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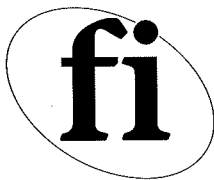
The Freedom to
Publish Opinion Polls
Report on a Worldwide Study

The Foundation for Information is an independent organisation registered in Amsterdam. It was formed in 1996 by ESOMAR. The Foundation will operate on a worldwide scale. It will take action to protect the rights of individuals and commercial enterprises to obtain and make use of information without any unfair or unnecessary restrictions. The Foundation will be actively involved in organising training and education courses and will produce a range of publications.

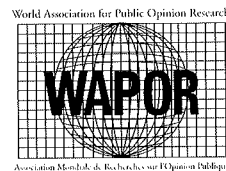
Founded in 1948, the **European Society for Opinion and Marketing Research - ESOMAR** is the international body representing established marketing specialists. With over 3,500 members in over 90 countries, ESOMAR stands for the highest possible standards - both professionally and technically.

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. There are over 500 members in more than 50 countries.

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EDITORIAL

Opinion polls are now very much part of our everyday life. Whenever a new problem arises, the usual question by policy makers and the public is: let's see what the polls say. Yet polls are a relatively recent phenomenon. Originally developed in the United States of America, they arose as a spin-off from the conventional market research industry. Market Research became an established tool of management around the middle of this century, as the increasing scale and complexity of industry made it more difficult to know and understand who their customers were and what their needs were. Market research surveys filled this information gap. If research could help keep manufacturers informed about their customers' needs and interests, then the same could hold true for political parties and politicians whose fortune in any democratic society depends critically on their ability to remain in touch with the ordinary people who voted them into power.

As market research spread around the world, opinion polls followed. Today opinion polls are conducted in all democratic countries. We hear about the polls that are commissioned by the media and widely published - but just as important are the opinion surveys conducted privately on behalf of political parties. The results of opinion surveys are used to help shape and fine-tune the policies that are proposed to the public in party manifestos and introduced as legislation by governments in power. Furthermore, polls are continuously used to monitor the attitude of the public towards specific government policies and in many cases to take corrective action.

Yet despite their recognised value to policy makers, opinion polls are still treated in an antagonistic manner by many, while there is an increasing tendency for the publication of opinion polls by the media to be restricted - particularly in the run-up to major political elections.

One of the main objectives of the Foundation for Information 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.

The present report, which will become a regular publication, shows that there is indeed a problem, much bigger than anticipated. There are still many countries where it is not permitted to conduct and publish opinion polls. In some countries unprofessional polls are conducted which create problems, and in several others restrictions of one or another kind are in existence. Even among the western democracies there are many which seek to prohibit the publication of opinion polls one, two or even three weeks prior to an election.

Why this should be so in a modern democratic state defies all logic. It is said that voters need a "quiet period in which to contemplate and reflect for a few days before casting their votes". Yet no one seeks to ban politicians from expressing their opinions right up to the day of an election. Nor does anyone seek to ban newspapers or the broadcast media from writing and publishing highly coloured and often extremely one-sided articles about the political issues of the day. And yet it is apparently the case that many believe that ordinary voters should be denied access to relatively objective information about how other people like themselves think and feel about the issues of the day.

We believe that the freedom to carry out and publish the results of public opinion polls is a fundamental democratic right. It is just as fundamental as the freedom of the media to publish comments and opinions on the issues of the day. The Foundation for Information is dedicated to safeguarding these democratic rights. We hope that the publication of this report, and the others to follow, will help alert and mobilise political leadership and public opinions to the need to safeguard and further strengthen the right to free information.

Dr. George Vassiliou

Chairman, The Foundation for Information

FOREWORD FROM ESOMAR

Although pre-election polls are estimated to account for not more than about 3% of the \$8 Billion opinion and market research turnover worldwide, they probably attract about 97% of attention which the general public, the press and politicians pay to survey research.

Since its foundation 50 years ago, ESOMAR, the leading international association of opinion and market research professionals, has always actively fostered the professional and ethical standards of the industry.

The importance of the role that ESOMAR ascribes to opinion polls is reflected by the fact that all its members are asked to undersign that they will apply ESOMAR's Code of conduct and its Guidelines on opinion polling as a prerequisite for being accepted as members.

It is the Society's conviction that the information and knowledge stemming from professionally conducted opinion and market research, contributes towards the improvement of decision making in policy and business, and eventually leads to a more efficient allocation of resources on a national and a worldwide basis.

The freedom to conduct opinion and market research, the right to know, the access to information, are all fundamental to success in tomorrow's society.

ESOMAR in collaboration with WAPOR, The Foundation for Information, and other national and international associations, will continue to advocate this freedom.

Mario van Hamersveld

President

FOREWORD FROM WAPOR

In the late 18th century the British philosopher Edmund Burke wrote that "no....legislative right can be exercised without regard to the general opinion of those who are to be governed and that general opinion is the vehicle and organ of legislative omnipotence. He added that only in a free country would every man think "he has a concern in all public matters, that he has a right to form and to deliver an opinion". In the 20th century social science has developed a tool with which we can objectively and - most of the time with remarkable accuracy - measure the "general opinion" that for Burke was the heart of a democracy. 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 only one, though the publicly most visible problem. 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" (see this report). 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. However, what we need is more evidence on the legal situation of opinion polling around the globe. With this survey of the state of opinion polling worldwide, the third of its kind after 1984 and 1992, we now know better where we stand. In 1996, 30 of the 78 countries surveyed have some kind of restrictions on the publication of polls. And 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.

The report also reveals that freedom of research is only one problem of the polling business. We also hear complaints from many 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 quality. This is - among other things - the paramount role of professional associations as ours.

But quality requires freedom. The banning and/or undue obstruction of public opinion research violates too many rights citizens' rights: the pollsters' freedom to conduct research, the freedom of the press to publish opinion poll results, the people's freedom of information, and last but not least, their right to express their opinion in an interview. Moreover, 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.

Prof. Wolfgang Donsbach
WAPOR President 1995-1996

CONTENTS

1. Summary	1
2. Introduction	2
2.1 Background and Objectives	2
2.2 The Project Group	2
2.3 Procedure	2
3. Freedom and Restrictions	5
3.1 Frequency of publication	5
3.2 Embargoes on the publication of poll results prior to elections and referendums	5
3.3 Subjects to be excluded from political surveys	6
3.4 Authorisation and licensing of polling companies	6
3.5 Restrictions in individual countries	7
4. Codes of Practice, Quality Aspects	12
4.1 ESOMAR and WAPOR Codes	12
4.2 Quality of opinion poll surveys and the publication of results	12
5. Expectations for the Near Future	15
5.1 Envisaged embargo changes	15
5.2 Envisaged changes related to the freedom to publish poll findings	15
6. Opinion Poll Practitioners	17
7. Charts	18
Appendix:	20
• Questionnaire	
• List of participating countries	
• ESOMAR Code and Guidelines on Opinion Polls	
• WAPOR Code	

THE FREEDOM TO PUBLISH OPINION POLLS

Report on a Worldwide Study

Nils Røhme

1. Summary

Of the 78 countries covered in this report, the majority (47) countries are reported to have no restrictions at all on the publication of findings from political polls. A minority of 30 countries have embargoes concerning publication on or prior to election days. 9 of these embargoes apply to the election day only.

Opinion surveys on general social issues are free from restrictions in nearly all the countries covered by the study.

However, it should be noted that a large number of countries could not be included, because they have no public opinions to measure and describe and no media through which the measurement results can be published.

Since the previous study in 1992, a positive development is noticeable in many countries. Most remarkable in this respect are North Korea and China and this might be attributed to the active interest of foreign investors in having behaviour and opinions investigated on certain subjects including housing, transportation, lifestyle, etc.

In other countries, it is evident that governments are paying far more attention to public opinion polls for the following reasons:

- Results often differ from one polling institute to another which might create negative attitudes among the public towards polling.
- Unprofessional polls are reported to be a problem in most countries. In about a quarter of these countries they are seen as a serious problem.
- The numbers of polls and polling companies are increasing, and so is the frequency of publication.

The number of countries which enforce publication moratoriums prior to elections has risen slightly since 1984 and the risk of a more widespread introduction of such regulations is also evident. We find this development in all parts of the world. Generally speaking we do not foresee any significant signs of change.

A few respondents mention data privacy laws as another type of legal restriction on the conduct of political opinion polls. They do not consider this to be an actual obstacle to opinion surveys with the exceptions of Colombia and Kenya. However, in a growing number of countries with such legislation, data privacy considerations might eventually lead to a concentration of political polling by formally recognised - and even possibly formally licensed companies, which will take some of the less serious pollsters out of the picture. This is an aspect to be covered in future studies on this subject.

2. Introduction

2.1 Background and objectives

The freedom to conduct and publish public opinion surveys has always been a matter of great concern to WAPOR (World Association for Public Opinion Research) and ESOMAR (European Society for Opinion and Marketing Research).

The situation was first investigated by WAPOR in 1984. In 1992 ESOMAR sponsored an update of this study which outlined the legal conditions and professional standards relating to political opinion research.

In 1996, ESOMAR once again sponsored a review of the study in an extended number of countries, this time using a more specific and in-depth questionnaire. The questionnaire was completed by specialists knowledgeable about public opinion polls and related developments in their respective countries.

The main themes of the 1996 study were:

- A. The frequency of public opinion polls and the factors which restrict the conduct of such surveys and the publication of their results.
- B. Awareness and application of international codes of practice.
- C. Quality levels of public opinion surveys and their publication.
- D. Future expectations regarding the freedom to conduct and publish public opinion polls.
- E. The estimated number of research institutes and other organisations active in conducting of such polls.

2.2 The project group

In the autumn of 1995, a project group was formed composed of Professor Robert M. Worcester, MORI; Bryan Bates, then Director General of ESOMAR; Professor Wolfgang Donsbach, President of WAPOR at that time; Kasper Vilstrup, Chairman of Vilstrup Research and Chairman of the Legal Affairs Committee of ESOMAR, and Nils Røhme then also of Vilstrup Research.

As with the two preceding projects, Nils Røhme was main planner and general coordinator of the study, responsible for operations, tabulation and reporting. Robert Worcester and Kasper Vilstrup were actively involved in editing the questionnaire, tables and report.

2.3 Procedure

The main themes of the study were covered in a self-completion questionnaire (see Appendix), which was distributed and then collected by fax and mail.

The previous two surveys were generally based on the contribution of one person from each of the countries covered in the survey. In 1996, it was decided to increase the number of countries represented, and the number of responses sought from each of these countries.

WAPOR and ESOMAR National Representatives were asked to supply names and address details of people known to have considerable experience and knowledge of the polling situation and related developments in their respective countries. Furthermore, several major international research organisations associated with this type of study (including MORI, Gallup and INRA), were asked to supply names and addresses of experts in the field. We greatly appreciate their help which enabled us to compile an extensive sample of specialist respondents.

The respondents selected do not necessarily represent the research industry, nor was this the intention. We were also keen to receive comments from members of the academic world and to take a look at political polling from their particular standpoint. Our goal was to compile a substantial sample of professionals who reflect the "state of the art" - directly or indirectly.

We now have a unique and worldwide data bank of experts within the public opinion research sector, which will prove invaluable for future ESOMAR/WAPOR studies on the subject. Many of these respondents had already participated in former studies. In 1992, 55 countries were included and in 1984, 49 countries. 40 countries participated in all 3 waves.

After sorting duplications from the sample, we ended up with 230 names from over 80 countries. A few more addresses turned out to be invalid and finally 141 (68%) of the 206 questionnaires dispatched were completed and returned. This was a clear improvement on the results for 1992 (58%) and 1984 (53%). Another six questionnaires were completed by respondents who attended the WAPOR/AAPOR conference in Salt Lake City in May, 1996.

Completion Statistics

-
- **295 names were received**
 - 65 were duplications
 - 24 names, addresses or telefax numbers were invalid
-
- **206 questionnaires were distributed**
 - 65 were not answered (after two reminders)
-
- **141 were answered and returned**
 - 6 extra questionnaires were completed at the Salt Lake City conference
-
- **147 completed questionnaires from 78 countries were tabulated**
-

Field period: February - May, 1996.

Five further, very late contributions had to be disregarded.

The sample is obviously far from proportionally representative. The aim, however was to include the best possible expertise to obtain sound global coverage. Right from the start, a deliberate over-representation was planned of countries which were already known to have restrictions or countries where changes could be expected in the near future. Next time more resources will be devoted to improving the collection of information in these countries.

The fieldwork was carried out mainly by mail, fax and occasionally telephone.

No replies were received from the Czech Republic, Egypt, Ecuador, Romania and Slovakia which are therefore not included in this 1996 study.

The number of respondents per country varies. For instance there were seven respondents for Japan and only one for China. The average number of answers was roughly 1.5 per country. Some replies from countries where there were two or more contributions emphasise the need to have at least one respondent. Where there were discrepancies between replies, we tried to check the information by re-interviewing the original respondents, or by contacting supplementary respondents at embassies or ESOMAR or WAPOR members in that region.

Within each of the 78 countries, the situation is usually homogeneous and under national or federal legislation, i.e. rarely considered a local matter. However, there are considerable variations from one country to another. For example, in North Korea political polls are practically unknown while in Denmark a large number of polls are regularly conducted without restrictions.

In most tables the unit is the respondent. It is clearly indicated when the base is the country (expressed in absolute figures), and when it is the person (expressed in percentages of all 147 respondents).

Where possible, we have commented on developments since 1992 and occasionally since 1984.

3. Freedom and Restrictions

3.1 Frequency of publication of public opinion poll results

How often would you say the findings of public opinion surveys dealing with political and/or social issues, are published in major mass media in your country?

	Pract. every day	Regularly	Occa- sion- ally	Pract. never	Total
Newspapers	25 %	57 %	16 %	2 %	100 %
General magazines	4 %	35 %	50 %	11 %	100 %
Political magazines	4 %	49 %	34 %	13 %	100 %
Television	7 %	46 %	38 %	9 %	100 %

Base: 147 respondents in 78 countries, unweighted

In most of the countries covered by this survey, public opinion poll findings are regularly published, most frequently in newspapers and general magazines, less regularly in political magazines and television.

Seen globally, this is a somewhat misleading picture as it clearly underestimates the number of countries where public opinion poll results are never published. Some of the many countries not covered by the present study are absent for the very reason that they have no polls, no public opinions to measure and no audiences to communicate such results to. It is important to bear this in mind throughout the report.

What are the main reasons why such surveys are not regularly published?

- 52 % respondents state that the media is reluctant to sponsor polls
- 13 % report political pressure against polls
- 9 % give other reasons

Base: 147 respondents in 78 countries, unweighted

3.2 Embargoes on the publication of poll results prior to elections and referendums

As the charts in Chapter 6 show, 30 of the 78 countries covered in this survey apply legal restrictions on the publication of public opinion survey results mostly comprising an embargo prior to general elections. In these cases, it is often prohibited to publish poll results 24 hours before an election, sometimes for a week, but rarely for longer periods. The longest period of this kind is in South Africa which has a 6 week moratorium.

The total picture is as follows:

47	countries are reported to have no embargoes
9	have 24 hour embargoes (election day)
12	have 2-7 day embargoes
9	report longer embargoes
1	no answer
<hr/>	
78	countries in total

Where they exist, publication embargoes on or prior to election days are often applied to all kinds of elections and referendums. There are examples, however, where referendums - in contrast to parliamentary elections - are not included (Canada, Bolivia, Mexico, Poland, Switzerland). However, the frequency and legal importance of referendums can differ from one country to another. Furthermore, a one-week embargo may be effective for a longer period in countries that have two-phase parliamentary or presidential elections.

Reasons for possible government restrictions:

24	mention considerations of protecting the dignity of the democratic process
4	mention considerations for rights of privacy
4	mention national security considerations
6	give other reasons
<hr/>	
38	explanations including duplications for 29 countries with restrictions

Some countries have prolonged their embargo periods in recent years (Italy from 7 to 28 days, Poland from 7 to 12 days, Canada from no ban to 3 days, Chile from 1 to 7 days). Others have shortened or withdrawn their embargoes (Croatia from 3 days to 24 hours, Colombia from 10 to 7 days, Argentina from 2 weeks to no ban).

3.3 Subjects to be excluded from political surveys

Less widespread are restrictions relating to topics which cannot be included in opinion survey interviews. These might be legal restrictions but are more often of an informal nature and concern questions that are better not raised. The borderline between legal restrictions and voluntary, conventional taboos is often vague.

In countries such as Japan and Thailand, questions about royalty should be avoided. In Albania, China, Hong Kong, Croatia, Indonesia, Mexico, North Korea, Turkey, Venezuela, and the few Middle Eastern countries covered in this study, questions on subjects such as foreign and defence policies, political leaders and parties, and armed conflicts within the country, are not permitted.

3.4 Authorisation and licensing of polling companies

Most countries report that authorisation to conduct public opinion polls is not required. In the few countries, where it is necessary, it is more a matter of obtaining a general

license (Kenya) or having individual projects approved (Indonesia). In four countries, there are conflicting reports about the need for authorisation.

Restrictions on performing public opinion polls:

53	countries are clearly reported to have no such restrictions
4	conflicting reports
2	countries restrict polling to authorised companies or projects (Colombia and Kenya)
19	no answer received
78	countries in total

The picture is slightly blurred by the fact that some respondents take data privacy restrictions into consideration while others do not. Such restrictions can include a need for authorisation or an obligation to report to the national registration authority when personal data (including political attitudes in some cases) is involved, even in the short space of time between fieldwork and anonymous data processing.

3.5 Restrictions in individual countries

The unstructured comments on the situation in different countries contribute to the overall picture. We summarise below the most striking contributions to describe the situation as it is today and may be expected to develop in the future. It is clear that the governments of certain countries would like to exercise more control over the polling industry.

Europe

Albania: Polls were only introduced 2 or 3 years ago and until 1992 no polls were conducted at all. Albania considers itself to still be in a transition period. Currently there are no general restrictions but questions should not be asked about foreign policies or the armed forces.

Armenia, Belarus and Kazakstan: Polls are carried out occasionally and there is a 24 hour embargo on publishing public opinion poll results before an election.

Austria: There are no legal restrictions but there is a voluntary agreement among a few institutes who recommend an embargo period of 4 to 6 days.

Belgium: A law was introduced whereby a committee should have been created to check that opinion polls are conducted in line with certain requirements and that this committee would authorise research institutes to conduct opinion polls. This committee was never set up. Furthermore, whilst a four week moratorium on the publication of opinion poll results was proposed, this has never been enacted and opinion poll results are published right up to the day before an election.

Croatia and Slovenia: No restrictions apart from a 24 hours moratorium.

France: It is prohibited to publish the results of pre-electoral polls 7 days before an election. If a general election is immediately followed by a local election, this can effectively mean a 14 day moratorium on the publication of pre-electoral polls.

The French law "Informatiques et Libertés" offers respondents access to information which concerns them and the names of those who have received this information. As this law also applies to opinion polls, some political candidates have tried to obtain access to unpublished poll results in which their names were mentioned and to find out who commissioned the survey. So far research institutes have refused to comply and the national association, SYNTEC is challenging this request which would oblige research institutes to provide poll results to their clients' opponents. This is being defended by the research institute concerned but a final decision has still to be made by the highest legal authorities.

Germany: Article 5 of the German Constitution guarantees the right to freedom of opinion and the press and thus prevents the introduction of any restrictions on the publication of poll results. The sole binding regulation is that the results of exit polls cannot be made public until the polling stations have closed.

Greece: In Greece, as in many other countries, the two leading parties are at present running neck-to-neck, and consequently the polls often display conflicting indications of a small advantage for one or the other party. This has caused speculation and comment concerning the reliability of the polls and the techniques used. There is mounting political pressure to introduce certain restrictions, mainly in order to reduce the number of poorly conducted or irresponsible polls. A new bill is being discussed to restrict the publication of voting intention figures for 10 days prior to an election.

AGMORC, the national research association, is lobbying to have this proposal dropped and to increase self-regulation of the research industry instead. AGMORC members will be required to apply all the sections of the ESOMAR guidelines to opinion polls at all times for surveys on voting intentions. These conditions must form an integral part of any contract made between a client and AGMORC members. AGMORC hopes that these measures will help to protect the Greek research industry as a whole from unwelcome publicity arising from the abuse of important research tools.

Italy: It is forbidden to publish the results of pre-election opinion polls within 28 days before an election. A government body has been set up to monitor the quality of pre-electoral polls and publication of their results.

Lithuania: There is a 3 day publication moratorium prior to parliamentary elections and a 24 hour embargo prior to all other elections.

Luxembourg: The embargo period is 30 days which is one of the longest in Europe (together with Turkey).

The Netherlands: There are very few restrictions on the conduct and publication of public opinion surveys but data privacy laws mean that the identity of respondents may not be disclosed and if sensitive questions are included in a survey, this must be reported to the data protection authorities. These restrictions are however not applied to government-owned institutes which are also permitted to draw addresses from the census data bank

without specific permission. This disparity creates much irritation among private institutes which do not have access to this source of information.

The only other restriction is that results from exit-polls may not be published on the day of the election. The same restriction applies to Norway.

Poland: The law concerning parliamentary elections restricts the publication of polling results related to voting intentions and the 7 day embargo was extended to 12 days in 1993.

Portugal: There is a 7 day embargo on the publication of opinion poll results prior to elections. However AACS (the body controlling the media and political surveys) is proposing a new law to Parliament that only companies registered with AACS will be able to publish polls. On the other hand, a shorter embargo, possibly of 2 days is expected in Portugal.

Russia: No restrictions apart from a 48 hour moratorium. In recent years, the number of polls has increased and their quality has improved. Russia has since the last few years been included in the regular barometer studies initiated by European Commission.

Spain: Pre-electoral poll results cannot be published in the five days before an election. Any survey results published in a pre-electoral period must include technical details such as sample size, margins of error, the number of people who did not answer and the wording of the questions. These requirements are fulfilled to a limited extent only and the electoral body does not fully enforce their application.

Turkey: In 1995 the embargo was extended from 24 hours to 30 days.

The Middle East

There are no polls in Middle Eastern countries apart from Israel where polls are conducted regularly and Lebanon, Cyprus and Egypt where they are carried out occasionally.

Asia

Polls are not carried out in China or North Korea. There are no embargoes except in Fiji and Indonesia

China: No public opinion polls are conducted. The only subjects that may be included in surveys are questions related to values, readership, and a few private matters. No change is expected. The voting system of China makes traditional polls impossible. The system is built stepwise beginning with district elections, followed by voting in the cities, and in the final stage, the People's Representative Committee elects the leaders. Nevertheless, nowadays there is a lot more data collection for other purposes (readership, consumption habits, transportation etc.) - areas far removed from our present subject.

Hong Kong: The only restrictions today pertain to questions about defence and foreign policy. But what about the situation after mid-1997? The best guess is that Beijing will abolish the legislature on July 1 and install a rump parliament from which representatives of the democratic parties - who poll about 55% of the popular vote - will be excluded.

The popular opinion among pollsters is that some laws which were liberalised in the last 10 years, will be reinforced in full, and that criticism of the government may be regarded as seditious which could limit polling.

India: Most polls are conducted during election time. Political parties often claim that pre-election polling can affect voting behaviour and suggest that controls should be introduced. No political stand has been taken until now.

Indonesia: Ongoing pressure to introduce further restrictions is expected to extend the existing embargo of 21 days.

North Korea: The situation is similar to that in China although some improvement in support of survey research is anticipated as an increasing number of investors have expressed a need for consumer information, for instance on their products or media habits etc.

The Philippines: Polls are generally carried out during the 6-12 months prior to an election but otherwise irregularly

Singapore: Polls mainly deal with social and economic matters. Political issues such as ratings on the government's popularity can be surveyed but not published.

Thailand: Questions cannot be asked about the Royal Family.

Taiwan: Occasional polls are carried out, generally related to social and economic issues. Very few political questions are asked.

Africa

Apart from South Africa, polls are not regularly carried out in Africa. In general, there are no restrictions on the issues covered but the general quality of the polls is quite low in most countries although it is improving slowly since the first study (including Nigeria, Kenya and Tanzania).

There is a six week embargo in South Africa. This period has been unchanged since our first study in 1984.

Latin America

This region has the highest frequency of embargoes on the publication of poll results before elections. In 1984, only Brazil and Venezuela had 15 day embargoes.

Today there are embargoes in:

Bolivia: 2 days
Chile: 7 days (a 30-day embargo is being discussed)
Columbia: 7 days (recently reduced from 10 to 7 days)
Peru: 15 days (a 72-hour embargo is being discussed)
Uruguay: 15 days
Venezuela: unchanged at 15 days

Argentina: there is currently no embargo on the publication of poll results but Congress is considering a proposal to introduce an embargo on poll findings before elections.

Brazil: there is no longer a moratorium but polls must be registered with the Electoral Court 5 days before publication with technical details such as sample size and type of collection.

Mexico: Laws are introduced by the National Election Institute (IFE) which consists of the various political parties, citizens and governmental institutions. General expectations are for an increasing level of freedom for public opinion research in the coming years.

There are no embargoes in Costa Rica, Guatemala or Puerto Rico although there are reports that the government might be intending to introduce restrictions in Puerto Rico.

North America

Canada: The embargo of 72 hours which was introduced in 1993, does not include Quebec and is only valid for federal elections.

The U.S.A.: there are no restrictions.

Oceania

Australia: there are no restrictions.

New Zealand: there is an embargo from 07.00 to 19.00 hours (when voting is closed).

4. Codes of Practice, Quality Aspects

4.1. ESOMAR and WAPOR Codes

Awareness of ESOMAR's International Code of Practice for the Publication of Public Opinion Poll Results and WAPOR's Code of Professional Ethics and Practice is high among the respondents of this survey. This is not surprising, however, as respondents were mainly recruited from ESOMAR and WAPOR members and their networks.

However, less than half of the respondents report that these rules are observed when polls are conducted in their respective countries. By no means are the fundamental guidelines of these two international codes being fully observed and applied as yet.

Reported level of awareness and observation of the ESOMAR International Code

89 %	indicate their personal awareness
44 %	say that most local polls conform to this code
42 %	say that at least a few polls conform
2 %	say that no polls conform
12 %	no answer received
100 %	

Reported level of awareness and observation of the WAPOR International Code

62 %	indicate their personal awareness
23 %	say that most local polls conform to this code
33 %	say that at least a few polls conform
6 %	say that no polls conform
38 %	no answer
100 %	

Base: 147 respondents in 78 countries, unweighted

44% said there are national codes covering opinion polls. 53% of the respondents asked to receive ESOMAR's Code and 71% asked to receive the WAPOR Code.

4.2 Quality of opinion poll surveys and the publication of results

On the whole, the general quality of published, professionally conducted public opinion surveys is considered fair to high.

Do you personally consider the general quality level of published, professionally conducted public opinion surveys in your country high or low?

20 %	reported a high general quality level
48 %	a fair general quality level
18 %	neither high nor low
10 %	a fairly low general quality level
1 %	a low general quality level
3 %	no answer
100 %	

Base: 147 respondents in 78 countries, unweighted

However, an average rating of between fair and neither-nor can hardly be considered satisfactory. Low ratings appear in individual responses from Austria, Croatia, Cyprus, Germany, Indonesia, Mexico, Pakistan, Portugal, Puerto Rico, Spain and Ukraine although we also received more favourable indications for these countries.

Does the publication of unprofessional poll findings such as TV studio audience polls or phone-in polls constitute a problem in your country?

23 %	consider unprofessional polls a serious problem
52 %	see them as a moderate problem
20 %	report no actual problem of this kind
5 %	no answer
100 %	

Base: 147 respondents in 78 countries, unweighted

This is considered to be a moderate or serious problem in a wide variety of countries including many of the more established democracies with a long tradition of high-quality polling. Sometimes the problem stems from the fact that the mass media is tempted to buy and publish poor imitations of professional polls especially in the run up to an election.

When low-quality surveys do appear, they are most often criticised on the grounds of unsatisfactory sampling and reporting. These problem areas were identified by this study:

65 %	unsatisfactory samples
38 %	unsatisfactory questionnaires
35 %	unsatisfactory data collection
20 %	unsatisfactory weighting and tabulation
52 %	unsatisfactory reporting of findings

Base: 147 respondents in 78 countries, unweighted

More specifically, criticisms associated with samples in relation to low-quality polling, were that they are too small and/or designed without proper consideration for representativity:

36 %	inadequate sample sizes
9 %	non-random procedures
5 %	self-selection, phone-ins
5 %	insufficient documentation
4 %	no selection process
4 %	sampling short-cuts, areas ignored
3 %	insufficient telephone penetration
3 %	low response rates
6 %	other, scattered criticism
75 %	including duplications from 65% criticising sampling

Questionnaires are most often accused of containing biased, leading and improvised questions. The following questionnaire flaws were identified in this study:

34 %	biased and/or poorly-worded questions
5 %	missing documentation of wording
8 %	other, scattered criticism
47 %	including duplications from 38% criticising questionnaires

Fieldwork is often criticised for its lack of central control and the use of inadequately qualified interviewers. The following fieldwork flaws showed up in this study:

15 %	little or no control of interviewers
8 %	untrained interviewers
5 %	response level not stated
4 %	telephone interviewing too dominant
2 %	frequent substitutions of selected households
7 %	other, scattered criticism
41 %	including duplications from 35% criticising fieldwork

When criticising weighting and tabulation, some respondents complain that weighting is often missing, and some mention that the samples used are too small:

10 %	mention absence of weighting
6 %	samples used are too small
4 %	other scattered criticism
20 %	from 20 % criticising weighting and tabulation

Problems in reporting on polls include over-interpretation, other journalistic misuse of findings and unsatisfactory documentation:

15 %	mention misleading interpretations
7 %	manipulation, "media select only what they want"
6 %	simplistic reporting
4 %	unprofessional comments, "journalists have no statistical abilities"
8 %	inadequate documentation (questions not properly quoted, no margins of error, no response rates etc.)
5 %	insufficient possibility to distinguish between bad and good polls
9 %	other scattered criticism
54 %	including duplications from 52 % criticising reporting

When asked about the general quality of the journalistic handling of poll findings in mass media in their countries, the opinions of respondents are split almost equally between the positive and negative sides of the scale:

5 %	indicate a high general quality level
34 %	a fair general quality level
18 %	neither high nor low
26 %	a fairly low general quality level
8 %	a low general quality level
9 %	no answer
100%	

Base: 147 respondents in 78 countries, unweighted

5. Expectations For The Near Future

5.1 Envisaged embargo changes

Respondents were asked whether they anticipated any developments in the next three to five years relating to embargo periods prior to national elections.

5 %	expect longer embargo periods
67 %	expect no change
5 %	expect shorter periods
5 %	expect embargoes to be lifted
18 %	do not express any expectation
<hr/>	
100 %	

Base: 147 respondents in 78 countries, unweighted

The general reaction was that no changes are expected regarding embargoes:

Expectations of longer embargoes or the introduction of embargoes were expressed in responses from Armenia, Australia, Austria, Bolivia, Chile, Greece and South Africa.

Shorter or abolished embargoes are expected in Estonia, Indonesia, Mexico, Portugal and Turkey.

5.2 Envisaged changes related to the freedom to publish poll findings

When asked whether other changes are expected in the present level of freedom to publish findings from political surveys, the answers reflect the same pattern:

5 %	expect more freedom
65 %	expect no change
10 %	expect less freedom
20 %	do not express an expectation
<hr/>	
100 %	

Base: 147 respondents in 78 countries, unweighted

The expectation of greater freedom was expressed in responses from Estonia, Indonesia, Mexico, Portugal and Turkey.

The list of countries where more restrictions are anticipated is longer: Armenia, Austria, Belarus, Bolivia, Chile, Croatia, Greece, Mexico, Puerto Rico, Switzerland and Turkey.

Turkey is on both lists because two of the four Turkish respondents expect greater freedom, one expects no change and one expects more restrictions.

Responses were similar for the similar question whether changes should be expected in the present degree of freedom to **conduct** political surveys?:

3 %	expect more freedom
85 %	expect no change
12 %	expect more restrictions

100 %

Base: 147 respondents in 78 countries, unweighted

From this perspective, greater freedom is expected in Mexico, Indonesia, Portugal and Turkey. In contrast, more restrictions are expected in Armenia, Belarus, Bolivia, Greece, Italy, Japan, Slovenia, Switzerland and Turkey.

6. Opinion Poll Practitioners

The number of companies and institutions conducting political polls is quite substantial. There appear to be some 500 to 600 organisations in the 78 countries covered in this study. It is impossible to give an exact figure because estimates from respondents within each country differ considerably.

This is the general picture using the averages of the responses for each country:

14	countries have 1 - 4 opinion poll institutions
23	have 5 - 9
18	have 10 - 19
6	have 20 or more
17	no information is available
78	countries in total

Most respondents expect the number to remain stable in their countries during the next 3 to 5 years but some expect the number of polling organisations to increase.

Based on averages for each country, the combined estimates of expectations for growth, stagnation or decrease are:

27	countries are expected to have more polling companies in the coming 3 - 5 years
31	are expected to have same number of polling companies
2	are expected to have fewer polling companies
18	not stated
78	countries in total

7. Charts

The charts give an overview of the periods during which the publication of poll findings are under embargo prior to elections in the 30 countries which have embargoes. These 30 countries are a minority of the total sample of 78 and the majority (47) have no such restrictions.

Chart 1: Embargo Periods Prior to Elections, Europe

	1 day or less	2-3 days	7 days	15 days	21 days	30+ days	Type of election*
<i>Europe:</i>							
Armenia	●						A
Belarus	●						D
Bulgaria	●						A
Croatia	●						A
France (1)			●				A
Hungary			●				A
Italy (2)					●		A
Kazakstan	●						A
Lithuania (3)	●						A
Luxembourg						●	A
Poland (4)				●			A
Portugal			●				A
Russia		●					A
Slovenia	●						A
Spain (5)			●				A
Switzerland			●				B
Turkey						●	C

Notes:

- (1) Elections taking place over two consecutive Sundays, the moratorium is actually two weeks
- (2) 28 days before an election
- (3) Parliamentary elections 3 days, all others 24 hours
- (4) Until 1991, 7 days; since 1993, 12 days
- (5) 5 days

* The type of elections and referendums covered by the embargo:

- A All national, regional and local elections and referendums
- B National elections only, but not referendums
- C Referendums only
- D Other limitations

Chart 2: Embargo periods prior to elections, outside Europe

	1 day or less	2-3 days	7 days	15 days	21 days	30+ days	Type of election*
<i>Asia:</i>							
Fiji	●						?
Indonesia					●		?
<i>Africa:</i>							
South Africa						●	A
<i>Oceania:</i>							
Australia (1)		●					A
New Zealand	●						A
<i>North America:</i>							
Canada		●					B
<i>Latin America:</i>							
Bolivia		●					B
Chile			●				A
Colombia			●				A
Mexico			●				B
Peru				●			A
Uruguay				●			C
Venezuela				●			A

Note:

(1) Broadcast only

* The type of elections and referendums covered by the embargo:

A All national, regional and local elections and referendums

B National elections only, but not referendums

C Referendums only

APPENDIX

The State of Freedom of Opinion Polling Worldwide

The 1996 ESOMAR/WAPOR Study

Questionnaire

Questionnaire describing the situation in (Country): _____

Filled by (Your name): _____

Company / Institution: _____

Address: _____

Postal Number, City: _____

Telephone: _____ Telefax: _____

Incidence of Publication of Public Opinion Research Findings

Q.1.a. How often would you say the findings of public opinion surveys, dealing with political and/or social issues, are published in major mass media in your country?

	News- papers?	General magaz.?	Political magaz.?	Tele- vision?
Virtually every day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Regularly (every week, month)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Occasionally	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Never or practically never	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.1.b. *(If only occasionally or never)* What are the main reasons why such survey findings are not regularly published?

- ☐ Media are reluctant to sponsor polls
- ☐ Political pressure against polls
- ☐ Polls are confidential to the sponsors
- ☐ Polls are banned by law
- ☐ Other reasons *(Please describe)*:

Restrictions on Publication of Survey Findings

Q.2.a. Are there subjects on which findings of public opinion surveys cannot be published, or can only be published at a delay? (*Please distinguish between actual legal restrictions and limitations which are just generally agreed on a voluntary basis*)

	Legal restric- tions	Voluntarily agreed limitations
No such limitations to publication	<input type="checkbox"/>	<input type="checkbox"/>
Publication limitations exist on one or more of the following types of subjects:		
• Voting intentions in a period prior to an election (<i>Please specify at Q.2.b</i>)	<input type="checkbox"/>	<input type="checkbox"/>
• Voting intentions in general, at all times	<input type="checkbox"/>	<input type="checkbox"/>
• Foreign policy, defence	<input type="checkbox"/>	<input type="checkbox"/>
• Armed conflicts within the country	<input type="checkbox"/>	<input type="checkbox"/>
• Centrally placed persons (Royalty, president, political leaders)	<input type="checkbox"/>	<input type="checkbox"/>
• Major political issues (social, economic, etc.)	<input type="checkbox"/>	<input type="checkbox"/>
• Religious or ethnic questions	<input type="checkbox"/>	<input type="checkbox"/>
• "Private" matters (sex, health problems, psychological problems etc.)	<input type="checkbox"/>	<input type="checkbox"/>
• Values, lifestyle	<input type="checkbox"/>	<input type="checkbox"/>
• Others (<i>Please describe</i>):		
.....	<input type="checkbox"/>	<input type="checkbox"/>
.....	<input type="checkbox"/>	<input type="checkbox"/>

Q.2.b. (*If restrictions exist on publication prior to an election*) How long is the banned period?

- ☐ 24 hours or less
- ☐ 2-3 days
- ☐ 4-6 days
- ☐ One week
- ☐ Two weeks
- ☐ Three weeks
- ☐ More than three weeks (*Please specify*):
- ☐ Other (*Please describe*):

Q.2.c. (If publication restrictions) Do the restrictions apply to all elections or only specific types?

- ☐ All national, regional and local elections and referendums
- ☐ All national, regional and local elections, but not referendums
- ☐ All referendums, but not other elections
- ☐ All national, but not regional and local elections
- ☐ Some elections (*Which ones?*):
- ☐ Some referendums (*Which ones?*):

Restrictions on Conducting Public Opinion Surveys

Q.3.a. Which subjects, if any, cannot be included in public opinion survey interviews, or which cannot be included at certain times? (*Again, please distinguish between actual legal restrictions and limitations which are just generally agreed on a voluntary basis*)

	Legal restrictions	Voluntarily agreed limitations
No such limitations to interviewing	<input type="checkbox"/>	<input type="checkbox"/>
Interviewing limitations exist on one or more of the following types of subjects:		
• Voting intentions in a period prior to an election (<i>Please specify at Q.3.b</i>)	<input type="checkbox"/>	<input type="checkbox"/>
• Voting intentions in general, at all times	<input type="checkbox"/>	<input type="checkbox"/>
• Foreign policy, defence	<input type="checkbox"/>	<input type="checkbox"/>
• Armed conflicts within the country	<input type="checkbox"/>	<input type="checkbox"/>
• Centrally placed persons (Royalty, president, political leaders)	<input type="checkbox"/>	<input type="checkbox"/>
• Major political issues (social, economic, etc.)	<input type="checkbox"/>	<input type="checkbox"/>
• Religious or ethnic questions	<input type="checkbox"/>	<input type="checkbox"/>
• "Private" matters (sex, health problems, psychological problems etc.)	<input type="checkbox"/>	<input type="checkbox"/>
• Values, lifestyle	<input type="checkbox"/>	<input type="checkbox"/>
• Others (Please describe):		
.....	<input type="checkbox"/>	<input type="checkbox"/>
.....	<input type="checkbox"/>	<input type="checkbox"/>

Q.3.b. *(If restrictions exist on fieldwork prior to an election)* How long is the banned period?

- ☐ 24 hours or less
- ☐ 2-3 days
- ☐ 4-6 days
- ☐ One week
- ☐ Two weeks
- ☐ Three weeks
- ☐ More than three weeks *(Please specify):*
- ☐ Other *(Please describe):*

Q.3.c. *(If fieldwork restrictions)* Do the restrictions apply to all elections or only specific types?

- ☐ All national, regional and local elections and referendums
- ☐ All national, regional and local elections, but not referendums
- ☐ All referendums, but not other elections
- ☐ All national, but not regional and local elections
- ☐ Some elections *(Which ones?):*
- ☐ Some referendums *(Which ones?):*

Restrictions Regarding Institutions or Companies which may Conduct Public Opinion Surveys

Q.4.a. What government restrictions, if any, are there regarding the institutions or companies which are entitled to conduct public opinion surveys?

- ☐ No such restrictions exist
- ☐ Yes, each such survey requires specific government permission
(Please specify under Q.4.b)
- ☐ Yes, only authorized institutions or companies may conduct such surveys
(Please specify under Q.4.c)

Q.4.b. *(If permission required)* Please indicate below which kinds of information must be presented to authorities before permission can be granted:

- ☐ General description of project
- ☐ Identity of clients or sponsors
- ☐ Questionnaire
- ☐ Other information *(Please write):*

Q.4.c. *(If only authorized institutions or companies)* What kinds of opinion research units may be authorized?

- ☐ Government institutions
- ☐ Selected universities and similar institutions
- ☐ Universities and similar institutions in general
- ☐ Selected research companies of private sector
- ☐ Research companies in general, proving a professional standard

Q.4.d. Do you have any other comments regarding the possibilities of conducting public opinion surveys in your country? *(Please write:)*

Reasons Given for Possible Government Restrictions

Q.5. If government or important political forces in your country restrict or want to impede political polling, what are the main reasons given for enforcing or suggesting such restrictions?

- ☐ No such restrictions in force or suggested politically
- ☐ Considerations for rights of privacy
- ☐ Considerations of protecting the dignity of democratic process
- ☐ National security considerations
- ☐ Other reasons given *(Please explain):*

Codes of Public Opinion Poll Practice

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

- ☐ Yes ☐ No

Q.6.b. *(If yes)* 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

Q.6.c. Would you like to have a copy of this code mailed to you?

- ☐ Yes ☐ No

Q.7.a. Are you aware of the existence of the WAPOR Code of Professional Ethics and Practice?

☐ Yes ☐ No

Q.7.b. (If yes) 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

Q.7.c. Would you like to have a copy of this code mailed to you?

☐ Yes ☐ No

Q.8. Are there any national or other Codes of Practice covering opinion polls in your country, as far as you know?

☐ Yes ☐ No

Quality Level of Public Opinion Surveys and their Publication

(If no public opinion surveys are published, please go to Q.10)

Q.9.a. Personally, do you consider the general quality level of published, professionally conducted public opinion surveys in your country high or low?

☐ High general quality level
☐ Fair general quality level
☐ Neither high nor low
☐ Rather low general quality level
☐ Low general quality level

Q.9.b. Does the publication of unprofessional poll findings constitute a problem in your country? Examples: TV studio audience polls, phone-in polls, main-street vox-pops.

☐ Serious problem
☐ Moderate problem
☐ No actual problem

Q.9.c. In which ways, if any, can the low-quality surveys be criticized in your country?

- ☐ Unsatisfactory samples (*Please explain*):
- ☐ Unsatisfactory questionnaires (*Please explain*):
- ☐ Unsatisfactory data collection (*Please explain*):
- ☐ Unsatisfactory weighting and tabulation (*Please explain*):
- ☐ Unsatisfactory reporting of poll findings (*Please explain*):

Q.9.d. What is the general quality level of journalistic handling of poll findings presentation in mass media in your country?

- ☐ High general quality level
- ☐ Fair general quality level
- ☐ Neither high nor low
- ☐ Rather low general quality level
- ☐ Low general quality level

Expected Development in the Near Future

Q.10. Within the next 3 - 5 years, do you expect any changes in the present rules (or absence of rules) regarding periods in which findings of political polls cannot be published prior to national elections?

- ☐ Expect longer periods of ban on publication (*Please explain*):
- ☐ Expect no change
- ☐ Expect shorter periods of ban on publication (*Please explain*):
- ☐ Expect bans on publication to be abolished

Q.11. Within the next 3 - 5 years, do you expect other changes in the present level of freedom to *publish* findings of political surveys?

☐ Expect increased freedom (*Please explain*):

.....

☐ Expect unchanged level of freedom/restrictions

☐ Expect increased restrictions (*Please explain*):

.....

Q.12. Within the next 3 - 5 years, do you expect any changes in the present level of freedom to *conduct* political surveys?

☐ Expect increased freedom (*Please explain*):

.....

☐ Expect unchanged level of freedom/restrictions

☐ Expect increased restrictions (*Please explain*):

.....

Practitioners of Opinion Polling

Q.13. How many research agencies and other organisations conduct opinion polls in your country, as far as you know?

☐ None

☐ 1 - 4

☐ 5 - 9

☐ 10 - 19

☐ 20 or more

Q. 14. Do you expect this number to go up, go down, or stay the same in the next 3-5 years?

☐ Go up

☐ Stay the same

☐ Go down

☐ Other answer (*Please write in*):

.....

Many thanks for your co-operation

Countries included in the 1996, 1992 and 1984 Surveys

	1996	1992	1984	All 3 waves
Europe:				
Albania	●			
Armenia	●			
Austria	●	●	●	●
Belgium	●	●	●	●
Belarus	●			
Bulgaria	●			
Czech. Rep.		●		
Croatia	●	●		
Denmark	●	●	●	●
Estonia	●	●		
Finland	●	●	●	●
France	●	●	●	●
Germany	●	●	●	●
Greece	●	●	●	●
Hungary	●	●		
Iceland	●			
Ireland	●	●		
Italy	●	●	●	●
Kazakstan	●			
Latvia	●			
Lithuania	●	●		
Luxembourg	●	●	●	●
Malta	●		●	
Macedonia	●			
The Netherlands	●	●	●	●
Norway	●	●	●	●
Poland	●	●	●	●
Portugal	●	●	●	●
Russia	●	●		
Slovenia	●			
Spain	●	●	●	●
Sweden	●	●	●	●
Switzerland	●	●	●	●
Turkey	●	●	●	●
Ukraine	●			
U.K.	●	●	●	●
Middle East:				
Bahrain	●	●	●	●
Cyprus	●	●	●	●
Egypt		●		
Iran	●	●	●	●
Iraq	●	●	●	●
Israel	●	●	●	●
Kuwait	●	●	●	●
Lebanon	●		●	
Muscat/Oman	●	●	●	●
Saudi Arabia	●	●	●	●
UAE	●	●	●	●

	1996	1992	1984	All 3 waves
Asia:				
China	●	●		
Fiji	●			
Hong Kong	●	●	●	●
India	●	●	●	●
Indonesia	●		●	
Japan	●	●	●	●
Malaysia	●		●	
North Korea	●			
Pakistan	●			
Philippines	●			
Singapore	●			
South Korea	●	●		
Sri Lanka	●		●	
Taiwan	●	●	●	●
Thailand	●	●		
Africa:				
Kenya	●	●		
Nigeria	●	●		
South Africa	●	●	●	●
Tanzania	●	●		
Latin America:				
Argentina	●	●	●	●
Bolivia	●		●	
Brazil	●	●	●	●
Chile	●	●	●	●
Colombia	●	●	●	●
Costa Rica			●	
Guatemala		●		
Mexico	●	●		
Puerto Rico	●		●	
Uruguay	●		●	
Venezuela	●	●	●	●
North America:				
Canada	●	●	●	●
U.S.	●	●	●	●
Oceania:				
Australia	●	●		
New Zealand	●	●	●	●
Total	78	55	49	40



■■■ESOMAR■■■



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