military trials, appeals also may be addressed to the Supreme Court.

The Constitutional Court is charged with reviewing the constitutionality of laws and statutes brought before it. Citizens may appeal directly to the Constitutional Court if they believe that their constitutional rights have been violated. Parliament elects the Court's members to 9-year terms, which may be renewed. In September the Parliament began debate on whether to increase the number of seats on the

Constitutional Court, as well as providing life tenure for its members (the current retirement age is 70), thereby addressing concerns that vacancies on the bench could delay the Court's work. No judge or member of the Supreme or Constitutional Court may belong to a political party or engage in political activity. Although the Government has alleged that judges' political attitudes have affected decisions, these charges are undercut by unanimous decisions in controversial cases, with judges appointed by the Government siding with those appointed by the opposition.

The law provides for the right to a fair trial, and the authorities respected this right in practice. In selected cases judges may agree to a closed trial to protect the accused or the crime victim, such as in some rape cases. There is no jury system; hence judges are the final arbiters.

Military trials follow civil law and may be closed if national security or moral grounds so justify. In all cases, sentencing must take place publicly. Defendants are entitled to counsel during all phases of criminal proceedings and are presumed innocent until proven guilty. Judicial proceedings are generally investigative rather than adversarial in nature.

Many human rights and Romani organizations claim that Roma receive less than equal treatment in the judicial process. Specifically, they allege that Roma are kept in pretrial detention more often and for longer periods of time than non-Roma. This allegation is credible in light of general discrimination against Roma; however, there is no statistical evidence because identifying the ethnicity of offenders is not allowed in police records.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The law provides that the prosecutor's office may issue search warrants. Police must carry out house searches in the presence of two witnesses and must prepare a written inventory of items removed from the premises. Wiretapping, which may be done for national security reasons and for legitimate criminal investigations, requires a court's permission. These provisions appear to be observed in practice. However, police at times enter private residences without warrants to check foreigners' identification.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, and the Government respects this right in practice. All the major print media--national and regional newspapers, magazines, and tabloids--are in private hands, some as part of foreign media companies. The print media enjoy considerable freedom; however, journalists and opposition politicians are concerned that the expression of different views in the press may be circumscribed by the small number of owners who control most of the print media.

Parliament passed a media law in 1995 creating institutions designed to foster a free and independent electronic media. The law provided for the creation of nationwide commercial television and radio, and insulated the remaining public service media from government control. In June the Government awarded licenses for the new privatized television channels that began broadcasting in October; licenses for commercial radio were awarded in November, and the stations are expected to begin broadcasting in early 1998.

The regulatory body created by the 1995 law, the National Television and Radio Board (ORTT), was

accused during its first year and a half of operation of political bias in awarding television licenses. Others have criticized ORTT for its attempts to acquire a share of the National Broadcasting Company, thereby becoming an owner in the industry it regulates. Two lawsuits have been filed against the Board, in both cases raising the question of whether the Board is truly insulated from politics and conflicts of interest as intended by the law.

Academic freedom is generally respected.

b. Freedom of Peaceful Assembly and Association

There are essentially no restrictions on peaceful public gatherings. In general the Government does not require permits for assembly except when a public gathering is to take place near sensitive installations, such as military facilities, embassies, or key government buildings. Police may sometimes alter or revoke permits, but there is no evidence that they abuse this right.

Any 10 or more persons may form an association, provided that it does not commit criminal offenses or disturb the rights of others. Associations with charters and elected officers must register with the courts.

c. Freedom of Religion

The Constitution provides for freedom of religion, and members of all faiths are allowed to practice their religion freely. There are 77 officially recognized churches. There is no officially preferred religion, but only 41 officially approved religions receive state subsidies. A 1996 law permits citizens to donate 1 percent of their income tax to the church or nonprofit agency of their choice. Figures released in September show that of \$10 million (1.9 billion forints) donated, \$100,000 (20 million forints) was sent to churches (the remainder was donated primarily to schools and animal welfare groups). In June the Government signed a treaty with the Vatican to return church property confiscated by the Communist regime; the treaty also guaranteed a minimum state subsidy to the Catholic Church of \$9 million (1.7 billion forints). Religious orders and schools have regained some property confiscated by the Communist regime.

In March Parliament passed enabling legislation setting up a \$20 million (4 billion Ft) Jewish Heritage Foundation fund as provided for in the 1996 Jewish restitution decree. The fund provides restitution to over 16,000 Holocaust survivors. Payments, in the form of life pensions, began in October. The Government also agreed to restore to the Jewish community nine real estate properties and assorted artwork confiscated by the Communist authorities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on the movement of citizens within or outside the country, including on the rights of emigration and repatriation. However, local authorities have in some cases tried to expel Roma from towns or to induce Roma to live in what amount to ghettos. The Government may delay but not deny emigration for those who have significant court-assessed debts or who possess state secrets. It requires that foreigners from countries that do not have a visa waiver agreement with Hungary obtain exit visas each time they leave the country, although blanket permission is sometimes available.

Refugees numbering 4,469 from the former Yugoslavia are registered in Hungary. Most are in private housing, with only 500 housed in 3 refugee camps. The Government estimates there are as many as 60,000 immigrants (the vast majority from Romania) living in the country in unregistered status, although the local office of the United Nations High Commissioner for Refugees (UNHCR) believes

that this figure is too high.

Hungary is a signatory to the 1951 United Nations Convention Relating to the Status of Refugees and to its 1967 Protocol. In December Parliament amended the refugee law to eliminate a restriction granting refugee status only to Europeans. The Government cooperates with the office of the UNHCR and other humanitarian organizations in assisting refugees. Hungary provided first asylum to refugees from the former Yugoslavia during the fighting in that neighboring country. Prospective refugees who seek only to transit to Western Europe are encouraged to return to their countries of departure.

Illegal aliens, mostly non-European, were housed at border guard facilities throughout Hungary. During the period from January to July, 5,149 illegal aliens were processed pending either deportation or qualification for resettlement in a third country according to Interior Ministry data. The determination is made by the local office of UNHCR. While police seek the timely deportation of detainees who do not qualify for refugee status, a shortage of funds and the detainees' lack of proper documentation, such as passports, often result in lengthy stays. The Helsinki Committee reported that a group of 15 Syrian Kurds were detained for 6 weeks in an airport hangar after being denied refugee status. They were transferred to a refugee camp after human rights groups threatened to take the case to the European Court of Human Rights. The group has since left the camp and is believed to have left the country. There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens age 18 and over have the right to change their government through national elections held at least every 4 years. Members of Parliament are elected through a complex voting procedure for individuals and party lists. In the 1994 national elections, Prime Minister Gyula Horn's Hungarian Socialist (formerly Communist) Party won an absolute majority and formed a coalition Government with the Liberal Alliance of Free Democrats. Four parties, ranging from moderate to conservative, as well as several independent members, constitute an active opposition in Parliament.

There are no legal impediments to women's participation in government or the political process; 43 of 383 parliamentary deputies are women. There are few women in leadership positions in the Government or the political parties. Several minorities are represented in Parliament, including one Rom, one ethnic German, one ethnic Slovak, one ethnic Croat, and one ethnic Romanian.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Numerous human rights organizations operate without government restriction or interference. Many nongovernmental organizations (NGO's) report that the Government is generally responsive to their requests for information. However, individual police units and prosecutors are reportedly uncooperative at times, particularly in cases involving Roma or police abuses. Some NGO's also reported attempted intimidation and harassment by the police. There is also an active 20-member parliamentary Committee for Human, Minority, and Religious Rights.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for individual rights, equality, and protection against discrimination, but in practice discrimination still exists, particularly against Roma.

Women

Spousal abuse is believed to be common, but the vast majority of such abuse is not reported, and victims who step forward often receive little help from authorities. While there are laws against rape, it is often unreported for cultural reasons. Police attitudes towards victims of sexual abuse are often reportedly unsympathetic, particularly if the victim was acquainted with her aggressor. New laws entered into force in September that recognize rape within marriage as a crime and increase penalties for sex crimes. According to the government statistics office, there were 406 reported rapes in 1995 and 2,862 reported cases of assaults on women; for the first 6 months of 1996, 189 rapes and 1,303 assaults were reported (latest available data).

Legally, women have the same rights as men, including identical inheritance and property rights. While there is no overt discrimination against women, the number of women in middle or upper managerial positions in business and government is low. Women are heavily represented in the judiciary and in the medical and teaching professions.

The law does not prohibit sexual harassment in the work place. A 1995 report prepared under the auspices of the U.N. to evaluate compliance with the Convention on the Elimination of Discrimination Against Women termed sexual harassment in the workplace as "virtually epidemic." Women's groups report that there is little support for efforts to criminalize sexual harassment and that harassment is tolerated by women who fear unemployment more than harassment. The Government moved to address women's concerns by establishing an Office of Women's Issues in the Ministry of Labor.

Children

The Government is committed to children's rights. Education is mandatory through 16 years of age, and employment is illegal below the age of 16. There is no societal pattern of child abuse, although NGO's report that neglect and abuse are common in state care facilities. According to the government statistics office, there were 753 reported cases of violence against children in 1995, 100 of which took place within the family. For the first 6 months of 1996, 331 crimes against children were reported, of which 54 were within the home (latest available data).

People With Disabilities

Although the Government does not mandate accessibility to buildings or government services for people with disabilities, a September decree requires all companies that employ over 20 persons to reserve 5 percent of their jobs for the physically or mentally disabled, with fines of up to 75 percent of the average salary paid by the company for noncompliance. Services for the disabled are limited, and most buildings are not wheelchair accessible.

Religious Minorities

There were a few anti-Semitic incidents of damage to cemetery property. In May the local government paid for repairs to a Jewish cemetery vandalized in Balassagyarmat. In May a group of youths shouted anti-Semitic slogans and beat a Jewish youth, who suffered a broken nose and chin.

In the first conviction under a 1996 law making it a crime to incite hatred against a community, a court in July sentenced neo-Nazi politician Albert Szabo to 1 year in prison for delivering an anti-Semitic speech in 1996. The court suspended the sentence and placed Szabo on parole for 3 years.

National/Racial/Ethnic Minorities

The 1993 Law on Ethnic and Minority Rights establishes the concept of collective rights of minorities and states that minorities need special rights in order to preserve their ethnic identities. It explicitly permits organized forms of limited self-government in areas where ethnic groups constitute a majority and states that the establishment of self-governing bodies must be made possible in localities where an ethnic group constitutes less than a majority of the population. The law permits associations, movements, and political parties based upon an ethnic or national character and mandates the unrestricted use of ethnic languages. Only those ethnic groups that have lived within the country's present borders for at least 100 years and whose members are citizens may obtain recognized status under this law.

On this basis, the law specifically grants minority status to 13 ethnic or national groups. Other groups may petition the Chairman of Parliament for inclusion if they include at least 1,000 citizens and have their own language and culture.

In 1994 the first elections were held for minority local self-government entities, which resulted in the formation of over 600 minority local bodies. The number grew in 1995 to 817 organizations, of which 477 are Roma groups. With funding from the central budget (\$7.5 million [1.5 billion forints] in 1997) and logistical support from local governments, these bodies have as their primary responsibility influencing and overseeing local matters affecting the minorities. In 1995 these groups elected national minority self-government bodies, whose effectiveness has varied widely. The non-Romani minorities appear to be the most satisfied, while Romani leaders express frustration with the self-governments' lack of clear authority, responsibility, or resources. These entities' greatest value is that they provide a platform for minorities to address local and national government organizations; their greatest weakness is that the Government is compelled to listen, but not to act.

In 1995 Parliament appointed an Ombudsman--currently an ethnic German--specifically charged with defending minority rights.

Roma constitute at least 4 percent of the population; Germans, the second largest minority group, constitute about 2 percent. Smaller communities of Slovaks, Croats, Romanians, Poles, Greeks, Serbs, Slovenes, Armenians, Ruthenians, and Bulgarians, all are recognized as minorities.

Education is available to varying degrees in almost all minority languages. There are minority-language print media, and the state-run radio broadcasts 2-hour daily programs in the mother tongue of major nationalities, i.e., Romani, Slovak, Romanian, German, Croatian, and Serbian. State-run television carries a 30-minute program for the larger minority groups, complemented by 5-minute weekly news bulletins. And the newly-privatized television stations also carry weekly programs for ethnic minorities.

Conditions of life within the Romani community are significantly worse than among the general population. Roma suffer from discrimination and racist attacks and are considerably less educated, with lower than average incomes and life expectancy. The Romani unemployment rate is estimated to be 60 to 85 percent, over six times the national average of 10.3 percent. With unemployment benefits exhausted and social services stretched thin, Roma often confront desperate situations.

Roma continue to suffer widespread discrimination in education, housing, and access to public institutions, including restaurants and pubs. Discrimination in education was highlighted when the town of Tiszavasvari held separate graduation celebrations in June for Roma and non-Roma high school students. Local authorities segregated Roma students in a separate school from non-Roma for 12 years because, local officials allege, they carry lice and have proportionately more learning disabilities. Local officials deny any discrimination; the Government criticized the local authorities, but took no steps to

correct the situation. Roma schools are more crowded and in markedly poorer condition than those attended by non-Roma. The Helsinki Committee found that there are 132 similarly segregated schools throughout the country.

In what is considered a landmark case, in July a court ordered a bar owner in the city of Pecs to pay a \$750 fine and take out newspaper advertisement apologizing for refusing to serve a Rom.

Local officials have in some cases taken advantage of rules prohibiting overcrowded, unsafe or unsanitary housing, or punishing nonpayment of utility bills to evict Roma families from residences without providing alternative housing as the law requires. In July in Satoraljaujhely, the local government ordered the expulsion of two Roma families for disturbing the peace. Central government officials condemned the decree but did not move to overturn it (see Section 1.d.).

The Government sponsors programs both to preserve Romani languages and cultural heritage and to assist social and economic assimilation. There is a Coordination Council for Romani Affairs attached to the Prime Minister's Office. In July the Government published an action plan designed to improve living conditions in Romani communities, with specific focus on public health, education, and work training. However, the plan provides no additional funds; rather, it redistributes already inadequate resources. Widespread popular prejudice against Roma nonetheless continues. Police commonly abuse them (see Section 1.c).

The Helsinki Committee recorded 2 cases of skinhead assaults (one against a group of Roma, the other against an Asian student.) According to press reports, a Sudanese man was attacked in Budapest by four skinheads in December. The attackers were arrested and the case is under investigation. Foreigners of color reported harassment by police and at border control checkpoints. The Martin Luther King Organization (MLKO), which documents assaults on nonwhites, recorded six such incidents in the first half of 1996, a higher rate of assaults than the total (seven) for 1995 (latest available data). MLKO sources believe many cases go unreported.

Section 6 Worker Rights

a. The Right of Association

The 1992 Labor Code recognizes the right of unions to organize and bargain collectively and permits trade union pluralism. Workers have the right to associate freely, choose representatives, publish journals, and openly promote members' interests and views. With the exception of military personnel and the police, they also have the right to strike. Under a separate 1992 law, public servants may negotiate working conditions, but the final decision on increasing salaries rests with Parliament.

The largest labor union organization is the National Confederation of Hungarian Trade Unions, the successor to the former monolithic Communist union, with over 800,000 members. The Democratic League of Independent Unions and the Federation of Workers' Councils have approximately 250,000 and 150,000 members respectively.

There are no restrictions on trade union contacts with international organizations, and unions have developed a wide range of ties with European and international trade union bodies.

b. The Right to Organize and Bargain Collectively

The Labor Code permits collective bargaining at the enterprise and industry level, although the practice

is not widespread and is actively discouraged in the growing private sector. Labor organizations appear willing to cooperate with one another, and this is particularly evident in their relationship in forums such as the National Interest Reconciliation Council (ET), which provides a forum for tripartite consultation among representatives from management, employees, and the Government. The ET discusses issues such as wage increases and the setting of the minimum wage, which is centrally negotiated within the ET in order to control inflation. Individual trade unions and management may negotiate higher levels at the plant level. The Ministry of Labor is responsible for drafting labor-related legislation, while special labor courts enforce labor laws. The decisions of these courts may be appealed to the civil court system. Employers are prohibited from discriminating against unions and their organizers. The Ministry of Labor enforces this provision.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including that performed by children, and the Ministry of Labor enforces this prohibition.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits forced and bonded labor by children. The Labor Code forbids labor by children under the age of 14, and regulates labor conditions for minors (14 to 16 years of age), including prohibitions on night shifts and hard physical labor and guaranteed overtime payments. The National Labor Center enforces these regulations in practice, and there does not appear to be any significant abuse of this statute. Education is compulsory through age 16. Roma are far more likely than non-Roma to stop attending school before age 16.

e. Acceptable Conditions of Work

The ET establishes the legal minimum wage, which is subsequently implemented by Ministry of Labor decree. The minimum wage, \$95 (14,500 Ft) per month, is insufficient to provide an adequate standard of living for a worker and family. Many workers supplement their primary employment with second jobs.

The Labor Code specifies various conditions of employment, including termination procedures, severance pay, maternity leave, trade union consultation rights in some management decisions, annual and sick leave entitlement, and labor conflict resolution procedures. Under the Code, the official workday is set at 8 hours; it may vary, however, depending upon the nature of the industry. A 24-hour rest period is required during any 7-day period.

Labor courts and the Ministry of Labor enforce occupational safety standards set by the Government, but specific safety conditions are not generally consonant with internationally accepted standards. The enforcement of occupational safety standards is not always effective in part due to the limited resources the Ministry of Labor is able to commit to enforcement. In theory, workers have the right to remove themselves from dangerous work situations without jeopardy to continued employment.

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