



FOUNDATION FOR INFORMATION

# The Freedom to Publish Opinion Poll Results

Report on a Worldwide Update



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The Foundation for Information is an independent organisation registered in Amsterdam. It was formed in 1996 by ESOMAR. The Foundation operates on a world-wide scale. It takes action to protect the rights of individuals and commercial enterprises to obtain and make use of information without any unfair or unnecessary restrictions.

ESOMAR's mission is to promote the use of opinion and market research for improving decision making in business and society worldwide. Founded in 1948, ESOMAR unites 4000 members in 100 countries, both users and providers of opinion and marketing research. ESOMAR stands for the highest possible standards – both professionally and technically. The ICC/ESOMAR International Code of Marketing and Social Research Practice has been adopted by all ESOMAR members, by the International Chamber of Commerce and by over 100 national and international market and opinion research associations world-wide.

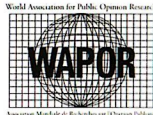
Founded in 1947, the World Association for Public Opinion Research – WAPOR aims to further the use of scientific survey research in national and international affairs. WAPOR is officially recognised as a member of the International Social Science Council (ISSC) and is supported by UNESCO. There are over 500 members in more than 60 countries.

We acknowledge with thanks the generous contribution of the ISSC/UNESCO grant No 023-16/SRP received by WAPOR to support the research which is reported in this publication.

Appreciation is also extended to Gallup International which ensured that invaluable input was included from opinion poll specialists worldwide.

In addition, we were happy to work with WAN (the World Association of Newspapers) whose members were also invited to participate in the study.

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# The Freedom to Publish Opinion Poll Results

## Report on a Worldwide Update

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## **PREFACE**

This is the fourth study conducted by ESOMAR and WAPOR under the auspices of the Foundation for Information worldwide on the Freedom to Publish Opinion Polls.

Opinion polls have become an essential and vital part of the functioning of democracy around the world. They play an ever more important role in the formulation of policies, and provide a reliable measure of the attitudes towards governments and other political players, including political parties.

The principal task of the Foundation for Information is to safeguard the right of all citizens to be properly informed through professionally conducted opinion polls. The importance of these periodical studies of conditions on the freedom to publish opinion polls around the world lies in the fact that they help to safeguard this essential freedom and contribute towards an increasing pressure for the abolition of any restrictive practices wherever they exist.

This year's study clearly shows that despite the progress achieved until now, there are still countries and areas where much more can be done. We sincerely hope that our next survey will report further progress for the good of democracy.

Dr. George Vassiliou  
Chairman, The Foundation for Information

## FOREWORD FROM ESOMAR

Opinion polls are commissioned by the media but equally important are the opinion surveys conducted on behalf of political parties to help shape legislation, to monitor the public response towards policies and to take appropriate action. Yet despite their value, there is a tendency for politicians to propose restrictions on the publication of opinion polls by the media - particularly in the run-up to major political elections.

Various hypotheses have been put forward regarding the possible effects that published election polls may have on voting and voter behaviour.

Endorsed by ESOMAR and WAPOR, the Foundation for Information published a review in 2001 of the legal, democratic and political significance of election polls by Professor Wolfgang Donsbach of the University of Dresden, Germany. This review also assessed the empirical evidence contributing to clarify the debate:

*"The conclusion is that any effects are difficult to prove and in any case are minimal. Opinion polls do provide a form of "interpretative assistance" which helps undecided voters make up their mind. But the media are full of such interpretative aids, including interviews and commentaries, and in this perspective, election polls are a relatively neutral and rational interpretative aid."*

The right to conduct and publish polls freely is part of the modern democratic process which allows citizens to make themselves heard. This right is upheld by Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms which states:

*"Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers."*

ESOMAR, the world association of research professionals, has always actively fostered the professional ethical standards of the industry. All ESOMAR members are asked to undersign that they will apply the ICC/ESOMAR Code of Conduct and the ESOMAR/WAPOR Code on Conducting Public Opinion Polls as a prerequisite for being accepted as members.

We hope that the publication of this report will contribute to the debate and help alert and inform political leadership, the media and the public about the need to safeguard and further strengthen the right to free information.

Fredrik Nauckhoff  
President

## FOREWORD FROM WAPOR

The mission of WAPOR, the World Association for Public Opinion Research, is to promote in each country of the world the right to conduct and publish scientific research on what people and groups think. Public opinion is a critical force in shaping and transforming society, and in the 20th century social science has developed a tool that can objectively measure that public opinion - most of the time with remarkable accuracy. Public opinion polls - properly conducted and disseminated - give both politicians and public a tool to measure public opinion. They are a way of letting the public's voice be heard.

One would assume that any political system that claims to be a democracy would welcome this technique. However, reality appears to be different. Restrictions on opinion polls are not just characteristic of undemocratic political systems. Media blackouts before elections are perhaps the most visible restriction. Legislators invent many reasons to put a burden on public opinion research, be it a (misunderstood) concern for the protection of personal data, or a preservation of the "dignity of the election process." No one ever has questioned the "dignity" of the many interest-driven claims that politicians make about what the public thinks and wants during election times. It seems as if free public opinion research is a challenge to the monopoly of others - including the press - to define public opinion.

National and international professional associations like ESOMAR and WAPOR are on the alert. With this survey of the state of opinion polling worldwide, the fourth in a series that began in 1984, we now know better what our status is. In 2003, 30 countries - nearly half of those surveyed - have some kind of restriction on the publication of polls. And this may be just the tip of the iceberg. We have no evidence for many countries and these blind spots are precisely where the political situation makes such restrictions even more likely.

The report also reveals that freedom of research is only one problem of the polling business. We also hear complaints from some countries about the quality of the polls that are conducted or the way that the results are reported or both. Freedom and quality are closely linked. The better we do our job, the more we can separate the wheat from the chaff, the more will we be able to defend our rights, or fight for them where they are not yet granted. Thus, in addition to investigating the freedom to conduct and publish opinion polls we also should continuously monitor the situation regarding survey quality. This is - among other things - the paramount role of professional associations as ours.

The banning and/or undue obstruction of public opinion research violates too many rights. Restrictions on polls prohibit the best possible study of what from the earliest times of democracy was perceived as a core phenomenon of a liberal society - public opinion.

And those restrictions also violate the pollsters' right to conduct research, the right of the press to publish opinion poll results, the people's right to information, and last but not least, the public's right to let its voice be heard.

Kathleen A. Frankovic  
President, WAPOR

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## 1. INTRODUCTION

### Summary

More than half (36) of the 66 countries covered in this report, are reported to have no restrictions on the publication of findings from political polls compared to 30 (46%) which do have embargos on the publication of poll results on or prior to election day. In 16 of these 30 countries, poll results cannot be published at least five days before an election.

This is just the tip of the iceberg as we have no evidence for many countries and these blind spots are precisely where the political situation makes such restrictions even more likely.

A positive development is noticeable in many countries since the previous study in 1996. 56 of the same countries were covered in both 1996 and 2002. Of these, restrictions have been liberalised or even lifted in 15 countries. They stayed unchanged in five countries but in another nine, heavier restrictions were introduced since the last study. In 1996, 31 of the 78 countries surveyed had some type of restrictions.

The most striking change of all is the fact that polls results can now be freely published up to the day before an election in South Africa. This compares to the six-week period during which polls could previously be conducted but results could not be published.

Another significant example is France, where the embargo has been reduced from seven days to the day before an election. This follows many years where results could be reported in other countries, but not in France itself. The situation became even more untenable once French citizens could access such reports on foreign websites.

In other countries, it is evident that governments are paying more attention to public opinion polls. Reasons can include:

- Results can differ from one polling institute to another which might create negative attitudes towards polling.
- Unprofessional polls: 24% of those participating in this study regard them as a serious problem.
- The quality of journalistic handling: 23% of respondents in this study view this as being unsatisfactory
- The number of polls is increasing and so is the frequency of publication.

For instance, an embargo of seven days before an election has been introduced in Cyprus where regulations were also proposed that completed questionnaires should be submitted to a committee of MPs together with methodological and sample details before any results are published. Another example is Greece, where an embargo of 15 days has been introduced. It is noteworthy that politicians can still commission opinion polls during this period, even if the general public is not allowed access to the results.

### Background and objectives

The freedom to conduct and publish opinion surveys has always been of deep concern to ESOMAR (World Association for Research Professionals) and WAPOR (World Association for Public Opinion Research). A first study on the freedom to publish opinion polls was conducted by WAPOR in 1984. ESOMAR in cooperation with WAPOR sponsored updates of this study in 1992, 1996 and 2002, to review the situation.

As in previous studies, the main themes of the 2002 update were:

- Restrictions on the publication of pre-election opinion polls
- Self regulation relating to the publication of pre-election opinion polls and perceptions of areas for improvement.

## Procedure

The main themes of the study were covered in a self-completion questionnaire (see the Appendix). The questionnaire, which was based on those used in previous studies, asked respondents to provide a mixture of factual information and personal opinion.

In previous years the study was carried out by a mail survey but as online research has developed so rapidly, the project team, consisting of ESOMAR and WAPOR representatives decided to make use of the Internet. A self-completion questionnaire was posted on the special Foundation for Information website set up by Motivaction International in Amsterdam.

The project team aimed to have an equal sample of journalists, politicians and researchers from each country to be able to include different perspectives and experiences. Researchers were easy to access and WAPOR members and those members of ESOMAR who indicated that they conducted opinion and social research, were invited to the portal.

Contact details of journalists and politicians were more difficult to obtain. ESOMAR was happy to work with WAN (the World Association of Newspapers) whose members were also invited to visit the portal and to answer the questionnaire.

As a first outcome of the study we must report that some respondents are not completely aware of the factual situation in their country. There may be restrictions, but as elections and publication of results is not their daily business not everyone is aware of the exact rules. If respondents were not sure of the factual situation, in many cases they could not find the exact regulations anywhere.

There were a number of conflicting answers and in more than a dozen countries, respondents were approached again for verification. Our deep gratitude is expressed to Gallup International which ensured that additional output was received from specialists in many different countries from all over the world.

It was expected in 2002 that applying online methods would attract higher response rates and more open answers to the questions eliciting personal opinions compared to the 1996 study where answers were gathered by fax and mail. The online approach worked to a certain extent. 233 respondents participated in 2002 compared to 147 in 1996. However, respondents in fewer countries participated, 66 countries in 2002 compared to 78 in 1996. 55 countries were covered in 1992 and 49 in 1984. Participants in 56 countries participated in both the 2002 and 1996 studies and 32 countries are covered in all four waves (see the Appendix).

130 of the 233 respondents were researchers :

Researchers	130
Sociologists	13
Journalists	10
Politicians and others	80
Total	233

The tables that follow indicate when the base is per country or by respondent.

The 66 countries covered in the 2002 study are:

Europe: Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech. Rep., Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Iceland, Ireland, Italy, Kazakstan, Latvia, Luxembourg, Macedonia, The Netherlands, Norway, Poland, Portugal, Romania, Russia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine and the United Kingdom.

North America: Canada and United States

Asia Pacific: Australia, Bangladesh, India, Indonesia, Japan, Malaysia, Nepal, New Zealand, Rep. of Korea, Pakistan, Philippines, Taiwan and Thailand.

Latin America: Argentina, Bolivia, Brazil, Colombia, Costa Rica, Honduras, Mexico, Panama, Peru, Puerto Rico, Uruguay and Venezuela

Middle East: Israel and the United Arab Emirates.

Africa: Nigeria and South Africa

22 countries covered in 1996 but not 2002 are Albania, Armenia, Bahrain, Belarus, Chile, China, Fiji, Hong Kong, Hungary, Iran, Iraq, Kenya, Kuwait, Lebanon, Lithuania, Malta, Muscat/Oman, Saudi Arabia, Singapore, Sri Lanka and Tanzania.

10 countries covered in 2002 but not 1996 are Bangladesh, Bosnia and Herzegovina, the Czech Rep., Costa Rica, Georgia, Honduras, Nepal, Panama, Romania and Slovakia.

## 2. RESTRICTIONS ON THE PUBLICATION OF PRE-ELECTION OPINION POLL RESULTS

### A comparison between 2002 with 1996

In the 2002 study, 30 (46%) of the 66 countries covered are reported to have embargos on the publication of findings from political polls before an election and 36 countries (54%) are reported to not have an embargo.

In 1996, 31 (39%) of the 78 countries covered were reported to have embargos on the publication of political poll results on or prior to election day; 9 of these embargos applied to election day only. 46 countries (61%) were reported to have no embargo.

56 countries were covered in both the 1996 and the 2002 surveys. In 15 of these 56 countries, restrictions have been liberalised or even lifted, they stayed unchanged in five, were stable in not having an embargo in 27 and in nine countries, heavier restrictions were introduced since 1996. 10 countries cannot be compared since they were not covered in 1996. The following tables show the countries with and without an embargo in 2002 and, where possible, compared to 1996.

Table 1: Embargo period prior to elections in 2002 compared to 1996

Country Total (N=30)	Number of days reported in 2002	Number of days reported in 1996	Change
Argentina	1	0	+1
Bolivia	2	2	0
Bulgaria	7	1	+6
Canada	2	3	-1
Colombia	1	7	-6
Costa Rica*	2	-	-
Croatia	1	1	0
Cyprus	7	0	+7
Czech. Rep.*	7	-	-
France	1	7	-6
Greece	15	0	+15
Israel	1	0	+1
Italy**	15	28	-13
Luxembourg	30	30	0
Macedonia	5	0	+5
Mexico	7	7	0
Nepal*	1	-	-
Panama*	1	-	-
Peru	7	15	-8
Poland	1	12	-11
Portugal	1	7	-6
Rep. of Korea	23	0	+23
Romania*	2	-	-
Slovakia*	14	-	-
Slovenia	7	1	+6
Spain	5	5	0
Switzerland	10	7	+3
Turkey	7	30	-23
Uruguay	7	15	-8
Venezuela	2	15	-13

\* = Not included in 1996

\*\* = Publication during this period is forbidden unless accompanied by an "information note" with several specifications related to the poll, which must be published in the media together with the results of the poll, and recorded on a dedicated website

Table 2: Countries with no embargo in 2002 compared to 1996

Country Total (N=36)	Embargo in number of days reported in 2002	Embargo in number of days reported in 1996	Change
Australia	0	0	0
Austria	0	0	0
Bangladesh*	0	-	-
Belgium	0	0	0
Bosnia and Herzegovina*	0	-	-
Brazil	0	0	0
Denmark	0	0	0
Estonia	0	0	0
Finland	0	0	0
Georgia*	0	-	-
Germany	0	0	0
Honduras*	0	-	-
Iceland	0	0	0
India	0	0	0
Indonesia	0	21	-21
Ireland	0	0	0
Japan	0	0	0
Kazakstan	0	1	-1
Latvia	0	0	0
Malaysia	0	0	0
The Netherlands	0	0	0
New Zealand	0	1	-1
Nigeria	0	0	0
Norway	0	0	0
Pakistan	0	0	0
Philippines	0	0	0
Puerto Rico	0	0	0
Russia	0	2	-2
South Africa	0	42	-42
Sweden	0	0	0
Taiwan	0	0	0
Thailand	0	0	0
Ukraine	0	0	0
United Arab Emirates	0	0	0
United Kingdom	0	0	0
United States	0	0	0

\* = Not included in 1996



**Table 3: Comparison of embargo periods prior to elections in 56 countries from 1996 and 2002**

9 countries increased embargo	5 countries no change in embargo period	15 countries reduced embargo	27 countries, no embargo in 1996 or in 2002
Argentina	Bolivia	Canada	Australia
Bulgaria	Croatia	Colombia	Austria
Cyprus	Luxembourg	France	Belgium
Greece	Mexico	Indonesia	Brazil
Israel	Spain	Italy	Denmark
Rep. of Korea		Kazakstan	Estonia
Macedonia		New Zealand	Finland
Slovenia		Peru	Germany
Switzerland		Poland	Iceland
		Portugal	India
		Russia	Ireland
		South Africa	Japan
		Turkey	Latvia
		Uruguay	Malaysia
		Venezuela	The Netherlands
			Nigeria
			Norway
			Pakistan
			Philippines
			Puerto Rico
			Sweden
			Taiwan
			Thailand
			Ukraine
			United Arab Emirates
			United Kingdom
			United States

#### Enforcement of poll restrictions

In the majority of countries that have an embargo on publishing poll results before an election, the main enforcers are government agencies or election administration offices not the broadcast or media regulatory agencies.

Agency enforcing restrictions	%
Government Agency/Election administration office	83
Independent agency	7
Other	10
Broadcast/Press regulatory agency	0
N = 30 countries with restrictions	

In a number of countries, despite the embargo, poll results have been published elsewhere on the Internet. Respondents in 35% of countries with an embargo said they would consider using the Internet to evade restrictions compared to 31% who would not and 34% who replied don't know.

#### Reasons for restricting polls

The main reason given for restrictions is to protect the dignity of the democratic process. Other reasons were mentioned which also fall under the heading of efforts to prevent poll results exerting an influence on public opinion.

Reasons for restrictions	%
Protecting the dignity of the democratic process	43
The right of privacy	21
National security	7
Other	29
N = 30 countries with restrictions	

#### Restrictions on subjects that can be covered

Specific questions or subjects either cannot be included in opinion survey interviews, or cannot be reported or can only be reported with a delay in eight countries i.e. Greece, Italy, Luxembourg, Peru, Philippines, Poland, Switzerland and Venezuela, all of which have an embargo on the publication of opinion poll results, with the exception of the Philippines.

Most of these restrictions concern questions about voting intentions in a set period before elections. In Switzerland, they are applied on a voluntary basis and in Venezuela, limitations regarding questions on foreign policy or defence are said to be agreed on a voluntary basis.

In several countries such as Belgium, respondents also referred to legal restrictions on questions on religious subjects or about private matters and in these cases respondents were probably referring to privacy legislation restrictions which apply to collecting data on 'sensitive matters'.

#### Information to be published with public opinion poll results

Details concerning geographical coverage and the characteristics of the sample should be published with the poll results in 58 countries, and the mode of interview and the dates of interviewing in 57 countries. This is required in about 20% of these countries by law and about 80% by self regulation.

Information to be published	Legal	Self regulation
	%	%
Persons or agency that commissioned the opinion poll (N=55)	25	75
Geographical coverage (N=58)	21	79
Characteristics of the sample (N=58)	21	79
Margin of error (N=49)	18	82
Response rate (N=42)	17	83
Mode of interview (N=57)	23	77
Dates of interviewing (N=57)	23	77
Question wording (N=44)	23	77

#### Exit polls

Exit polls are permitted in 59 countries and in 41(70%) of these countries, the media can publish the poll results only after all polls close. In 12 (20%) of the 59 countries, the media can publish the results before polls close, with no information available for the remaining 6 (10%). In 10 countries, respondents said that even if exit polls were not prohibited, they were not conducted.

Countries where exit polls are permitted	Inside polling station	Outside polling station	Permitted but not conducted to date
Europe (N=31)*	4	21	6
Middle East (N=3)	0	3	0
Asia (N=10)*	0	6	4
Latin America (N=12)	2	10	0
North America (N=2)	0	2	0
Oceania (N=1)*	0	1	0
Total (N=59)	6	43	10

\*In the remaining countries the answer was either no or don't know/missing.

### Fair elections and democracy

When asked to judge the fairness of the last national elections conducted, 75% responded that they were conducted fairly/rather fairly and 10% were neutral. 9% thought they were unfairly conducted and they were based in Bulgaria, Nepal, Panama and the UAE.

Last elections fairly conducted	%
Fairly	63
Rather fairly	12
Neither fairly/nor unfairly	10
Rather unfairly	6
Unfairly	3
No answer	5
Total (N=233 respondents)	100

94% of all respondents agreed with the statement that the freedom to publish pre-election polls is a pre-requisite for a modern democratic society. Some participants in the Russian Federation disagreed, and others in Japan, Malaysia and Pakistan neither agreed nor disagreed.

### The quality of public opinion polls

In 88% of all countries, respondents say that public opinion polls are conducted according to accepted survey methodologies. However, some respondents in Belgium, the Czech Rep., Iceland, Italy, Kazakhstan, Pakistan, UAE and Venezuela were more critical. For instance, "It depends on the agency that conducts them. Some media do not want to invest much in polls, they only want something to print and make a lot of noise" (Belgium).

"In some cases, the wording of the questions suggests the idea that the questions are not neutral. This applies mainly to less established polling agencies" (Czech Rep.). "Ethical polls are conducted by major players. There are however, many ad hoc studies by minor players and non-research organisations with an agenda" (UAE). "It depends on the poll company" (Venezuela).

74% of respondents said the general quality of public opinion polls was either fair or high.

General quality of public opinion polls	%
High	21
Fair	53
Neither high nor low	9
Rather low/low	9
No answer	8
Total (N=233 respondents)	100

Unsatisfactory samples, questionnaires and data-collection are the most frequently mentioned reasons for low-quality survey.

### Self regulation

Respondents in all the countries covered except for Panama, Thailand and the United States are aware of the existence of the ESOMAR/WAPOR code on the publication of public opinion poll results.

In 41% of the countries where there is awareness of the Code, respondents said that published poll results conform to the Code. However, respondents in another 43% said they did not, although a few polls conform at least fairly well. In 16% of the countries respondents could not say one way or another.

### Journalistic handling

Respondents commented that the general quality of journalistic handling of poll findings in the mass media is considered moderate.

Quality of journalist handling	%
High	4
Fair	36
Neither high nor low	29
Rather low/low	31
Total (N=233 respondents)	100

24% of all respondents consider the publication of unprofessional poll findings a serious problem.

### 3. RESTRICTIONS IN INDIVIDUAL COUNTRIES

Whilst legislation between different countries varies, so does the political, media and research landscape. We include some information and comments provided by various respondents to give a more complete picture of the situation in their countries.

#### Europe

**Austria:** No embargo.

**Belgium:** No embargo, no limitations to publications, no change expected. "There was a ban on publication voted in the late 80's but never applied by the media. It was withdrawn in 1991. There is still legislation applicable to quality control on polling agencies and a commission of experts to verify this. However this was never put into practice and might be abolished."

**Bosnia and Herzegovina:** No embargo, no change expected.

**Bulgaria:** Embargo of seven days, no change expected. The embargo is longer than in 1996. "The election law bans any campaigning activities which may influence (bias) the process of voting on the eve of elections and on election day."

**Czech Rep.:** Embargo of seven days, no change expected.

**Croatia:** Embargo of 24 hours. No change expected.

**Cyprus:** Embargo of seven days. Regulations were also proposed in Cyprus that completed questionnaires should be submitted to a committee of MPs together with the methodology and sample details before any results are published. There were no restrictions on poll research in 1996.

**Denmark:** No embargo, no change expected. "It will be difficult to muster a majority for banning/restricting polls in Parliament."

**Estonia:** No embargo. "Sometimes questions suggest answers but generally it is lack of professionalism and less a desire to manipulate."

**Finland:** No embargo. No change expected.

**France:** The 1977 Act prohibited the publication of opinion poll results seven days before an election. It also required that in order to publish and circulate opinion polls during election time, the market research company must give notice to the Opinion Polls Commission, including the name of the opinion poll's buyer, the number of interviewed people, the period during which the poll will take place. Technical instructions must be written and specify the aim of the opinion poll, the method applied to select respondents, the structure of the sample, the interviewing conditions, the text of the questionnaire, the proportion of not answered questions, the confidence limits of the published results. If necessary also to be mentioned are the deduction method for indirect results ("rectification"). A decision pronounced in July 1997 by the Council of State mentioned that the person appearing in the opinion poll must not be informed of the commissioner of the opinion poll's buyer, nor the results to the questions where he namely appears.

The 1977 law has now been overturned and the 2002 Act has reduced the embargo period to 24 hours. In enforcing this new law, the companies belonging to Syntec, the national association of market research agencies, agreed to not publish opinion poll results on the Saturday preceding the elections that take place on Sunday in France.

**Germany:** There is no embargo. The only restriction is a prohibition on publishing exit poll findings before polling stations close.

**Greece:** In 1996 there was no embargo but after mounting political pressure, the situation now is that poll results cannot be published 15 days before an election and any violation of the law is punishable by a term of imprisonment of over six months and a heavy fine.

Polls on voting intentions may still be conducted during the embargo if ordered by a political party providing the information is not published. "Most public opinion polls are conducted by certain political sides or newspapers/TV stations which have a clear political position and they only publish results when the results are positive for their position."

Exit polls are permitted outside the polling station but they cannot be published or broadcast before 19.00 hours after the polls close.

**Iceland:** No embargo. No change expected. "Exit polls have not been conducted in Iceland - a lot of cost for little gain. We once requested permission for exit polls outside the stations (within its legal area) and that was granted provided we did not publish until after all polls close." "People realise that that you cannot ban information as long as it doesn't threaten the interests of the general public."

**Ireland:** No embargo. Change expected. "In July 2001 the government attempted to pass legislation to ban the conduct and publication of opinion polls for seven days prior to local, national or European elections or any referendum. This was rejected at Senate stage on a technicality. We therefore expect the government to return to the issue in two to three years time ahead of the next general election campaign."

**Italy:** In 1996, there was a 28 day embargo. Now the conduct of election polls is not restricted but the publication and diffusion of election polls is forbidden 15 days prior to election day. During this period, publication is allowed if accompanied by an "information note" with several specifications related to the poll, which must be published in the media together with the poll results, and recorded on a dedicated website. "The chief of government controls the main media (newspapers, TV, etc.) and so can control the type and time of information."

**Kazakhstan:** No embargo and no questions or subjects which can not be included in public opinion survey interviews, or findings that cannot be published.

**Latvia:** No embargo. No change expected.

**Luxembourg:** Embargo of one month. No change expected. "No exit polls conducted to date. Anything that could possibly interfere with the elections is forbidden. There is no jurisprudence making this more specific."

**Macedonia:** Embargo of five days. "No changes expected because the electoral law was last changed in June 2002."

**The Netherlands:** No embargo, no change expected.

**Norway:** No embargo. No change expected.

**Poland:** Embargo of one day compared to 12 days in 1996. "Some change expected as regulations change very often."

**Portugal:** The publication of polls is not permitted the day of and the day before an election. "When poll results are published, the following information must be included: The person or agency that commissioned the opinion poll; geographical coverage; characteristics of the sample; margin of error; response rate; mode of interview (telephone, in person, via computer); dates of interviewing and question wording. Exit polls are permitted outside the polling station and results can be published after the polls close. This is enforced by a parliamentary commission which controls all the published opinion polls and requires that the market research company send all information and results to this Commission before sending it to the publisher."

This compares to a seven-day embargo period in 1996.

**Romania:** Embargo period of two days. No change expected.

**Russian Federation:** No embargo period but this could be changed.

**Slovakia:** Embargo of 14 days. Change expected. "The discussion goes on however abolishing the ban would be too radical change from the point of view of politicians."

**Slovenia:** Embargo of seven days compared to 24 hours in 1996, no change expected.

**Spain:** Election polls may only be published up to five days before the day of the elections. Other technical requirements are to be applied for the poll published during the electoral periods, but they are basically consistent with WAPOR and ESOMAR self-regulation.

**Sweden:** No embargo, no change expected.

**Switzerland:** Embargo of 10 days compared to seven days in 1996. No change expected.

**Turkey:** Embargo of seven days compared to 30 days in 1996. "According to Turkish law research companies need to get permission from the national statistic institute, however there is no punishment for violating the rule."

**Ukraine:** No embargo, no change expected. "The media can publish poll results (including exit polls) after all elections are closed." "During elections some unknown firms appeared, which conducted biased surveys or even published data without any surveys."

**United Kingdom:** No embargo. No change expected.

#### **North America**

**Canada:** Embargo of two days, no change expected.

**United States:** No embargo. No change expected:

#### **Asia Pacific \***

**Australia:** No embargo, no change expected.

**Bangladesh:** No embargo, no changes expected.

**China:** "With a population of 1.3 billion people China is every pollster's dream, except for the fact that opinion polls are simply not permitted. Market research is booming in China but questions that even lean towards views on government policy are not allowed. The State Security Bureau must approve every questionnaire prior to fieldwork and results are to be submitted to the SSB before they can be sent to a client. Studies that could embarrass the government are not allowed either. Market research in China has a history of just 10-15 years and has developed tremendously. Opinion polls are not likely in the near future, but it will happen someday."

**India:** No embargo. No change expected. "India proudly declares itself as the largest democracy in the world and has a tradition of political polling. Opinion polls have been conducted for over 30 years. Polls and election predictions are followed closely and commented on in many news programs as an important ingredient of the election process. All political parties use market research companies, and those companies also sell their services in Sri Lanka and Bangladesh."

**Indonesia:** "Whilst there are no official restrictions on publications shortly before the elections or on choice of subjects, the lack of law and order and the lack of a political tradition can interfere with fieldwork."

**Japan:** No embargo. No change expected.

**Malaysia:** No embargo. No change expected.

**Nepal:** Embargo of one day.

**New Zealand:** No embargo, no change expected.

**Pakistan:** No embargo.

**Rep. of Korea:** Embargo of 23 days. Shorter embargo expected. "The Rep. of Korea has been a democracy since the mid nineties and opinion polls have rapidly grown as an important field of research. Most political parties and candidates use polls, focus groups and consultants to determine their strategy.

Most media have sizeable contracts with the major market research companies, with values between one to two million US dollars. They often include penalty clauses if the poll results deviate too much from the actual results. Remarkably, voters cannot be interviewed within 500 metres of the polling station – a very impractical requirement in urban areas."

**Philippines:** No embargo, no change expected.

\* Whilst questionnaire replies were not received from a number of countries in Asia Pacific, we have published comments from Wander Meijer of TNS China & Hong Kong in this section.

**Singapore:** "Voting is compulsory for all citizens of Singapore. If a resident does not register before the polling day, he/she will be barred from participating in the next elections and will be required to pay a fine in order to reactivate their status as a voter. However, there is not yet a lot to vote or poll, as there are few opposition parties strong enough to contest the ruling People's Action Party. As of July 2001 opinion polls are banned during election time (beginning with the Writ of Election and Polling day)."

**Taiwan:** No embargo, no limitations to publication. No change expected.

**Thailand:** No embargo, no limitations to publication, no interference of government, no change expected.

#### **Latin America**

**Argentina:** Embargo of one day. "From 08:00 hours on Saturday, the publication of opinion polls data and campaign information is prohibited as well as during election day which runs from 08.00 to 18.00 hours on Sunday. The data of exit polls can only be issued in public after 18.00 hours on Sunday. But, this is a theoretical, because foreign broadcasters (mainly from Uruguay) air information before this deadline."

**Bolivia:** Embargo of two days, no change expected. "There is a law that we must register, five days before, at the electoral court every survey that we will publish. You have to say who is paying for the survey, how much is paid, sample size, margin of error, sample design, data collection, data, questionnaire, and so on. You don't have to register the results of the survey, just technical information."

**Brazil:** No embargo. "The only restriction is that a poll must be registered in the High Electoral Court five days before the publication. People think that this restriction is now meaningless."

**Colombia:** Embargo of one day. Exit polls are permitted outside the polling station.

**Costa Rica:** Embargo of two days, no change expected.

**Honduras:** No embargo. No change expected.

**Mexico:** Embargo of seven days. "Results can be disseminated via the media after all polling stations have closed." "There is a growing pressure by some political analysts, NGOs and politicians themselves to allow the disclosure of polls closer to election day."

**Panama:** Embargo of 24 hours.

**Puerto Rico:** No embargo, no change expected.

**Peru:** Embargo of seven days. Changes expected. "Although we don't expect changes regarding the publication of polls before elections, we do expect some changes because some Congressmen are preparing laws to control and restrict our work. One of the proposals says that if the projections of a company are very different from the election results, the research company cannot work for a period of time."

**Uruguay:** Embargo of seven days, no change expected.

**Venezuela:** Embargo of two days. Some expect a longer period. Exit polls are permitted outside polling stations. "Venezuela has no major restrictions on public opinion and electoral polls till now. But, the regime is willing to control mass media news and that will certainly affect our business sooner or later. At the National Assembly (our Congress) there is a proposed law to regulate public opinion polls not yet disclosed." "There is possible media censure. The state is increasing economic and political controls"

#### **Middle East**

**Egypt:** "In Egypt there are no specific regulations for approving certain studies from the Central Agency for Public Mobilization and Statistics (CAPMAS). It actually depends on the topics of discussion and the questionnaire itself. In other words, there is no guarantee for the approval of political polling studies, until it is presented to the CAPMAS."

**Israel:** Embargo of one day; a longer embargo is expected. No embargo in 1996.

**United Arab Emirates:** No embargo, no change expected.

#### **Africa**

**Nigeria:** No embargo. "Nigeria is a very complex country and will resist anything that could hinder freedom of practice."

**South Africa:** No embargo, no limitations to publication, no government interference. Previously there was an embargo on the publication of opinion poll results six weeks before an election.

"Following the first democratic election held in 1994, the law was changed before the 1999 election to allow publication of results up to the day before the election and the conduct of exit polls, providing results are not published before voting is closed. The electoral regulations will be reviewed on a regular basis as this is a young democracy."

#### 4. APPENDICES

##### Participating countries in 2002

66 countries participated in 2002; 34 in Europe, 3 in the Middle East, 13 in Asia Pacific, 2 in Africa, 12 in Latin America and 2 in North America.

<b>Europe (N=34)</b>	<b>North America (N=2)</b>	<b>Latin America (N=12)</b>
Austria	Canada	Argentina
Belgium	United States	Bolivia
Bosnia and Herzegovina		Brazil
Bulgaria	<b>Asia Pacific (N=13)</b>	Colombia
Croatia	Australia	Costa Rica
Czech. Rep.	Bangladesh	Honduras
Denmark	India	Mexico
Estonia	Indonesia	Panama
Finland	Japan	Peru
France	Malaysia	Puerto Rico
Georgia	Nepal	Uruguay
Germany	New Zealand	Venezuela
Greece	Pakistan	
Iceland	Philippines	<b>Middle East (N=3)</b>
Ireland	Republic of Korea	United Arab Emirates
Italy	Taiwan	Cyprus
Kazakistan	Thailand	Israel
Latvia		
Luxembourg		<b>Africa (N=2)</b>
Macedonia		Nigeria
Norway		South Africa
Poland		
Portugal		
Romania		
Russia		
Slovakia		
Slovenia		
Spain		
Sweden		
Switzerland		
The Netherlands		
Turkey		
Ukraine		
United Kingdom		

##### Overview all waves

	2002	1996	1992	1984	In last 2 waves	All 4 waves
<b>Europe:</b>						
Albania		•				
Armenia		•				
Austria	•	•	•	•	•	•
Belgium	•	•	•	•	•	•
Belarus		•				
Bosnia and Herzegovina	•					
Bulgaria	•	•			•	
Croatia	•	•	•		•	
Czech. Rep.	•		•			
Denmark	•	•	•	•	•	•
Estonia	•	•	•		•	
Finland	•	•	•	•	•	•
France	•	•	•	•	•	•
Georgia	•					
Germany	•	•	•	•	•	•
Greece	•	•	•	•	•	•
Hungary		•	•			
Iceland	•	•			•	
Ireland	•	•	•		•	
Italy	•	•	•	•	•	•
Kazakistan	•	•			•	
Latvia	•	•			•	
Lithuania		•	•			
Luxembourg	•	•	•	•	•	•
Malta		•		•		
Macedonia	•	•			•	
The Netherlands	•	•	•	•	•	•
Norway	•	•	•	•	•	•
Poland	•	•	•	•	•	•
Portugal	•	•	•	•	•	•
Romania	•					
Russia	•	•	•		•	
Slovakia	•					
Slovenia	•	•			•	
Spain	•	•	•	•	•	•
Sweden	•	•	•	•	•	•
Switzerland	•	•	•	•	•	•
Turkey	•	•	•	•	•	•
Ukraine	•	•			•	
United Kingdom	•	•	•	•	•	•
<b>North America:</b>						
Canada	•	•	•	•	•	•
United States	•	•	•	•	•	•

Overview all waves continued

	2002	1996	1992	1984	In last 2 waves	All 4 waves
<b>Asia Pacific:</b>						
Australia	•	•	•		•	
Bangladesh	•					
China		•	•			
Fiji		•		•		
Hong Kong		•	•	•	•	•
India	•	•	•	•	•	•
Indonesia	•	•	•	•	•	•
Japan	•	•	•	•	•	•
Malaysia	•	•			•	
Nepal	•					
New Zealand	•	•	•	•	•	•
North Korea		•				
Pakistan	•	•			•	
Philippines	•	•			•	
Singapore		•				
Republic of Korea	•	•	•	•		
Sri Lanka		•		•	•	•
Taiwan	•	•	•		•	
Thailand	•	•	•		•	
<b>Latin America:</b>						
Argentina	•	•	•	•	•	•
Bolivia	•	•	•	•	•	•
Brazil	•	•	•	•	•	•
Chile		•	•	•	•	•
Colombia	•	•	•	•	•	•
Costa Rica	•			•		
Guatemala			•			
Honduras	•				•	
Mexico	•	•	•			
Panama	•				•	
Peru	•	•			•	
Puerto Rico	•	•		•	•	
Uruguay	•	•		•	•	•
Venezuela	•	•	•	•	•	•
<b>Middle East:</b>						
Bahrain		•	•	•		
Cyprus	•	•	•	•	•	•
Egypt		•	•	•		
Iran		•	•	•		
Iraq		•	•	•		
Israel	•	•	•	•	•	•
Kuwait		•	•	•		
Lebanon		•	•	•		
Muscat/Oman		•	•	•		
Saudi Arabia		•	•	•		
United Arab Emirates	•	•	•	•	•	•
<b>Africa:</b>						
Kenya		•	•		•	
Nigeria	•	•	•	•	•	•
South Africa	•	•	•	•	•	•
Tanzania		•	•			

**FOUNDATION FOR INFORMATION STUDY ON THE RIGHT TO COLLECT AND PUBLISH INFORMATION ON PUBLIC OPINION POLLS**

**Supported by ESOMAR and WAPOR**

Welcome to the questionnaire of the Foundation for Information. It will take 5 to 10 minutes to complete the survey.

Thank you for participating.

**Introduction**

The development of any democratic society depends critically on its ability to remain in touch with the people. Today opinion polls are conducted in nearly all democratic countries, and the results of these surveys are used to help shape and fine-tune the policies that are proposed to the public. Just as market research - an established tool of marketing in complex societies - can keep manufacturers informed about their customers' needs and interests, the same is true for political parties and politicians. Polls are continually used to monitor the attitude of the public towards specific government policies and in many cases to take corrective action. Journalists also use polls as part of their function - reporting on public reaction to governments' proposals, assessing the public's needs, and insuring that people know their opinion matter.

Despite polls' recognized value to policy makers and the public, many still treat opinion polls in an antagonistic manner, and in many places there are restrictions on the publication of opinion polls by the media, especially near major political elections.

One of the main objectives of the Foundation for Information, endorsed by ESOMAR and WAPOR, is to monitor the state of affairs around the world in relation to the right to collect, process, make use and publish information obtained in accordance with professionally accepted standards. This questionnaire is the first of our efforts.

If none of the questions apply to your country, please could you explain why in the section provided below. We will treat your answers in confidence, and no individual responses will be identifiable.

None of the questions apply to the situation in my country where the situation is as follows:

Country \_\_\_\_\_

1. For pre-election opinion polls, is there a blackout period in your country during which polling results may not be released to the public?

Yes   
No

1a. How many days, prior to the election, are the publication of polls not permitted (a "blackout period")?

Days \_\_\_\_\_

1b Who enforces the poll restrictions or blackout period?

A= Government agency/election administration office   
B= Broadcast/press regulatory agency   
C= Other   
D= Independent agency

2a. Are there specific questions or subjects which cannot be included in public opinion survey interviews, or any findings that can not be published, or any findings that can only be published with a time delay?

Yes   
No such limitations to publication

2ba Publication limitations exist on one or more of the following types of subjects: (Please distinguish between actual legal restrictions and limitations agreed to on a voluntary basis)

If there are no restrictions please choose N/A.

	Legal	Voluntary
Voting intentions in a set period before elections	<input type="checkbox"/>	<input type="checkbox"/>
Voting intentions at all times	<input type="checkbox"/>	<input type="checkbox"/>
Questions on foreign policy or defense	<input type="checkbox"/>	<input type="checkbox"/>
Questions on armed conflicts within the country	<input type="checkbox"/>	<input type="checkbox"/>
Questions on specific persons (royalty, political leaders)	<input type="checkbox"/>	<input type="checkbox"/>

Other legal restrictions \_\_\_\_\_

Other voluntarily agreed limitations \_\_\_\_\_

2bb. Have you made use of the Internet to evade restrictions by government or other important forces in your country?

Yes   
No

2bc. In what ways have you made use of the Internet to evade restrictions? Please explain:

2bd. Would you make use of the possibilities that the Internet offers to evade restrictions by government or other important forces in your country?

I would certainly use it   
I would probably use it   
I would not use it   
Don't know/no answer

2be Do publication limitations exist for any of the following types of subjects: (please distinguish between actual legal restrictions and limitations agreed to on a voluntary basis). If there are no restrictions please choose N/A.

	Legal	Voluntary
Questions on major political issues (social, economic, etc)	<input type="checkbox"/>	<input type="checkbox"/>
Questions on religious or ethnic questions	<input type="checkbox"/>	<input type="checkbox"/>
Questions on private matters (sex/health/psychological problems etc)	<input type="checkbox"/>	<input type="checkbox"/>
Questions on values or lifestyle	<input type="checkbox"/>	<input type="checkbox"/>

2c. If the government or other important forces in your country restrict or want to impede political polling, what are the main reasons they give for such restrictions?

No such restrictions in force or currently suggested   
The right of privacy   
Protecting the dignity of the democratic process   
National security   
Other (please explain)   
Don't know

3. For the publication of opinion polls in your country, which of the following must be disclosed?

	Legal	Code/self regulation
Persons or agency that commissioned the opinion poll	<input type="checkbox"/>	<input type="checkbox"/>
Geographical coverage	<input type="checkbox"/>	<input type="checkbox"/>
Characteristics of the sample	<input type="checkbox"/>	<input type="checkbox"/>
Margin of error	<input type="checkbox"/>	<input type="checkbox"/>
Response rate	<input type="checkbox"/>	<input type="checkbox"/>
Mode of interview (telephone, in person, via computer)	<input type="checkbox"/>	<input type="checkbox"/>
Dates of interviewing	<input type="checkbox"/>	<input type="checkbox"/>
Question wording	<input type="checkbox"/>	<input type="checkbox"/>

	Legal	Code/self regulation
4a. Are exit polls permitted?	<input type="checkbox"/>	<input type="checkbox"/>
Yes, inside the polling station	<input type="checkbox"/>	<input type="checkbox"/>
Yes, outside the polling station	<input type="checkbox"/>	<input type="checkbox"/>
No restrictions but exit polls have not been conducted to date	<input type="checkbox"/>	<input type="checkbox"/>
Don't know	<input type="checkbox"/>	<input type="checkbox"/>



4b. If exit polls are permitted, when can the media publish the poll results?

	Legal	Code/self regulation
Before all polls close	<input type="checkbox"/>	<input type="checkbox"/>
After all polls close	<input type="checkbox"/>	<input type="checkbox"/>
Results cannot be disseminated via the media	<input type="checkbox"/>	<input type="checkbox"/>

5. In some countries, people believe their elections are conducted fairly. In other countries, people believe their elections are conducted unfairly. Thinking of the last national election conducted in your country, where would you place it on a scale of one to five, where ONE means that the election was conducted fairly and FIVE means that the election was conducted not fairly.

- 1
- 2
- 3
- 4
- 5

5b1. Are public opinion polls conducted freely without interference from government in your country?

- Yes
- No

If no, please explain \_\_\_\_\_

5b2. Are public opinion polls conducted fairly according to accepted survey methodologies in your country?

- Yes
- No

If no, please explain \_\_\_\_\_

5c. Do you tend to agree or disagree with the following statement:

Freedom to publish (pre-election) polls is a basic condition for a modern democratic society

Strongly agree	<input type="checkbox"/>
Agree	<input type="checkbox"/>
Neither agree or disagree	<input type="checkbox"/>
Disagree	<input type="checkbox"/>
Strongly disagree	<input type="checkbox"/>

6a. Are you aware of the existence of the ESOMAR/WAPOR International Code of Practice for the Publication of Public Opinion Poll Results?

- Yes
- No

6b. Do most of the published professional polls in your country conform to this code?

- Yes, generally
- No, but a few polls conform at least fairly well
- No polls conform
- Don't know

7a. Rate the general quality of the public opinion polls that are conducted and published in accordance with professional standards:

High general quality level	<input type="checkbox"/>
Fair general quality level	<input type="checkbox"/>
Neither high nor low	<input type="checkbox"/>
Rather low general quality level	<input type="checkbox"/>
Low general quality level	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

7b. How much of a problem in your country is publication of unprofessional poll findings (for example, TV studio audience polls, phone-in polls, street polls, website polls)?

Serious problem	<input type="checkbox"/>
Moderate problem	<input type="checkbox"/>
Not much of a problem	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

7c. In which of the following ways, if any, can the low-quality surveys in your country be criticized?

If so, please explain why.

1 Unsatisfactory samples	<input type="checkbox"/>
2 Unsatisfactory questionnaires	<input type="checkbox"/>
3 Unsatisfactory data collection	<input type="checkbox"/>
4 Unsatisfactory weighting and tabulation	<input type="checkbox"/>
5 Unsatisfactory reporting of poll findings	<input type="checkbox"/>
6 Other	<input type="checkbox"/>
None of the above	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

7d. Rate the general quality level of journalistic handling of poll findings in your country's mass media:

High general quality level	<input type="checkbox"/>
Fair general quality level	<input type="checkbox"/>
Neither high nor low	<input type="checkbox"/>
Rather low general quality level	<input type="checkbox"/>
Low general quality level	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

8. Within the next 3-5 years, do you expect any changes in your country in the rules regarding the periods before national elections in which political poll findings can be published?

Expect longer periods of ban on publication	<input type="checkbox"/>
Expect no change	<input type="checkbox"/>
Expect shorter periods of ban on publication	<input type="checkbox"/>
Expect bans on publication to be abolished	<input type="checkbox"/>
Expect bans on publication to be imposed?	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Could you please explain why? \_\_\_\_\_

**Many thanks for your cooperation!**