Esomar Position Paper

A Response to Colombia's Law No 2494 of 2025

On 23 July 2025, the Congress of Colombia enacted Law No 2494 regulating the creation, publication, and dissemination of electoral and political opinion polls. The law introduces severe restrictions, including a ban on releasing electoral polls until three months before the end of the candidate registration process. Such limitation constitutes a direct violation of internationally recognised rights to freedom of expression, access to information, and of the right to fair and free elections, as highlighted in the sections below. Furthermore, the law mandates that surveyors submit personal data for official supervision, thereby exposing the respondents to potential risks and infringing upon their rights to privacy and data protection. Esomar strongly recommends the repeal of these restrictive provisions to ensure that voters have timely access to verified polling information, to guarantee democratic integrity and uphold fundamental freedoms that are essential to transparent and impartial elections.

Esomar, the world association for market, opinion and social research, and data analytics, has for long worked to establish professional standards to govern the conduct of high-quality opinion polls, ensuring their impartiality, transparency, and respect for respondents' privacy–principles that are essential for maintaining public trust. As emphasised in the Esomar and WAPOR *Guideline on Opinion Polls and Published Surveys*[1], both in its 2017 edition as well as the upcoming 2026 update, opinion research is an essential safeguard for open, free and fair elections. Properly conducted public opinion polls provide citizens with scientifically grounded insights into political dynamics, allowing them to make informed voting decisions. Hindering opinion research processes deprives voters of access to reliable polling data, increasing their vulnerability to misinformation and undermining informed democratic participation. At the same time, policymakers lack access to essential

[1] https://esomar.org/publications/guideline-on-opinion-polls-and-published-surveys

insights needed to develop effective, evidence-based policies that adequately reflect citizens' attitudes and concerns.

The decision of the Colombian Congress to limit the publication of voting intention polls to the final three months before elections represents a serious threat to freedom of expression, the right to information, and ultimately to democracy itself. The law's provisions specifically contravene internationally recognised standards, particularly Article 19 of the UN International Covenant on Civil and Political Rights, which guarantees the right to seek, receive and impart information and ideas of all kinds. This restriction exposes voters and citizens to less transparent and potentially distorted polling information, damaging their ability to accurately assess the state of the socio-political discourse in Colombia. Furthermore, it would compromise the transparency necessary for electoral integrity and weaken the quality of public debate.

The restriction imposed by Law 2494 on the publication of early opinion research is unprecedented in Latin America. As highlighted in the Esomar and WAPOR *Study on the Freedom to Conduct and Publish Opinion Polls*[2], most countries in the region permit the dissemination of voting intention polls throughout the campaign period, imposing only brief embargoes before election day. By contrast, Colombia's approach sets an exceptional limitation on conducting and publishing polls outside the electoral cycle, when they are essential for candidate selection by political parties and for enabling voters to make informed decisions. This prohibition therefore diverges significantly from regional norms, creating legal and operational complications.

The law goes further by requiring polling firms to submit personally identifiable data, such as telephone numbers used in survey sampling, for auditing purposes. This measure violates fundamental principles of data protection, particularly the principle of data minimisation, and exposes individuals to risks of data misuse and breaches of privacy.

Aligning with the concerns expressed by the Colombian Association of Market Research and Public Opinion Companies (ACEI) that the law constitutes a violation of freedom of information and undermines voters' fundamental rights, Esomar strongly urges the Colombian authorities to repeal these restrictive measures. Doing so will ensure that Colombia's legal framework aligns with international standards and guarantees the protection of citizens' rights to information and privacy. Failure to act would distance the Colombian legal framework from many of its neighbouring countries, creating unnecessary legal complications for both operators in Colombia and international polling agencies. Ultimately, the fundamental role of opinion

[2] https://esomar.org/publications/the-freedom-to-conduct-and-publish-opinion-polls

research in supporting fair and transparent elections would be weakened, with broader negative consequences for democratic processes.

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This position paper was written by Esomar and was co-signed by the following Latin-American associations:

- ACEI, Asociación Colombiana de Empresas de Investigación de Mercados y Opinión Pública
- ABEP, Associação Brasileira de Empresas de Pesquisa
- ADEIMO, Asociación Dominicana de Empresas de Investigación de Mercado y Opinión
- AIM, Asociación de Investigadores de Mercado y Opinión Publica de Chile
- AMAI, Asociación Mexicana de Agencias de Inteligencia de Mercado y Opinión
- APEIM, Asociación Peruana de Empresas de Inteligencia de Mercados
- CEDE, Colegio de Especialistas en Demoscopía y Encuestas
- CEIM, Cámara de Empresas de Investigación Social y de Mercado
- CEIMOP, Cámara de Empresas de Inteligencia de Mercado y Opinión Pública del Paraguay
- CEISMU, Cámara de Empresas de Investigación Social y de Mercado del Uruguay
- SAIMO, Sociedad Argentina de Investigadores de Marketing y Opinión

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