



FREEDOM OF EXPRESSION AND ASSOCIATION IN UNIVERSITIES

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1. Introduction

As also analyzed in two other papers in this book, approaches evaluating youth as an element of other projects or ideals are in line with the dominant perception, which defines it according to a hierarchy of ages and as a transitional period from youth to adulthood. Another important topic discussed in this book is the formulation of youth policies, designed in order to find solutions to the problems and to meet the needs of young people who have different needs in many areas, while ensuring to enhance the social, political, and economic participation of young people.

Moreover, as also pointed out in the book, ensuring active participation of young people requires primarily the recognition of young people as autonomous and equal citizens in social life. Moreover, establishing spaces, where young people can find the chance to express themselves and which support different forms of activism and organizations, which young people initiate themselves and participate, are also needed. Furthermore, in order to strengthen democratization in a country, it is also important to ensure that young people, as one of the important disadvantaged groups in the society, are able to bring forward their problems by actively taking part in democratic participatory mechanisms and in the design and implementation of policy and strategies needed to find solutions to those problems. In that regard, for increasing social, political, and economic participation of young people, and thus for extending active citizenship practices as well as for progressing democracy, both the restrictions on the freedoms of expression and association of young people should be abolished and mechanisms and spaces related to the practice of those freedoms should be enhanced in order to include young people with different characteristics.

The conceptual framework of the “Network: Youth Participation” project has handled the subject of young people’s participation with an integrated approach, including its social, political, and economic dimensions. The research studies carried out in that context has analyzed the participation levels of young people in different political, economic, and social mechanisms and to different participation types and has tried to identify factors affecting those participation levels positively or negatively.

The research study, published as a part of the project with the title “Youth and Political Participation in Turkey: Does Socio-Economic Status Make a Difference?”, has demonstrated that there is an apparent relation between socio-economic status and political participation and that low levels of social and political participation among young people with socio-economic disadvantages should be regarded as a form of democratic deficit. In addition to those evaluations and views, in a society where the exclusion of young people from political participation mechanisms is the rule and their participation is an exception, the existence of young people who try to manage active participation examples regardless of their socio-economic statuses should be

considered as an important opportunity for democratization.

According to the results of the research study titled “Youth and Political Participation In Turkey” mentioned above, university students seem to take the lead among young people that are involved in active participation examples. Though they may appear as a group enjoying advantages, as they also perceive their status as students as a temporary period, in fact university students lack many economy social and legal securities and are faced with important problems in participating to decision-making mechanisms. Therefore, a comprehensive analysis on university students, who experience both opportunities and threats in relation to participation, as well as on their citizenship experiences and ways of participation would enrich the general level evaluations and proposals regarding youth and participation. In that context, factors that affect how actively young people can engage in social and political participation mechanisms should be examined. During that analysis, another area, apart from status and individual based indicators listed in detail in the above mentioned research study conducted to answer the question “Does socio-economic status make a difference”, should be brought to light and in addition to the situation regarding the freedom of expression and freedom of association which are prerequisites for participation and active citizenship, legal, structural, and social indicators and factors that influence the boundaries and utilization of those freedoms and their affects should also be clarified.

The paper you are reading has viewed those areas and questions as a point of departure and has targeted to focus on “Freedoms of Expression and Association in Universities” on the basis of the conceptualization that links freedoms of association and expression with social and political participation. For reaching that target, first of all a conceptual and legal framework regarding freedoms of expression and association will be depicted. After citing the results and evaluations of current studies on youth and their participation within that framework, findings of the “Youth and Political Participation in Turkey” study on university students as the group which appear to demonstrate the highest level of participation in those studies and their freedom of association will be shared. This part, which focuses on the factors affecting the participations level of university students, has indicated that the extent of social rights university students can benefit from and their level of autonomy depending on those rights are important variables affecting participation.

Lander Yurttagüler’s contribution on autonomy in this book provides a comprehensive analysis of this variable and its effects. Since it is not meaningful to explore the participatory attitudes of young people ignoring the context it takes place, the next section will focus on the legal framework surrounding the universities and will analyze Law on Higher Education, Council of Higher Education Disciplinary Regulation, legislation on student clubs and associations, as well as the parts of the Law of Associations relevant for student associations. The proceeding section will focus on the freedoms of expression and association of the young people who try to participate within this legal framework. The situation, experiences, and evaluations

regarding the freedom of expression of students, student representation, student clubs and associations, as well as the investigations and detentions of students will be explained under the light of the results of recent qualitative and quantitative studies. The last section, which is written instead of a conclusion, will present various proposals for extending the borders of the freedoms of association and expression in universities by referring once again to the results of certain research studies. The proposals included in that section should be considered as a subtitle that can only be worthwhile within the framework provided in Yörük Kurtaran's contribution in this book which includes analysis on youth policies and proposals on participation based youth policies.

2. Freedoms of Expression and Association - Conceptual and Legal Framework

From the level of effectiveness of citizens in democratic systems, to the framework determining how they monitor those systems and which mechanisms they use for communicating their demands; from how active citizens are in central and local governments which shape their environments and the society, to the level of their participation to policy and decision making processes, various characteristics and examples of active citizenship is closely related to how extensively people can enjoy and use their freedoms of expression and association. Freedoms of expression and association are also an important criteria for determining the strength of civil society, which can be defined as the public realm in which citizens voice their demands, act according to those demand with their free will, and interact with others, and, thus, to evaluate how functional the democracy is (Tarhanlı, 2002).

Freedoms of expression and association require a public realm within which all citizens both express their views, criticisms, and proposals they develop according to their own "decent society" ideals and organize and act for social change in that direction by coming together with other citizens sharing the same purposes and/or interests (Beyazova, 2008). All citizens can have the opportunity to enjoy their freedoms of expression and association, only if the public realm is structured on an adequate legal framework and a supportive social-political culture and if all people have the chance to participate in that structure (Keyman, 2004).

Freedoms of expression and association should not be evaluated only on the basis of civil and political rights; similar to social, cultural, and economic rights, they should also be considered as freedoms necessary for people to demand, gain, and protect their rights and freedoms and which provide as a basis for social movements actively taking part in this process (Oy, 2011). Besides, social, cultural, and economic rights also have important effects on the freedoms of expression and association. In a system within which most ways of participation existing in the society require the possession of certain resources, for social groups that lack both those resources and skills, finding a space to express themselves and get organized is not an easy task. Ensuring the

participation of those groups can be possible only if they are empowered and, thus, their opportunities to access their rights of expression and association are enhanced. Moreover, the structure and mechanisms in a society, in which for participation one has to possess certain resources, should also be questioned (Yılmaz and Oy, 2014).

Freedoms of expression and association can be regarded as an umbrella concept that covers a series of rights and freedoms related to different subjects. As one of those subjects, the individual, on the basis of his/her own will and initiative, has the rights of establishing organizations, participating existing organizations, or withdrawing from them whenever he/she wants to, so that he/she can express his/her views and act in that direction. Organizations, which can be defined as collective subjects, should also enjoy from legal guarantees in different areas including their establishment, sustaining their legal status, and their functioning (Kaboğlu, 1989; Aktaran Beyazova, 2008). That legal guarantees require from both the states and other citizens to recognize, protect, and refrain from intervening the autonomy and areas of initiative of those two subjects. In addition to those negative obligations, the states also have positive obligations regarding the establishment of mechanisms of expression and participation that will allow to realize different types of organizations and activities, as well as providing support to ensure active participation of citizens which belong to disadvantaged groups and which can be defined as minorities according to their characteristics (Tarhanlı, 2002).

Freedom of expression is regulated through articles 25 and 26 of the Constitution of the Republic of Turkey, while freedom of organization and association is recognized through articles 33 and 34. According to the articles on the freedom of expression, “Everyone has the freedom of thought and opinion. No one shall be compelled to reveal his/her thoughts and opinions for any reason or purpose; nor shall anyone be blamed or accused because of his/her thoughts and opinions.” Regarding the freedom of association, “Everyone has the right to form associations, or become a member of an association, or withdraw from membership without prior permission. No one shall be compelled to become or remain a member of an association.” However, in the implementation of those freedoms, restrictions may be imposed by laws on the grounds of national security, public order, prevention of commission of crime, public morals, public health and protecting the freedoms of other individuals. Furthermore restrictions applying for certain public servants are also not considered as practices violating basic principles.

Although constitutional provisions have primacy within the hierarchy of norms, this does not prevent the existence of provisions and practices violating basic principles in the laws and regulations determining the forms, conditions, and ways of using the freedoms of expression and association. Moreover, it is observed that secondary legislation consisting of directives, regulations, and circulars may sometimes be more restrictive and comprehensive compared to laws (Ayata and Karan, 2014). In that context, when there are contradictions between international conventions on basic

rights and freedoms and national laws with different provisions and practices, one should recall that international arrangements have the primacy and should refer to the European Convention on Human Rights and Fundamental Freedoms dated 1954 acceded also by the Republic of Turkey (Molu, Gürsel, Kurt, Dinçer and Kivılcım, 2013). ECHR's

Article 10 of the Convention guarantees freedom of expression, while article 11 secures freedom of association. For both Articles it is asserted that those freedoms 'may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary'. Yet, in its reports regarding freedoms of expression and association, the European Court of Human Rights (ECHR), as the implementing body of the Convention, by stressing the vital importance of that freedom in a democratic society, exhibits an attitude against all types of interventions that are likely to prevent the participation of especially minority groups' members, political opponents and civil society to the public realm without feeling themselves threatened by the risk of punishment. The justification statements prepared for those types of intervention do not only examine the relevance and the sufficiency of the justification, but also evaluates the interventions on the basis of a criteria including the political and social context the intervention takes place and to which social needs those restrictions refer to, as well as the proportionality of the intervention. Moreover, the established principles for inquisitions include the requirements that those Articles should also be used as a basis in cases where the information and opinions in question are against as well as annoying or offending for the state or the majority in the society and/or persons and groups in power and that interventions against those freedoms are only acceptable when the restrictions on those freedoms are put into practice against expressions and opinions involving hate speech (Molu vd., 2013).

European Convention on Human Rights defines all types of interventions concerning the actions and assemblies of peaceful individuals and organizations as practices that are harmful for the functioning of democracy, excluding those that directly induce violence and renounce democratic principles. The Convention also accepts that only if the procedures in question can be evaluated as facilitating the responsibilities of the state for ensuring the freedoms of association and assembly instead of preventing them, those types of activities can be subject to permission or notification procedures (Molu vd., 2013).

Provisions of international legal texts and constitutions on the freedom of expression also define the different types and means of collecting and sharing information and expressing and communicating opinions, in addition to the protection they provide for

their content. As those opinions can be expressed through means such as pictures, books, cartoons, movies, leaflets, they can also be shared via internet which has recently become the most widely used way of communication. The web-sites and networks which are important for the expressed opinions and views because of their accessibility and data storage/distribution capacities and the online sites and platforms used for sharing them should be protected under the umbrella of the freedoms of expression (Ayata and Karan, 2014).

The principle that freedom of expression should be used as a basis in cases where the information and opinions in question are against as well as annoying or offending for the state or the majority in the society and/or persons and groups in power was mentioned before. Another additional principle is the requirement that, compared to natural persons, the boundaries for criticisms should be larger when they are directed at artists and politicians who choose to live a life open to the scrutiny of the media and the society and who have far reaching areas of influence (Ayata and Karan, 2014).

According to the recommendation adopted by the Committee of Ministers of the Council of Europe in 2007, an organization is accepted as a civil society organization if it is a voluntary non-profit organization organized for specific objectives and functioning autonomously. In Turkey the only possible types of organizations that fit to those conditions defined in relevant laws are associations and foundations. However, in fact, all groups organized in order to pursue a specific objective should be under the protection of freedom of association, even though they are not registered as legal entities. Otherwise, all organizations will be obliged to have a legal identity and the requirement to conform all conditions of registration stipulated by public institutions will implicate restrictions preventing freedom of expression. In that regard, it must be stressed that interventions concerning political or dissidently actions of children and young people being organized inside or outside of schools should be interpreted as restrictions and obstacles against freedom of association (Ayata and Karan, 2014).

When drawing the legal framework of freedoms of expression and association, legislation on relevant issues such as right to information, freedom of assembly, and access to justice should also be analyzed. As a collective way of using the freedom of expression, freedom of assembly includes the right to peaceful assembly for everyone without any restrictions based on content, location, timing and form. As it is the case for freedoms of expression and association, restrictions and interventions against the freedom of assembly should also be regarded as tools of last resort. When evaluating whether a meeting is peaceful or not, the decision should not be made on the grounds that a small group of participants use violence, but should take into account whether the majority of participants intend to use violence or not (Ayata and Karan, 2014).

Though according to international law there is the obligation to get permission for using the freedom of assembly, notification procedures that do not put a heavy burden on the applicants are considered as reasonable in order to protect the people who want to enjoy their rights, while legal texts and practices declaring all types of assembly being organized without notification as illegal are not accepted as adequate. Moreover, there has to be an appeal (objection) mechanism that functions rapidly for prohibition decisions that can be taken upon notification. It is observed that in its reviews on interventions against freedom of assembly, ECHR has defined a narrower restriction scope for organizations working on human rights issues. According to that principle, third parties and law enforcement forces that are responsible of operations and interventions against human rights defenders are expected to be subject to necessary penal sanctions (Ayata and Karan, 2014).

While the Constitution of the Republic of Turkey does not need an important modification regarding the principles and boundaries set for the freedom of assembly, Law on Meetings and Demonstrations adopted by the 12 September military regime which is still in force contains extensive limitations violating the stipulations of the Constitution and the European Convention on Human Rights. According to these limitations, meetings, demonstrations and rallies can be automatically declared as illegal for various reasons and can be faced with the risk of being cracked down by police forces. In those cases, the principle of peaceful assembly which is sufficient condition for the Convention is not taken into consideration. For example, for meetings to be organized outdoors, an organizing committee made up of 7 criminally liable members over 18 who are obliged to attend the meeting and this committee should submit a detailed notification statement signed by the committee to the highest local authority of the location 48 hours prior to the meeting. Otherwise, the meeting can be subject to police intervention on the grounds that it is organized illegally. Moreover, the authority to determine meeting venues is given to the district and province governors and by preferring an attitude that violate European Convention on Human rights, all meetings organized in places other those venues are considered as illegal. Meetings and rallies organized without notification; meetings organized in a place or time different than what is stated in the notification or determined by the local authority; rallies during which symbols of illegal organizations or groups are carried by the participants; demonstrations during which participants close their faces completely or partially; and rallies during which protestors hold banners, posters, placards that are considered as illegal according to relevant laws are automatically deemed as illegal (Ayata and Karan, 2014).

Besides Law on Meetings and Demonstrations, Law on Police Duties and Entitlements also stands out as another example of laws that create a burden for citizens who aim to use their freedom of assembly. That law contains provisions that legalize interventions against demonstrations organized without official notification and to use force in case the participants refuse to stop the demonstration. Government commissioners on duty during those meetings and demonstrations have extensive

powers which allow them to videotape and record the meetings, as well as to stop the meeting in several instances defined with ambiguous expressions such as when the meeting strays from its intention or when the meeting disturbs public order. Furthermore, the district and province governors have the right to postpone a meeting in order to protect public health or public moral and/or to ban the meeting in case an obvious and immediate threat that a crime can be committed is detected.

When evaluating freedoms of expression and association, not only an analysis based on the above explained legal framework should be carried out, but also the actors of those freedoms and rights, as well as the social and political context in which those rights are exercised should be taken into account. In that regard, in addition to assessing whether there is a legal ground for the functioning of initiatives, platforms, and university organizations that do not have legal entity like associations, foundations, unions, co-operatives and professional associations, also the experiences of different individuals and groups that demand to use their freedoms of expression and association should also be exposed (Oy, 2011).

3. Youth and Participation from the Perspective of the Freedoms of Expression and Association

In Turkey young people constitute a social group that have problems and needs in many areas such as education, health, housing, social rights, as well as the freedoms of expression and association. Though young people between ages 15-24 constituting 16,6 percent of the total population (TÜİK, 2012), appear to occupy an important place in the public discourse as the future of the country and an essential element of economic growth, policies and services offered adequate for their actual needs are quite insufficient. Parellely, public spending allocated for the education and empowerment of young people add up to only approximately 2 percent of GDP (KAHİP- 2012). A youth policy that aims to solve the problems of young people and meets their needs can only be formulated and implemented through a process in which young people actively participate.

Active participation of the youth can be achieved only if young people are recognized as autonomous and equal citizens in social life and, in addition to their empowerment in that direction, if their opportunities for expressing themselves are enhanced and different types of activities and organizations which they can initiate themselves and participate are promoted. (Nemutlu and Kurtaran, 2012). In that regard, not only the obstacles preventing young people from enjoying their freedoms of expression and association, but the mechanisms and spaces available for using those freedoms should also be enhanced in order to include young people with different characteristics. This requirement has been reflected in the European Union's Lizbon Strategy of 2000 which puts forward that states should ensure young people's participation to economic and social life and their active role in decision making in areas of their interest, as well as should support youth organizations and initiatives by developing

new opportunities and provide young people opportunities for artistic, cultural and sportive activities they can participate in their leisure time free of charge (Yurttagüler, 2012).

The Constitution of the Republic of Turkey gives young people the mission of glorifying the state and its principles and contains provisions aiming to protect young people rather than empowering them. The Ninth Development Plan of the Republic commits in its Youth Strategy that “measures will be taken to ensure better communication of the young people with their families and the society, to develop their self-confidence, to increase their sense of belonging to the society and sensitivity towards the society they live in, and to ensure their participation in the decision making processes” (United Nations Development Program, 2008). Ministry of Youth and Sport was established in 2011 in order to define main policies aiming to support the personal and social developments of young people; to provide opportunities for young people by taking different youth groups and their needs into account in order to allow them to realize their potentials; to make proposals for the active participation of young people in every fields of social life and to the decision-making and implementation processes. The basic values of the Ministry are defined as follows: to respect human rights and freedoms; to show respect to differences and act tolerant and impartial; to protect the principle of equality of opportunity; to be sensitive for gender equality; and to take into account special needs of disadvantaged groups.

In its Strategy Paper for the term 2013-2017, the Ministry of Youth and Sports has identified its strategy targets including; to ensure that young people become active citizens and use their leisure time efficiently; to protect and develop rights and freedoms and to carry out activities for informing young people on the issue of accessing those rights and for including them to decision-making processes; to increase young people’s in participation to social activities in cooperation with other stakeholders so as to contribute to social peace and sustainability and to give priority to voluntary activities for that purpose; to ensure the active participation of young people through Youth Councils; and to implement projects for increasing the participation of young people in all decision-making and implementation processes, as well as all dimensions of social life.

The references made in the recent documents of the public institutions responsible of youth affairs mentioned above regarding the targets aiming to support the freedom of expression and to increase the participation of young people can be viewed as a positive development. However, when making an analysis on youth and participation in terms of the freedoms of expression and association, on the grounds of recent political and social developments, one should examine which priorities are taken into account in the evaluation of that targets, as well as should monitor the social and political participation levels of young people and identify which factors affect those levels.

The level of youth participation in Turkey appear to be quite low according to the available data on social and political participation, covering a very large spectrum from traditional forms of political participation like membership to political parties, to unconventional ones such as signing a petition, participating a boycott/demonstration, as well as to post-modern forms like joining internet based protests and becoming members of civil society organizations (Yılmaz and Oy, 2014).

The report titled “Youth in Turkey” published by United Nations Development Program, which presents the results of a survey carried out in 12 different regions among 3.222 young individuals between ages 15-24 sampling the youth population Turkey as a whole, calculated the percentage of young people in Turkey who participate to the activities of political parties as 4.7. 75 percent of the remaining 95,3 percent of young people do not consider taking part in any political party in the future and note that their negative feelings and lack of trust toward political mechanisms and politicians are the reasons behind their unwillingness. The same study found out that the ratio of young people that are members of civil society organization is around 4 percent and 46 percent of those who are members are university students or graduates. The report also argues that those low levels of participation should be explained by taking into account the socio-economic factors influencing young people’s attitudes and behaviors, the political culture, and the family patterns (United Nations Development Program, 2008). Parallel to the United Nations Development Program’s “Youth in Turkey” report, the results of the 2011 Eurobarometer Youth Survey also points out that membership to civil society organizations is around 5 percent among young people and this ratio is quite low compared to the European Union’s average of 24 percent.

The survey conducted by İstanbul Bilgi University NGO Training and Research Unit in 2008, with 1.014 young individuals in İstanbul, that are between ages 15-24 and still continue their education, shows that even a larger spectrum covering different association and foundations as well as political parties is taken into account, only one-fourth of the young people are engaged to the civil society. The same study also demonstrates that participation to political parties is only around 1.2 percent, while half of the participants state that they are not interested in politics. Among civil society organizations that appear to be more appealing to young people, sports clubs and associations with 11 percent and student clubs and associations with 5.5 percent ranks the highest. This result may imply that young individuals more comfortably participate to the organizations founded and administered by their peers. Furthermore, the study also indicates that, compared to underprivileged young people, those who enjoy vast opportunities due to their families’ socio-economic circumstances and education levels take place in civil society organizations more often and are more active in participation.

According to the findings of “Civicus Civil Society Index II. Turkey Country Report” published by Third Sector Foundation of Turkey, in Turkey where there is one civil

society organization for every 780 persons on average (in countries where civil society activities are much more developed as in Germany and France, this ratio is one to 40), participation to civil society organizations is affected from factors such as age, education, sex, socio-economic status, and the city one lives in (small city or metropolitan), while participation to civil society is the highest among males with higher education, between ages 26-34, living in cities, and members of high income groups. The report points out that among young people social membership is higher than other age groups with a rate of 23 percent and the ratios of both political activism and political membership is calculated as 8 percent. The level political activism is among young people is approximately equal to the levels of other age groups, while political membership is lower than that of other age groups. The report notes that young people, who, compared to rest of the society talk about politics less often, socialize through civil society organizations and display individual activism. It also stresses that civic participation of young people is quite low compared to the levels in 55 OECD countries.

The survey conducted by KONDA Research and Consultancy Company in 2011 with 2.366 young individuals between ages 15-30, revealed that 19,4 percent of young people in Turkey have membership to civil society organizations; but among those who are employed, this percentage is only 4.8. The research study argues that the reason behind low levels of civil participation is the young people's lack of trust to the institutions and the system.

According to the research studies titled "Youth in Turkey and Participation" conducted in years 1999, 2003, and 2008 by Arı Movement, voting in elections is the most common form of political participation among young people whose turn-out rates changes between 48 percent and 61 percent. Among other types of conventional participation, the ratios for membership to political parties and for taking an active role in political campaigns are 10 percent and 5 percent respectively. When we compare the results of researches conducted in 1999 and 2008, we see that among unconventional participation types the popularity of signing a complaint petition directed to public institutions has fallen from 18 percent to 8 percent, while, in accordance with the general increase in internet usage ratios, participation to internet based protest activities has risen by 5 percent. The ratio of young people who have membership to a civil society organization apart from political parties is around 4,5 percent (Erdoğan, 2013).

In those surveys that have been conducted with a sample of approximately 1.200 young individuals representing Turkey, it has been demonstrated that among 11 percent of young people who are active in unconventional political participation, those with higher level of education, those that are students or in employment, and males have been more dominantly represented. On the other hand, among those who prefer traditional participation mechanisms constituting 9 percent of young people,

young people that are being employed or living in rural areas are more dominant (Erdoğan, 2013).

The ratio of high school or university student clubs members among young people has ranged between 14,6 percent and 11,4 percent, while the ratio of the members of civil society organizations working on social issue has ranged between 7.7 percent and 3,6 percent in the studies conducted in 1999 and 2003. The 2003 study has revealed that 3,8 percent of young people who are members of political student clubs in high schools or universities are also more active in other dimensions of political participation compared to others (Erdoğan, 2013).

Another important resource providing detailed quantitative data is the research study carried out by KONDA Research and Consultancy company as a part of NETWORK Youth Participation project which was based on interviews made with 2.508 young persons between ages 18-24 from 36 different provinces in Turkey during May 2013. This study has provided up-to date information on the level of different types of political participation among young people and has tried to determine different factors affecting participation levels. Though 58 percent of young people participating to the study stated that they would vote for a political party, only 9 percent were members of a political party or its youth branch. The ratio of young people who stated that they were members of a civil society organization -mostly student associations- is 22.7 percent, while 41 percent of the participants stated that they would like to be members. 9.8 percent of young people had submitted a complaint to a public institution in the last three months; 10.8 percent had participated to a rally/demonstration/protest; 20.2 percent had shared a message on social issues via internet during last week; 48,3 percent had participated to the humanitarian aid campaigns organized for Van earthquake victims; and 27.9 percent had participated by sending an sms to a donation campaign organized in television or through some other means. The average level of political participation covering all those different types of political participation is calculated as 3 over 10 (KONDA, 2014)

The study has demonstrated that various factor affect political participation, including socio-economic indicators such as the gender of a young person; whether he/she is a student or not; mother's education level; perceived socio-economic status of the family,;whether the participant has the opportunity to have a summer vacation or not; employment situation; existence of health insurance; as well as characteristics like marital status, ethnic identity, religious identity and the level of autonomy of a young person, dependency to the family, perceived duration for making a living unemployed and without family help, receiving grants or scholarships, and whom a person lives with (Yılmaz and Burcu, 2014). Those results are parallel to Ali Çarkoğlu's findings which point out that there is a close relation between the socio-economic status of young people and their participation to political activities and their membership levels to political parties and civil society organizations (Çarkoğlu, 2013).

The social discourse, which emphasizes that the types and levels of young people's social and political participation are related to their individual desires, preferences and views on individual based life style and to their families and friend circles, defines the young generation born and raised after 1980 as a group of consumers who are distanced to social movements, silent, and apolitical (Neyzi, 2004). Demet Lüküslü, argues that in order to measure political and social participation levels of individuals during that neo-liberal era, one should also examine unconventional and/or post-modern participation types and notes that it is necessary to identify and interpret different and innovative types of participation used by young people (Lüküslü, 2005). Quantitative findings presented above show that, being an apolitical and consumerist group is not sufficient for explaining young people's participation and organization levels and preferences. Socio-economic conditions and opportunities of young people also affects those levels and preferences to a large extent. Moreover, to make an analysis of young people's participation and organization levels, one should also consider the existing political system and problems of traditional politics, the means and methods used in politics that mostly inadequate to engage young people, society's widespread negative perception about organizational life, and social and political developments that restrict the freedoms of expression and association, as well as the legal processes that emerge as a result of those factors (Beyazova, 2008).

4. Youth in Universities and the Freedoms of Expression and Association

In Turkey, where the total youth population is 12 million 591 thousand, 4 million 975 thousand young people attend to higher education institutions providing two-year, undergraduate, graduate or specialization degrees. Around two million are students in open education, while the rest of the students receive education in 103 public and 72 foundation universities, adding up to a total of 175 (ÖSYM, 2012). It was mentioned before that the ratio of government spending used for the empowerment and education of young people to GDP is around 2 percent. In year 2012, only 0.4 percent of this amount had been spent for the empowerment of young people and for services apart from public's education expenditures. Ministry of Youth and Sports receives the largest share of that total spending. When we examine the budget of the Ministry, we see that 82 percent of the budget is used for providing scholarship and dormitory opportunities for higher education students, while 16 percent is used for sports activities. By looking at those figures, we observe that in recent years 67 percent of the total spending used for the empowerment of young people has been directed to young people within the education system who constitute 35 percent of the total youth population. On the other hand only 33 percent of that spending is used for services available for all young people (KAHİP, 2012; Yentürk, Kurtaran, and Yılmaz, 2013). Consequently, according to those public spending statistics, we can conclude that university students constitute a more advantaged group compared to other types of young people.

Nearly in all of the studies cited in the previous section, being a student has emerged as status indicator which increases the level of young people's active inclusion to different types political participation. Reflecting the general distribution of young people in Turkey, 36 percent of the young individuals that participated to the quantitative research of the Network Youth Participation project were students. When we examine the participants' responses to the question "among the options I list, which two receive more respect from the society compared to other young people", we see that educated young people are perceived to receive more respect with 54,5 percent, followed by young people with a decent profession by 42,9 percent. As a result of this finding, we can argue that being educated and having a decent profession is also a recognized as a status indicator among young people themselves (Yılmaz and Oy, 2014).

Socio-economic indicators like the education levels of parents, perceived family income figures, household income levels, opportunity to go to a summer vacation, having social security, and etc. also point out that among young people in higher education, those coming from middle-higher income class backgrounds have a larger share in representation. Those findings indicate that university students are quite advantaged young people.

Statistics on education also strengthens the perception that university students constitute a group with advantages. However, the experiences university students acquire during their university education should be regarded as experiences that involve a high degree of insecurity for the future due to the general social problems and the family and the education environments of the young people. In that regard context, we should keep in mind that that the finding on the heterogeneity of young people in general also holds for university students as a group.

The research study conducted as a part of Network Youth Participation project has demonstrated that young people who are more advantageous according to socio-economic statistics that appear to be more relevant for political participation, are more active in political participation styles other than conventional ones. Also, for all types of unconventional participation, students have a higher rate of participation. In line with the findings of the studies presented in the pervious section, compared to students, young people that are not students are much more active in conventional participation types like voting. Students also have a higher level of general political participation compared to the rest.

At that point it is necessary to remind that university students do not constitute a homogenous group and to emphasize that socio-economic variables still emerge as an important criteria that determine the level of active participation. The study also revealed that students who benefit from scholarships had higher rates of participation to civil society organizations or were more willing to do so. They also had participated to unconventional types of political participation like protests, sending

online messages about social problems, and supporting Van earthquake campaigns at a higher rate compared to those that do not benefit from scholarships. Those findings indicate that financial support for education provided for disadvantaged groups is an important tool for increasing their participation as active citizens and, in a more general way, point out that there is a strong relation between access to social rights and the freedoms of expression and association.

According to the same study, another factor that affects the differences in the participation levels of students is the type of university. The findings show that general participation levels and participation to post-modern types like membership to a civil society organization and sharing online messages on social issues is lower among those that attend open education compared to other university students. That finding implies that university education is not only a process of acquiring a profession and/or education, it also plays an important role in providing young people opportunities to adopt attitudes, behaviors, and skills supporting active citizenship as a result of different socialization experiences gained through campus life. Analysis focusing on university students that have the opportunity to experience university life in a campus has concluded that university students living and studying in metropolitan areas have a higher level of political participation compared to those living in smaller cities. That result also reinforces the argument on the critical importance of the relation between the society and the city a university is established in, how cities view universities and university students, and the opportunities provided to university students.

Where and with whom university students are living is another factor that has a decisive affect on university students' political participation levels through possibly affecting the level of autonomy and dependency they experience. In that regard, the study found that, compared to university students living in dormitories, those living with their families have a lower rate of political participation -taking part in civil society organization and protests, sharing online political messages and supporting campaigns for Van earthquake victims-. In the study, for 58 percent of the participants families were the sole source of income, while 50 percent of them thought that they could not make a living if they cut their ties with their families, and 70 percent of them were living together with their families; for young people living under those circumstances, to possess an autonomous space independent of the family is crucial for increasing their level of autonomy and participation and to enhance their freedoms of expression and association (Yılmaz and Oy, 2014).

It would not be fair to criticize university students and young people with socio-economic advantages on the grounds that, according to the research results, they compromise a "privileged" youth group which occupies a larger space in participation and expression channels. One should recall that in Turkey most of the widely used participation and expression channels contain structures, methods, and practices excluding young people and therefore young people, who struggle for active

participation in such an environment, should be regarded as an important opportunity for democracy. A real democratization process can only be possible when different participation and expression forms become widely used among disadvantaged groups including young people and when the freedoms of expression and association are enhanced.

Young people can bring their problems forward, only if a larger space for the freedoms of expression and association is available and contribute to the solution of those problems, only if there exists participation and organization structures and mechanisms fitting their needs. We can claim that university students, who appear to be more active citizens compared to their peers, are among groups that feel a strong need for the freedoms of expression and association. Before we jump to the findings and evaluations on the problems experienced in that area, we have to note that universities with different structures and characteristics in which those students are being educated also have some common features and legal frameworks that should be analyzed and addressed in the light of recent social and political developments.

5. In The Light of Recent Social and Political Developments the Legal Framework Surrounding Universities I

5.1. Law on Higher Education

The discourse used during the first period of the Republic had viewed young people as the guardians of the revolution and had given educated young people the mission to shape the society according to the requirements of this new regime (Neyzi,2004). On the other hand, as the global social and political transformations and movements experienced during the period between 1960 and 1980 had been reflected to the structure of the youth movements in the country, due to the effect of the autonomous status of the universities at the time which gave them the freedom to influence political sphere, university students had begun to play a more active role in social movements. Student and youth protests that took place during that period had triggered a process of transformation in the social discourse from youth as the guardian of the revolution to youth as an anarchist/separatist group (Yurttagüler, 2014). Conflicts between youth groups, who tried to fulfill their mission of transforming the society by defending different contradicting political approaches during that period, have provided a justification for defining youth organizations as a threat to the society (Beyazova,2008). That process had led to the 1980 coup d'état which ended the activities of all mass organizations and political parties in which young people had been actively participating. As a result of the new law on Higher Education adopted in 1981, universities had been transformed to institutions out of political life and all student representation systems were abolished (Orhaner,2008).

The Law on Higher Education defined the aims of higher education as to educate students that are loyal to Atatürk nationalism and to Atatürk's reforms and principles; are in accord with the national, ethical, human, spiritual and cultural values of the Turkish Nation and conscious of the privilege of being a Turk; put the common good above their own personal interests and have full devotion to family, country and nation; are fully conscious of their duties and responsibilities towards their country and act accordingly. The autonomy and the freedom of expression in universities that have been directed by such a law deserve a separate evaluation (Beyazova,2008).

5.2. Student Disciplinary Regulation for Higher Education

Several provisions of the Disciplinary Regulation of the Law on Higher Education, which is still in effect and was modified in 2012, open the way for investigations and punishments regarding students' actions that can be evaluated under the framework of the freedoms of expression and association. Though the new regulation does not contain ambiguous problematic expressions such as “acting in a manner incompatible with the dignity every student is expected to display; behaving in a manner that might damage the sense of respect and confidence that every student is expected to inspire in others”, one can affirm that the mentality which aims to discipline students as “approved” young people continues through the punishment and practices included in the new regulation (Molu vd., 2013).

As a positive development, actions included in the previous regulation like “occupying seats reserved for academic staff or guests at meetings and ceremonies; acting impolite and disrespectful in relations with other people; treating others in a rude and disrespectful manner; failing to keep one's immediate surroundings clean, yelling, singing, playing an instrument and causing excessive noise” which required “warning” as penalty and like “writing things, or making or pasting signs and symbols on walls, doors, and items of university furniture” which required “reprimand” as penalty” are not included in the new regulation. According to the recent disciplinary regulation, failure to reply the questions of the authorities of the higher education institution on time without a legitimate reason; putting up notices in places other than those specified by the authorities of the higher education institution; pulling off, tearing, changing, scratching or staining announcements, schedules and similar documents put up with the approval of the higher education institution are punished by a warning, while failure to provide information requested by the authorities of the higher education institution; disturbing class activities, order of seminars, applications, laboratories, workshops, scientific meetings and conferences; putting up posters within the higher education institution without permission; pulling off, tearing, changing, scratching or staining the announcements, schedules and similar documents put up by the higher education institution; and attempt to cheat in an exam result in reprimand (Molu vd., 2013).

As another positive development, carrying out political activities within the higher education institution and keeping, making copies of, or handing out any kind of publication banned in institutions of higher education which required “suspension” in the previous regulation are not included in the recent one. Yet, organizing unauthorized meetings within university premises requires suspension from the university for a period of one week to one month. Disrupting the order of the institution by occupying university premises or similar acts is punished by a one semester suspension, while preventing the authorities of the higher education institution from performing their duties and preventing fellow students from utilizing the services of the higher education institution by using force and violence are listed among violations that result in two semester suspension. Several activities that were punished by expulsion by the previous regulation are among disciplinary actions that result in suspension in the new one; this change can also be viewed as a positive development (Molu vd., 2013).

Actions that are punished by expulsion in the previous regulation such as “disturbing the general peace or the working environment for ideological and political motives, taking part in boycotts, sit-ins, obstructions, and slowing down University personnel's works, or provoking any such action”; “keeping, making copies of, or handing out any political and ideological manifestoes, posters, placards, tapes, etc. within the university, writing or representing with symbols or pictures political and ideological messages on walls, doors and items of furniture; or engaging in oral and written ideological propaganda”, “being a member of an illegal organization, or acting in the name of or providing assistance to an illegal organization”; and “forming any overt or covert associations and organizations on university grounds or its extensions without obtaining the permission of the university” are not included in the regulation changed in 2012. On the other hand, not including “to torture an individual or a group for whatever reason” among the violations listed in the 2012 regulation can be considered as a negative situation (Molu vd., 2013).

In the new regulation, the first activity listed among violations that result in expulsion is as follows: “Provided that the alleged acts are sustained by the court, establishing an illegal organization to commit a crime; running an illegal organization or becoming a member of it; participating in the activities on behalf of the organization or assisting it regardless of being a member”. If the case ends with an imprisonment sentence, this provision should be implemented automatically, with no discretionary powers given to the members of the investigation commission, (Molu vd., 2013).

Restricting the punishments for unforeseen disciplinary violations with warning and reprimand and stating that the repetition of disciplinary violations does not necessarily result in expulsion are other positive changes made by the new regulations of 2012 (Molu et. al., 2013).

5.3. Student Representation – Student Councils¹

Student representation bodies, one of the important channels in universities for students to express themselves and to participate, appear to be very active, efficient, and political structures in universities before 1980. In those times, by conveying the needs, wishes, and opinions of students to the administrative ranks in an active manner, student representatives had played a supporting role for the solution of students' educational problems. Student representation bodies were totally abolished by the laws adopted after 1980 coup. Those bodies are redefined by the Regulation on Student Councils issued by the Council of Higher Education in 2005 due to the influence and expectations of the Bologna process which targets to develop a European Higher Education Area.

According to that regulation, student councils are responsible of identifying students' opinions on the needs concerning education, health, sports, and cultural activities and to establish communication between university administration and students by conveying those opinions to administrative bodies. The articles defining a model for election criteria and processes in that regulation are problematic from the perspective of representation and legitimization and most of the student representation bodies established according to that model are regarded as structures that are far from meeting the needs and demands of the students. Student representatives, who, as a result of the regulation, represent a wide student base, are accused of using that power as a means for political propaganda (Orhaner, 2008). Criteria used for the elections such as grade point average and disciplinary record can limit representation and the freedom of association. It is known that, as of 2012, 155 of 175 universities in Turkey have student councils (TOG, 2013).

5.4. Student Clubs and Associations

University clubs and associations which are among the main institutions that come to mind when talking about the freedom of association in universities can be characterized as important tool for participation and organizing through which democratic debate and consensus experiences are gained. Due to their activities, clubs and associations have the potential to enrich students' skills on project administration, communication, and team work. Those bodies function in different universities in different ways and work under the control of different bodies such as Rector's Office, Dean's Office, Directorate of Student Affairs, Health, Culture and Sports Department, and Board of Student Representatives/Association.

¹ It was observed that, when talking about their experiences in Student Representation Councils,, students may refer to that body by using expressions like Student Council, Student Association or Student Representative. Therefore, whenever those expressions are used in the rest of the paper, they should be regarded as synonyms defining the same type of participation.

Universities prepare directives on student clubs/associations in accordance with the above mentioned regulation. There are no articles both in that regulation and in those directives which make a reference to the right of association, as well as define and ensure the rights of students clubs. Without the protection of any legal countries, those student clubs can be established and closed down in different universities following different procedures. Some claim that the directives prepared and modified by Universities have provisions that violate the articles on the freedom association in the superior regulations, laws and even in the constitutions and international agreements and that are restrictive and discriminative (Oy, 2011).

It is reported that, students, who are not consulted and informed timely about those directives and their amendments, usually experience problems during club activities. Moreover, information about university clubs and associations are usually found in the web-sites of University's Health, Culture, Sports or Student Affairs departments under the menu titled "campus life", there are complaints stating that those pages are not updated regularly (Oy, 2011). As of 2012, there are 5.810 university clubs or association in 145 out of 175 universities in Turkey (TOG, 2013).

5.5. Law on Association

For a long time following the 1980 coup d'état, individual and collective freedom of association of university students had not been continually restricted only within universities, but also in social life general due to the implementation of the Law on Association containing lost of prohibitions. In 1995 prohibitions concerning association and solidarity and in 2001 prohibitions on rallies and demonstrations other than those listed in the directive were lifted by Constitutional amendments. The associations could only obtain the freedom to operate independent of the scrutiny of police departments in 2004 as a result of the legislative changes made during the European Union harmonization process and the public pressure for those reforms. With those changes, the police departments responsible of associations are transformed into structures operating under the Department of Associations which are established under the Ministry of Interior (Beyazova, 2008). Extensive restrictions concerning the missions and activities of student associations could only be lifted only after that transformation was completed.

According to 2012 figures provided by the Department of Associations, there are 4.547 foundations and 86.031 associations in Turkey and that total number raises to approximately 15.000 if unions and professional chambers are also added. There are only 785 youth organizations and 340 student associations among those associations. If associations providing services for young people are included, the share of youth organizations in associative life increases to 7,4 percent. The low level of youth organizations can be more strikingly understood, if we recall that young people constitute 16,6 percent of the total population. The recent Law of Associations also

includes the criteria required for the establishment of an association such as to have a space used solely by the association. For youth organizations that are usually experiencing economic problems and faced with the challenge of protecting their financial autonomy, that criteria contains extremely adverse and compelling requisites.

According to the other relevant Laws, activities that are not compatible with the missions and means stated explicitly in an association's charter are restricted. Moreover, in order to qualify to be beneficiary of the resources provided by the Ministry of Youth and Sports, an organizations should also be registered as a youth association/club by the Ministry, in addition to the Department of Associations. Youth associations registered according to those laws have to commit that, they will comply not only the rules set by the Department of Associations, but also the relevant laws, directives, circulars, communications and rules issued by the Ministry (Kurtaran, 2012).

6. Freedom of Expression and Association Experiences of University Students

6.1. Freedom of Expression

“Research on the Needs of University Students”, conducted in 2009 by the Community Volunteers Association in 43 provinces and 59 universities with the participation of 1.886 students, demonstrates that the main problems and needs of the students cluster on issues related to expression and organization. The research mentions that for university students the main need and demand is to be heard. It also quotes some student statements noting that universities fail to provide spaces for students to come together; contrary to that, they sometimes create obstacles blocking socialization. Young people, who complain that their skills are inhibited because of restrictive practices, state that as the cities they live regard the students only as a source of income, those cities do not provide opportunities for students to socialize and are not managed in a way to respond the needs of the students. Young people have pointed out that they need mechanisms and respondents they can communicate with, so that they can come together, raise their opinions, take responsibility, and participate, as well as develop their skills and voice their needs (TOG, 2009).

The quantitative results of the research titled “Freedom of Expression and Association among University Students”, conducted by GFK Research Services Inc. on behalf of Community Volunteers Foundation and Youth Studies Unit in 2011 through an online survey involving 726 university students whose addresses recorded in the Foundation's data base, are similar to the findings of other research studies mentioned in the previous sections (TOG and GÇB, 2012). As the addresses of the participants in this study were already in the Community Volunteers Foundation's database and as those young individuals participated to this research by filling a survey form online,

they can be regarded as young persons that are somehow related to a civil society organization. According to the survey, 22 percent of these active young people are living with their families or relatives/acquaintances, while for 50 percent of them the monthly income they receive is not sufficient to meet their needs; also the share of those who receive scholarship and/or credit support from a private and public institution apart from their family is 70 percent. Those figures are parallel to the emphasis made in the Network Youth Participation Survey on the relation between autonomy and access to social rights and the freedom of association (Yılmaz and Oy, 2014).

In the survey, when describing the cities they live in, among possible alternatives, the option selected by students with the highest average reveal that, in their opinion, those cities view students only as a source of income; that result indicates how extensively young people are instrumentalized by the society. On the other hand, “the city is open to liberal/new ideas and values young people” is the option that has the lowest average and this also points out how much importance the society gives to young people’s freedom of expression and social participation. The study has also demonstrated that, students living cities has more opportunities to socialize compared to those living in three metropolitan cities (İstanbul, İzmir, Ankara) and they are happier in the cities they continue their university education. **(Bu tersi olabilir mi?)**

37 percent of the young people participating the research (TOG and GÇB, 2012) state that they have information on their rights related to university life and use those rights; it is observed that most of the students in that 37 percent are living in metropolitan areas. The share of young people who does not have information about their rights and therefore cannot use them is 33 percent, while the ratio of those, who do not use their rights even though they are informed about them is 30 percent. 61 percent of the participants think they cannot freely express themselves and their opinions about the problems in university. Among those students giving that answer, those living in small cities are higher than those in metropolitans and the number of male students is higher than females. 83 percent the students state they have problems with the academic personnel and Student Affairs, 75 percent with the university personnel, 74 percent with the Administrative Affairs, 71 percent with Dean/Rector Offices, 67 percent with Health, Culture, Sports Department and Student Representatives, 68 percent with private security, and 59 percent with the police. During the problems experienced with those bodies or persons, students have a low level of expressing themselves. The top three units/persons student have difficulty in expressing themselves when a problem occurs are the police, Dean/Rector Offices and Administrative Affairs respectively. This result is critical from the perspective of the freedoms of expression and association, since those units/persons are not only the ones that have the most extensive powers on those freedoms, but also the ones that students often have to come across when there are restrictions and problems concerning those freedoms. While 36,7 percent of the students state that they can find a solution when they have a problem and the opportunity to express themselves, 28,8

percent declare that they cannot manage to solve their problems. It is observed that the number of female students, who claim to find solutions to their problems, is higher than male students.

Being a university student is viewed as a sign of freedom and status among both the society in general and young people who are not university students in particular. However, the perceptions about being a university student is a bit different among university students themselves. 47,6 percent of the young people interviewed for the KONDA's Youth in Turkey survey state that university education provides the diploma necessary for finding a job, while 22,7 percent think that the university is helping them to acquire a profession/knowledge. Only 12,4 percent of students give the reply that universities offer them freedom of thought; this is another indicator demonstrating the extremely negative situation regarding the freedoms of expression and association (KONDA, 2011).

“Freedom of Expression and Association in Universities” study carried out by the partnership of the Community Volunteers Foundation and Youth Studies Unit in 2011 also involves a qualitative part conducted by Demet Lüküslü, during which 21 focus group meeting organized with the participation of 115 young individuals coming from 6 large cities from different regions in the country, as well as small neighboring cities (TOG and GÇB, 2012). The students who participated those focus group meetings point out that there are striking differences in terms of the gains of being a university students in between universities in metropolitan and small cities, in between elite universities and mass universities as well as vocational schools in the same cities, even in between different faculties and departments of the same university with different student profiles. Besides those differences which are felt intensively by the students, there are also apparent intersection areas in which the experience of being a university student and the problems students appear to be similar.

As a result of the new trend in university management which regards the students as customers instead of subjects, practices like chip bank cards which aims to monitor and direct the customer patterns of university students has become widely used. The study shows that university students feel uncomfortable under those surveillance systems which can monitor and control students' behaviors within the university premises. Moreover, students participating the research state that they are having difficulties in voicing their opinions and conveying their proposals and complaints about those practices, as well as about other problems they view differently than their academic instructors and administrative executives. Students also note that those difficulties and reservations play an important role in their families fears concerning the freedoms of expression and association. Students, who feel themselves indebted, responsible and dependent to their families, also worry that they can get themselves into trouble and that can affect their future negatively, if they contradict with their

academic instructors, administrative executives or other persons that occupy higher ranks in the university's administrative hierarchy (TOG and GÇB, 2012).

6.2. Student Representatives - Student Councils

Though 70 percent of university students that participated to the quantitative part of the Freedom of Expression and Association Of University Students survey states that they are aware of the student representation councils in universities, the ratio of those that participated the latest election for student representatives is only 40 percent. Only 20 percent of the students think that student representative councils represent themselves. Another finding of the survey is that the ratio of those that had problems with the student representative councils is as high as 67 percent. This ratio is the same as the ratio of students that experienced difficulties in their relations with the Health, Culture, and Sports Department, and therefore is a finding deserves to be reflected upon. 38.2 percent of the students state that they are not able to express themselves when they have problems with the student representatives, while among the units/persons that students find it difficult to communicate, student representative councils has the sixth rank. The fact that students find it that difficult to express themselves when communicating with a body that supposedly represent themselves is an important finding that gives an idea about the legitimacy of those university representative councils (TOG and GÇB, 2012).

Though in 80 percent of the monitoring reports, prepared by young people that participated to the Magnifier to the Address project carried out through the partnership between Community Volunteers Foundation, Youth Studies Unit, and NGO Training and Research Unit, student representative councils were mentioned as a different channel for participation, this tradition, which is imposed upside down in accordance with the regulation changes due to the affect of the Bologna process, is accused of having a structure that functions under the dominance of political groups through election and representation systems incapable of spreading to all of the students (TOG, 2011 and Oy, 2011)

According to the report titled "Pilot Project on Social Responsibility and Social Entrepreneurship in Universities published by Community Volunteers, the most important problems regarding the student councils are related to the election system. Students only have the right to elect their own class representatives in this election system, while executive delegates are determined by the elected representatives. Not only this method does not comply to the democratic participation criteria, but also the elections are not announced timely, the influence of academics on class elections cannot be prevented, and election process is carried out in a fashion open to social pressures. Students perceptions about how effectively the council represent themselves is very poor. Students view those councils as a battle ground between

political groups dominant in the university and do not want to get involved with those structures (TOG, 2013).

Moreover, the report also points out that there are problems regarding the powers and responsibilities of the student councils, as well as the relations between university administrations, university students, and university clubs/associations shaped in that context. According to the current regulation, student councils have only the right to make decisions on recommendations to be submitted to university administrations; their relations with student clubs and associations are not clearly stated (TOG, 2013). It is noted that, in cases where the university administration is not fond of the socio-political representation in a student council, they may restrict which the powers and the of the councils and behave as if such a council does not exist (TOG, 2013).

During recent central student councils meetings, proposals for making the student clubs and associations to function administratively under the execution and control of student councils has been brought forward. Given that there are problems concerning the representation, election, and functioning of those councils, in addition to their negative image among students and problematic relations with university administrations and student associations, those proposals can be criticized since they lack the potential to strengthen the participation of young people and to extend the boundaries of the freedom of expression,

6.3.Student Clubs and Associations

1.571 students among 2.430 participants of the Network Youth Participation Project is noted to be more active especially in unconventional and post-modern political participation methods compared other young people and it was stressed that factors like the type of the university, the city the university is in, with whom and where the student lives, and whether the student receives scholarship/credits can affect participation. An additional analysis aiming to understand how affective membership to student clubs and association is on other forms of participation was also carried out within that study (KONDA, 2014).

Respondents who state that they have membership in a student club or association constitute 18,1 percent of the overall student participants. When one examines the statistically significant differences, it is observed that, among students that are members of student clubs, the number of those that are willing to become members to political parties is higher than expected ($\chi^2=19,775$; $df=1$; $p<.001$; Cramer's $V=0,12$).

44 percent of the students that are members of a civil society organization state that they are also members to university clubs. It is noticed that among students that are members of students clubs, the number of those that are also members of civil society

organizations is higher than expected, while the contrary is lower. Similarly, among those who are not members of student clubs, the number of those which state that they have membership to a civil society organization is lower than expected, while the vice versa is higher (chi-square=880,965; df=1; p<.001; Cramer's V=0,749).

Around 22 percent of university club member students declare that they have participated a mass rally/demonstration/protest within the last three months and this ratio is higher than expected (chi-square=24,200; df=1; p <.001; Cramer's V=0,124). Among those which state that they have shared an online message about a social issue during the last week, the ratio of those that are student club members is higher than expected and the opposite is lower. Finally, among those that have not shared such an online message, the number of those that are members of a student club is lower than expected (chi-square=47,529; df=1; p<.001; Cramer's V=0,175).

Among members of student clubs, the ratio of those that had participated a support campaign for the people of Van after the earthquake is 64,3 and this is higher than expected. On the other hand, among those that had not participated any campaign, the ratio of student club members is lower than expected (chi-square=17,315; df=1; p<.001; Cramer's V=0,105).

Students that are members of student clubs have a high level of political participation (M=4,54; SD=1,68) compared to those that are not (F(1,1048)=72,170 ; p<.001). Those figures should be interpreted as a sign of how active participation to student clubs in universities affect young people's political participation, and, in that regard, studies should be made in order to increase the organizational experiences gained via clubs in universities.

According to the same research, 40,4 percent of students that have membership to an NGO heard that organization from a friend, while 22,6 percent was acknowledged by an academic instructor. This result can be evaluated as a finding clarifying the ability of students to extend their social circles and increase their participation through relationships they construct during university life.

According to the responses of those who are not CSO members, the reasons behind that can be categorized as follows: "I do not have time" (18 percent); "I am not interested in/I do not like" (14 percent); "I do not want to/no specific reason" (7,9 percent); "I do not feel the need to/I cannot deal with that" (8,1 percent); "I have not come across/I have not had the chance/I do not have information" (6,3 percent). It is difficult to comment on those categories constructed by grouping the responses of the participants to open ended questions about why they are not members to a civil society organization. The causes explaining the lack of organizational student activity in universities will be evaluated on the grounds of the findings of qualitative and quantitative studies that will be explained in the following sections.

The research also questioned whether there were certain emerging patterns in the distribution of socio-economic status indicators among university students and found out that there were no statistically significant differences in the results with respect to different variables including gender, ethnic identity, the perception on the duration to make a living without family support. However, given that the same variables play an important role in the differences between other forms of political participation among young people, we can argue that there are in fact differences in participation levels with respect to those variables; yet, additional data is needed to explain the causes of those differences. Variables that create statistically significant differences among student club members can be listed as follows:

Among those who state that they have membership to at least one student club, the ratio of non-Muslims is 8,9 percent and this ratio is higher than expected (Kikare=8,552; df=2; $p < .05$; Cramer's $V=0,075$).

28,1 percent of scholarship students are members to a student club and this ratio is higher than expected (chi-square=25,198; df=1; $p < .001$; Cramer's $V=0,127$). Similarly, among students which state that they benefit from scholarships or credits, 28 percent are student clubs' members and this ratio is also higher than expected. 14,7 percent of those that do not benefit from either scholarship or credits are members to student clubs and this ratio is lower than expected (chi-square=35,381; df=1; $p < .001$; Cramer's $V=.150$).

96,7 percent of open education students have declared that they do not have membership to a student club and this ratio is higher than expected; however, since those students do not have the opportunity to establish student clubs as in other universities, this result is also understandable (chi-square=34,399; df=2; $p < .001$; Cramer's $V=0,197$).

34,9 percent of those stating that they come from higher income families are members of student clubs and this ratio is higher than expected (chi-square=16,364; df=3; $p \leq .001$; Cramer's $V=0,103$).

Among students living in dormitories, 28,5 percent have membership to a student club and this participation level is higher than expected. On the other hand only 15,3 percent of those living with their families participate to student clubs and this ratio is lower than expected (chi-square=23,624; df=2; $p < .001$; Cramer's $V=0,123$).

If we evaluate participation with respect to membership to student clubs, those results presented above can be interpreted as findings explaining which type of students have more advantages in using their freedom of association and /or which types of students are more likely to prefer that kind of participation. Under the light of the results obtained, one can affirm that students coming from socio-economically advantaged backgrounds, those benefiting from social rights that promote their autonomy such as

scholarship income or dormitory accommodation, and those who have more opportunities to socialize in their campus life are more active in club activities.

68 percent of 729 respondents participated to the quantitative part of the research on the “Freedoms of Expression and Association in Universities” state that they are aware of the existence of clubs/association and platforms in schools (the results of the same research concerning the freedom of expression was explained in previous sections). Among those continuing their university education in İstanbul and Ankara, the ratio of students aware of club and platform opportunities is higher than those in other cities.

While 24 percent of students are members to an organization within the university, 32 percent are members to a CSO outside the university, and 32 percent have membership in CSOs both inside and outside the university; one quarter of the students state that they do not have any membership. Also, levels of membership to associations/clubs/foundations is higher among third and higher year students compared to those in their preparatory, first, or second years. 24 percent of the students which state they are members of CSOs have membership in only one organization; 39 percent are members to two, 20 percent to three, and 17 percent to four or more organizations. That result should be regarded as an important finding which indicates that students can use their experiences of freedoms of association and organization they acquire via membership to CSOs to increase their participation in other areas, and thus, opportunities allowing students to engage in associative life in different areas should be increased.

When we examine the relations between students and the organizations they are members of, we see that 56 percent actively take part and assume responsibility, as well as participating all meetings and activities of their organizations. Only 6 percent state that they rarely participate to meetings and activities. Those results apparently show that students more actively participate to organizations initiated and managed by their peers.

The thematic working areas of the clubs and associations in which more than 20 percent of students are members of or selected by respondents more often are as follows: social services (48 percent), human rights (43 percent), culture-arts (40 percent), environment (38 percent), gender issues/women-LGBT studies (29 percent), student rights (26 percent), and politics (23 percent). It is observed that, compared to women, men have more memberships in clubs and associations interested in politics, sports, antimilitarism, and freedom of dress.

The primary reasons why some students do not become members to any clubs/associations/platforms in universities are stated as follows: “Not finding an initiative adequate for them” (45 percent) and “does not have enough time because of time limitations/curriculum/classes” (42 percent).

20 percent of the students point out the restrictions related to participation to a club/group/association, while 10 percent state that they do not become members because they think membership will get them into trouble. Though it is not mentioned by many, it is important that some students also note the possible obstacles restricting the freedoms of expression and association in universities.

27 percent of the students mention financial constraints and 11 percent state that they cannot pay membership fees, when explaining the reason why they are not members. This can be viewed as a result indicating how extensively economic status and resources can limit the participation and organization types that require particular resources. In that regard, it should be stressed that, as they are passing through a transition period to gain their economic independence, students constitute a vulnerable group that is likely to be affected enormously from economic problems and measures should be taken in order to prevent the restrictions on participation and organization opportunities due to economic disadvantages.

The fact that within those organizations newcomers are likely to be excluded by existing members (21 percent) and being reserved about membership to those institutions (13 percent) because of that and also for other reasons are mentioned as other important factors negatively affecting the participation of students to the initiatives in universities. We should note that those two reasons are related to the inner structures of student clubs and youth organizations may be repeating the practice of closing themselves to others, which is a practice often detected in hierarchical organizations which generally exclude young people.

On the other hand, responses like “I have not sufficiently investigated” (29 percent) and “I am not interested in those activities and groups” (16 percent) used in explaining the reasons of not being a member to an initiative can be regarded as reasons reflecting the attitudes and preferences of students.

48 percent of the participants think that there are obstacles preventing students to come together for their area of interest. Among students attending universities in cities other than Ankara, İstanbul, and İzmir, those pointing out to such problems are higher. Most of the students state that its mostly the university administrations that prevent students’ gatherings. Among other options, “not having resources for coming together because of economic problems” and those that refer to different economic, structural, and political reasons including the government and the Council of Higher Education are the ones mostly selected.

In order to understand how effectively the freedom of association can be used within universities, students were asked what kind of obstacles they faced when they tried to establish a university club. They explained that initiatives working on different issues are faced with different types and degrees of obstacles and problems. The first five

areas of interest that are seen more likely to be challenged are listed as student rights, ethnic issues, politics, gender issues, and anti-militarism. Disability rights, entrepreneurship, sports, and environment issues are areas which encounter relatively less friction.

A list of judgements about the practices and attitudes of student clubs was presented to the students and they were asked to what degree they agree or disagree with those judgements. 46,2 percent of the students note that they cannot organize an activity inside the campus without establishing a club. On the other hand, 49,6 percent of the students think that they cannot establish a club in their area of interest and 35,5 percent believe that one cannot set up more than one club. All those results together indicate that the freedoms of expression and association of students are being severely limited.

49,4 percent of the students think that the sustainability of the clubs is not guaranteed, while 42,5 percent note that their advisors, student councils and/or Health, Culture, and Sports Departments create problems concerning club activities. 34 percent of the students state that in some cases disciplinary action was taken against club activities. Only 27 percent of the students believe that information on the process of obtaining administrative support for club activities is accessible and transparent.

One-fifth of the students express that required resources are provided for club activities. One-third of the students make a negative evaluation about the rooms spared, venues available for club activities and transportation support provided by universities. However, we should also add that, regarding internet access and the visibility of activities, 60 percent of the students give a positive feedback about their universities. 89 percent of the students that are working actively in clubs state that they use social media actively for publicity, communication, and visibility.

Active participation of young people to the decision making and implementation processes on measures and policies related to the freedoms of association and expression is a criterion of critical importance (Oy, 2011). As a part of the Magnifier to Address project implemented between years 2010 and 2011 by Community Volunteers Foundation, Youth Studies Unit, and NGO Training and Research Unit, as a way of modelling this criterion, a monitoring process during which young people monitored and evaluated public institutions providing services for the youth was structured and put into practice (TOG, 2011). Young people, whose skills about monitoring methods and practices had been strengthened during that process, prepared and shared 36 monitoring reports-20 reports in the first year, and 16 in the second year- covering 16 provinces in 6 different regions. Those reports analyzed the Health, Culture, and Sports Departments in universities, which are usually the main institution responsible of club activities. The results of those reports will be presented in this section.

Young people participating the monitoring process complained about different problems concerning Health, Culture, and Sports Departments. They mention that the department did not spare sufficient time for informing students, the personnel may not behave friendly to young people, and that the experiences depend on informal relations developed with the person in charge. They also complain about limited working hours of those Departments which usually coincide with students' class hours and procedures which slow down their activities. 58 percent of the reports stated that Health, Culture, and Sports Departments fulfilled the functions they were responsible of, while 70 percent complained about the bureaucracy which slows down the Department's work.

The shortcomings and deficiencies related to the transportation, housing, and scholarship services of Health, Culture, and Sports Departments, which are defined in relevant directives, were also mentioned. The insufficient information regarding scholarship and housing opportunities was noted in half of the reports. Moreover, shortcomings in transportation services in between campuses and between campuses and city centers were expressed in half of the reports, while in one third of the reports, it was stated that students were not able to use those services when they were not provided free of charge. Related to the responsibilities concerning sports services, though 90 percent of the reports mentioned the existence of a sports facility, in only half of those facilities services were provided free of charge. Concerning the Departments' responsibilities on cultural activities, defined in the Article 16 of the Regulation, information on cultural activities could be accessible via internet according to 70 percent of the reports; however, in answers given to the open-ended questions, half of the reports mentioned that students had to show effort to access the information on those free of charge activities.

Those sports and culture activities should not only be evaluated with a narrow perspective viewing those activities as opportunities to attend during leisure time; those opportunities are also means for young people to come together and construct relations with others. It should also be kept in mind that those relations can also form an important basis for using the freedom of association. As one of the important problems related to those activities, we can draw attention to the fact that in some cases those services, which should be evaluated as a part of social rights, are not provided free of charge, as well as to the practice of excluding students and ignoring their needs when deciding on the venues, working hours, ways of functioning, and programs of those activities. Of course resources should be allocated for some of the services; however, conditions necessary for providing student/youth friendly services can be ensured only when the wishes and the needs of young people are considered when making decision on how those resources will be utilized. Yet, that could only be possible if young people are given the chance to express those wishes and needs.

In the previous sections, it was noted that the regulations of Health, Culture, and Sports Departments do not provide legal guarantee for the establishment and the continuity of student clubs and that student also feel insecure because of those risks. The insufficiency of the information services and updates about those regulations and student clubs was also mentioned. 66 percent of the monitoring reports noted that information on the procedures for establishing student clubs could be found in the web-sites, while access to regulations on student clubs via web-sites was possible according to 60 percent of the reports.

Though the reports made it apparent that the competent authority responsible of student club applications varied between universities, it is also known that in most of the cases the procedure progresses by the rector's approval. Given that for students rector's office is one of the units they find it hard to communicate with, this can be viewed as a practice that makes it more difficult to form student clubs (TOG, and GÇB, 2012). Though rector's approval is a requirement, there are also other units whose approvals may be necessary, such as academic advisors, deans, Departments of Health, Culture, and Sports, and student councils, which implies an extra difficulty for students. 90 percent of the young people emphasized the need for approval from academic advisors during the process of establishing clubs.

Students explain that they use regulation examples provided by Health, Culture, and Sports Departments when they prepare their club regulations. They also note that those processes are usually guided by academic advisors or Departments' law offices and that, independent of the club's purposes, the regulations are designed in order to ensure club's compliance to the existing legislation and to the schools directives on its University's principles and associations. The university administrations' interventions on the contents of those regulations were mentioned in the 80 percent of the reports, which can also be seen as a problem for students' freedoms of expression and organization, as well as for the autonomy of club activities.

Though according to the Law finding 7 founding members is sufficient for associations, according to 45 percent of the reports, for university students clubs the number of founding members should be at least 15. Grade average may also be a requirement according to 25 percent of the reports. 35 percent of the reports stated that there were cases when a student club related to a specific area of interest could not be founded, while in 40 percent, it was noted that establishing more than one club was impossible.

The opportunities provided by universities to those clubs, which can only be established after a challenging process, are also restricted. It was reported that no rooms were provided to more than 50 percent of the clubs, while in 40 percent of the reports it was stated that in order to obtain a room, a student club had to fulfill some certain and uncertain criteria such as to have sufficient members, organizing activities frequently, constructing positive relations with the Health, Culture, and Sports

Departments, establishing a deep-rooted club, and getting the approval of the rector. Among clubs with rooms, only 30 percent had a separate room and it became apparent that in most cases several clubs had to share the rooms only for a limited time for one or two hours and had to gather after working hours. Moreover, in 41 percent of the reports, it was pointed out that rooms given to student clubs did not have access to internet.

More than half of the young people stated that the criteria set for benefiting university's financial resources available for student clubs were clear. However, in fact the level of financial support were decided within possible boundaries by a triangle made up of Health, Culture, and Sports Department-Secretary General-Rector's Office. It was stresses that the level of financial support for each club was determined in theory according to the budget allocated for student activities and the number of existing clubs/associations, while in practice levels varied according to the effect of an activity on university's publicity, the relation between the club and the administration, and the subject of an activity. Because of the financial problems they encounter in such a system, clubs and associations are reported to raise funds through sponsors and membership fees they collect.

How students' political views affect the relations between a student club and university administration can also be observed in the process of getting permission from an academic advisor and/or the Health, Culture, and Sports Department and obtaining the venues needed for activities. Though three-fourth of the students reported that in order to ensure the continuity of their clubs, they had to submit regular reports to academic advisors and other relevant units, in some cases even those reports could not be sufficient to guarantee continuity. Clubs and associations which do not comply their own regulations and the decisions of university administration, which tend to be interested in issues "not permitted" by the administration, which organize political activities, which do not act according to the principles and revolutions of Atatürk, which organize an activity without permission, and/or which do not submit regular reports can be closed by the Health, Culture, and Sports Department, university administration, Rector's office, and/or Coordination Boards of Student Club.

Another issue mentioned in the monitoring reports is problems occurring as a result of the relations between university administrations and police departments subject to the uncertainties and changes related to Law on Duties and Powers of the Police and the developments in social-political circumstances. In reports it was emphasized that, violent interventions students encounter when they organize activities for expressing their opinions on recent developments and demonstrate their reactions are negative experiences for both the students involved and those that witness those interventions and they create a discouraging and restrictive environment for the freedoms of expression and association.

The results of qualitative research studies focusing on student's experiences of association due to their involvement in student clubs and associations also support the different findings explained above.

According to the report of the "Pilot Project on Social Responsibility and Social Entrepreneurship" prepared by Community Volunteers Association in 2013 (TOG, 2013), one of the most important problems related to university clubs and associations is the fact that they do not have an autonomous, organized, and clearly defined structures. This situation creates another related critical problem as student organizations do not have an autonomous budget determined by participative processes according to their own needs and demands, as well as institutional tools for administering a budget such as bank accounts. As a result, students, who have no choice but to demand the budget they require from the university administrations on an activity basis, express that in order to get approval they feel themselves obliged to get along with university administrations and to pretend that they agree with their opinions at the expense of losing their autonomy. That type of relation between university administrations and student clubs and associations can be detected in different areas like the establishment of the clubs, getting approval for activities, budget distribution, and permission procedures. On the other hand, it is also mentioned that it is difficult to set up organizations and to organize activities on issues like ethnicity, religion, sexual orientation, and etc. It is also noted that there is a need for an impartial, transparent, and fair system to monitor and evaluate the activities of student organizations in an objective way.

Related to the problems of student clubs and associations, the same report also refers to the requirement of getting approval from academic advisors during processes for establishing clubs or organizing activities. In many universities it is observed that academic advisors get involved in the inner functioning and daily activities of student clubs in such a way that they began to shape the administration of those initiatives and this emerges as another limitation concerning student participation and autonomy. Responsible of many duties while lacking necessary human resources, Health, Culture, and Sports Departments fail to monitor and support the activities of student clubs and associations and solve their bureaucratic problems in a timely manner. It is pointed out that for more effective organizations and for higher participation of students, bureaucratic requirements should be decreased and a coordination body which allows the students to play an active role in decision making processes should exist. Effective involvement of mechanisms like inter-club boards which support coordination and cooperation between student clubs and associations into that overall coordinating body would strengthen the solidarity between students and their organizations, while at the same time provide a platform for expressing their needs and demands.

During the period between September 2009 and February 2010, 20 focus group meetings in 7 big cities (Istanbul, Ankara, İzmir, Adana, Samsun, and Van) from

different regions involving 135 young individuals (59 women, 26 men), who had been actively working in associations, foundations, student clubs, youth assemblies, youth centers, platforms, and initiatives, had been organized within the research project directed by Demet Lüküslü under the roof the Istanbul Bilgi University Youth Studies Unit. The main objectives of this research was set to identify the problems, needs, wishes, and proposals of young people. During the interviews, the target was to focus on the experiences, opinions and feelings of young people about organizational life. The situation and opinions related to experiences young people gained in organizations presented below can be argued to be similar to those in university clubs and associations (Lüküslü, 2010).

According to the results of the same study, young people who live in an adult-centered society by experiencing the disadvantages of being young are trying to build their own identities and autonomy in different areas including the political life despite their problems related to access to social rights such as education, housing, and employment and their financial restrictions. There are many bureaucratic, ideologic, social, family-related, financial, and autonomy related obstacles blocking participation of young people who have been instrumentalized by the society and influenced by adult-centered administrative bodies. As a result, among young people, accomplishing to participate to organizations despite those obstacles are perceived as luxury experiences that can only be enjoyed by middle-upper classes (Lüküslü, 2010).

In the area of youth problems, which can be viewed as a growing heterogeneous area, some young people display a very low level of participation due the problems cited above. On the other hand, some others try to participate through new types and means of organizing, while other young people who have been in employment prefer to stay apolitical as they are living under the burden of traditional politics/ideologies surrounding their daily life. By taking a stance that can be defined as a form of active apolitical attitude, this third group of young people, who are critical of organizations such as university clubs and associations and their activities, has stated that they refused to engage in participation types which help the system they oppose to sustain itself (Lüküslü, 2010).

Although they have similar opinions and criticisms about the general system and the internal affairs in universities, it is revealed that young people, who want to take an active role in the existing organizational mechanisms, has developed a tactic for getting organized and hold activities according to their objectives. Defined by Demet Lüküslü as imperative (forced) conservatism, this tactic required young people to pretend as if they agree with the existing norms and rules in order to be able to extend their limited opportunities and benefit from them. When explaining that tactic, young people use expressions like “to speak out of both sides of one’s mouth”, “to call the bear uncle until you pass the bridge”, “to play balls”, “act political according to the circumstances”. Though this tactic makes it easier for young people to manage to organize the activity they want to, noting that they feel themselves like a chameleon,

young people state that they are unhappy because of being forced to such tactics in order to hold activities related to their objectives (Lüküslü, 2010).

The participants also added that, generally in the area of youth studies, particularly in organizations in universities, stronger youth organizations try to build a superior-subordinate relationship with smaller ones and young people participating on those that do not participate. They stressed that in order to prevent such attempts to construct a hierarchy, participation types and means should be diversified and they should be more accessible. Moreover, it should be possible for young people to establish organizations without paying any price in terms of autonomy and social rights (Lüküslü, 2010).

6.4. Limitations on the Freedoms of Expression and Association - Disciplinary Investigations

In the first section on the legal framework surrounding universities, the Law on Higher Education and the Disciplinary Regulation amended in 2012 was explained. The statistics provided by the Council of Higher Education according to the data submitted from 144 universities, from 2000 on demonstrate that there has been a significant increase in the number of investigations concerning students and punishment decisions given as a result. The total number of disciplinary investigations which was 2.601 in 2000 has increased to 6.001 in 2010 and 5.871 in 2011. The number of punishment decisions were 3.923 in 2010 and 3.120 in 2011. While during those two years, most of the punishment decisions resulted in suspensions, warnings, and reprimands, 35 students were expelled from higher education (Report of The Initiative for Solidarity with Detained Students, 2011). This section will focus on the study of Molu et. al published in 2013 on the decisions given and the problems related to the investigation practices used in universities' disciplinary inquiries.

Besides inquiries that are opened and resulted in punishments in line with the Disciplinary Regulation of the Council of Higher Education, even the existence of a possibility of an inquiry can be regarded as an intervention against the freedoms of expression and association due to its deterring effect. Through those investigations not only the students whose rights are enormously violated, but also other students who are aware of those investigations and their results are intended to be disciplined on issues like which opinions can and cannot be expressed in universities, which activities are allowed and from which activities students should stay away. Interventions against students' freedoms of expression and association is designed in a way to cover also the students' activities outside universities by the Article 54(b) of the Law on Higher Education (Molu vd., 2013).

Though the Disciplinary Regulation mention students' right to defense, basic principles like to take into account the protection of the freedoms of expression and

associations when making decisions in inquiry processes and to prosecute the process by respecting right to fair trial are not included in the Regulation (Molu vd., 2013).

The power to determine the commissions responsible of directing the disciplinary inquiries and the members of those commission is given to the persons and boards that have the right to open up inquiries. However, the regulation does not specify the method and criteria to be used when deciding on the persons responsible of an inquiry. Moreover, academic instructors which act as investigators are not obliged to have a training in order to acquire the knowledge and skills necessary to lead investigations in an objective and rights-based way. Furthermore, in most cases the persons/commissions responsible of making the final decisions base their judgements on the reports prepared by persons/commissions responsible of inquiries and students do not have the right to testify at that stage (Molu vd., 2013).

The regulation change in 2012 made positive modifications regarding investigation processes. While according to previous regulation, the duration for opening investigations was set as one month following the alleged violation, the new regulation requires investigation to be opened immediately and completed within 15 days. This can be seen as a change shortening the period during which students feel themselves at risk, but since there is no exact measure of time or the word “immediate” and as the investigators have the right to request additional time, this argument is weakened. Moreover, since the students are allowed to ready their defenses in minimum 7 days, the remaining duration may not be sufficient to collect evidence, listen to the witnesses, and make an objective decision. Therefore decisions made in a hurry under those circumstances may be a disadvantage for students. According to another change made on time constraints of investigations in the new regulation, three months after the competent authorities ascertain the violations that have the possibility go being resulted in suspension and expulsion punishments, statute of limitations becomes effective in case an investigation has not been opened during that time. This duration was six months in the previous regulation, therefore shortening of the duration is a positive development. Furthermore, it also automatically limit the maximum period with three months for the provision which ambiguously express that investigation should be opened up immediately (Molu et.al., 2013).

The principle of confidentiality regarding student defenses is included in the Regulation, though not by a separate article, and against whom this confidentiality will be protected is also not clearly stated. Since in that case the principle of confidentiality may also be used against students in order to prevent their access to information and documents they require to understand what they are accused of and to prepare their defenses, additional arrangements should be made for the protection of the right to defense. As a positive change, the new regulation mentions the right to give written defenses which was not possible in the previous regulation. According to the last modification, in case students demand to give written statements, they will be

given additional three days in order to prepare that. However the effect of this positive change, which has the potential to strengthen students' position for their defenses, is restricted by allowing the investigators to pose additional questions to written defense statements. The old regulation allowed to make decisions in the absence of students who do not answer the calls for defense without a valid excuse; this article which may result in violations of the right to defense is kept in the new regulation. While according to the previous regulation students were not permitted to university premises during investigations, as a positive step the new regulation only allows this prohibition which violates both the right to education and the right to fair trial as an exceptional measure that can be used in the case of specific demands. However the possibility of a violation of those rights is still possible because of the existence and the ambiguity of the exception clause (Molu vd., 2013).

The 2012 regulation does not include the provision in the previous one stating that when a decision is to be made about a violation, the intent of the accused would also be taken into account; this was a provision which automatically implied that the student was guilty. Moreover, collective punishment clauses such as giving a higher degree of punishment if the violation is committed together with students from other universities or to allow the competent executives and boards to punish a student individually for cases of collective disciplinary violations even if the evidence is not sufficient to prove guilty are also left out of the new regulation (Molu et. al., 2013).

The previous regulations allowed the punishment to be notified to the parents of a student in case the student is absent or to other family members if the parents are absent; this practice which ignored the autonomy of students as individuals and increased the level of family pressure on their lives is also not included in the new regulation. However, in cases when the new types of notifications existing in the new regulation like hand delivery against signature and delivery by e-mail does not work, notice by publication, which is a method that exposes the punished student and is expected to create a deterring effect on others, is kept as an alternative (Molu vd., 2013).

The requirement to notify punishment decisions to the Council of Higher Education is also removed, except punishments resulting in expulsion. On the other hand, the requirement to notify the institutions providing students scholarships and credits of punishment decisions is still in place and this implies a double punishment for students as, in addition to the disciplinary punishment, student also face the risk of losing their rights to scholarships and credits which can affect their right to education and right to housing directly. Also, in addition to the Council of Higher Education, the requirement to notify police forces and the military about expulsion decisions is also kept in the new regulation (Molu at.al., 2013).

We can also note that there are positive changes concerning students right to object to a disciplinary decision. While in the previous regulation the decisions students can object were limited to suspensions for more than one month and expulsions, the new regulation allows the students to appeal to the university's board of directors for every type of punishment decision within 15 days, as well as states that decisions on objections will be announced also within following 5 days. It is important that this right is acknowledged for disciplinary decisions, as one has to possess certain financial opportunities and access to justice in order to apply to administrative courts for revoking disciplinary punishments. The effects of those changes regarding objections should be evaluated by analyzing the applications and the decisions concerning those applications (Molu et.al., 2013).

Besides a legal and comparative analysis of the articles in the disciplinary regulation, Molu et.al. also examined examples of inquiries from Istanbul and Dicle Universities and narrated students experiences and observations regarding those processes. The students evaluations show that, as the new regulation still includes provisions violating several rights and freedoms, such as right to expression and association, the freedom of assembly, right to education, right to housing, and right to fair trial which are recognized in the constitutions and the international agreements and those provisions contains ambiguous expressions, and since extensive competences are given to the persons and bodies responsible of inquiries, subjective and discriminative practices in determining who will be punished, under what conditions, and which type of punishment is appropriate still continue (Molu at.al., 2013).

Most of the students participating this study thinks that they are subject to discrimination because of their opposing political views when an investigation is opened and during the process up until the final decision. It is also added that generally the activities that are not permitted, intervened, and/or punished are those that have a political and/or dissenting contents. Furthermore, the study also emphasizes the importance of expressing views which differ from those of the majority and organizing events in that regard for the freedoms of expression and association and the strengthening of democracy (Molu et.al., 2013).

The students note that, compared to the investigations opened by university administrations, the number of investigations that are opened upon the complaint of an academic instructor, administrative officers or other students is lower. They also stress that official letters sent by the Police Departments and the Governorships have a great influence especially on the investigations initiated by the deans' or rector's' offices. During the interviews made for the study, it is stated that in the inquiries opened according to the lists submitted by private security or police departments, there can be students who are punished although they were not present in the event subject to inquiry. Also, it is mentioned that the statements of undercover policemen whose existence in the universities has been increasing, as well as the reports of private security guards are used as evidence for the inquiries. In those instances,

where the information in the notifications used as evidence are insufficient in explaining the alleged violation, it is observed that students are incapable of describing the event he/she was accused of and as a result the right to defense is severely prevented. In some investigations, due to their rights to defense and fair trial, students demanded to see the reports and camera recordings used as evidence, but nearly all of those requests have been rejected (Molu vd., 2013).

As mentioned before, disciplinary punishments are reported to different persons and institutions and students face the risk of losing their scholarships and credits, being dismissed from dormitory, and/or being deprived of other rights they are entitled to as a result of student status. In exceptional cases where objections to the disciplinary punishments result in decisions in favor of students, even if the decision is made by an administrative court, it is noticed that there are no obligations and regulations in order to prevent the negative effects of the punishments in students' lives (Molu vd., 2013).

In addition to the Law on Higher Education, the Council of Higher Education's Disciplinary Regulation, which provides the basis for the practices restricting and/or violating the freedoms of expression and association, is also supported by other legal arrangements such as Higher Education General Directorate of Credit and Dormitories Administration and Management Regulation and universities' Directives on University Clubs or Student Dormitories. As it is forcing students to make a choice between their social and political rights, this situation is against universal principles on human rights, as well as relative provisions in the Constitution and international agreements (Yılmaz and Sezer, 2013).

When the investigation and punishment processes set in the Disciplinary Regulation was examined, the relations and similarities between the inquiries opened by university administrations and the investigations opened by Police Departments and Governor's Offices, which creates results against students, were explained. The Regulation states that the existence of a criminal investigation cannot delay a disciplinary inquiry and the legal result of a criminal proceeding cannot prevent disciplinary punishment. However, for students subject to criminal investigations by authorities apart from university, there are not any regulation for protecting the students from the negative effects of those investigations over their educational life and access to social rights.

Detained students on the other hand, are faced with other specific violations in addition to those described before. During the period they are detained, students are deprived of not only their freedoms, but also their educational rights. Given that the presumption of innocence holds until legal decision is made, the inappropriateness of this practice of depriving students from their rights to education can be more seen more clearly. In the framework of the current legislation, the students are allowed to continue their education and enter the examinations if the university and the related

faculty approves the demand; however, the students can use that right, only if they can cover the travel expenses between the prison and the university. The conditions in examinations hold in the correctional facility or the university which are likely to affect the students in a negative way and the problem that students being in the previous regulation deprived of course materials, technological opportunities like internet access and/or time are among other points that affect the educational life of the detained students in a negative way (Report of The Initiative for Solidarity with Detained Students, 2011).

Although the judgement for their cases is still not made, most of the detained students are accepted as guilty by universities' competent authorities and may be subject to internal university disciplinary inquiries resulting generally by suspensions or expulsions. Those problems can be removed, only if a centralized regulation is put into practice in order to protect the educational rights of detained students.

7. Instead of Conclusion...

Parallel to the findings of the previous studies in the relevant literature, the research studies conducted as a part of the Network Youth Participation project demonstrate that there is a strong relation between socio-economic variables and participation levels of students to different participation types (KONDA, 2014 and Yılmaz and Oy, 2014). Taking into account both that relation and other indicators such as public spending statistics, university students, who emerge as an advantaged group in the overall youth population, appear to be very active particularly in unconventional participation ways. Given that university students coming from middle or high income families find more opportunities for representation in universities, this situation cannot be evaluated ignoring the effects of socio-economic factors. However, as university students are found to be among the groups with the high participation levels in all of the existing studies, this indicates a need for an analysis covering other characteristics, conditions, structures, and practices affecting the participation levels of this specific group.

This paper has been prepared on the assumption that an analysis on university students, who experience both the opportunities and the risks of participation intensely, and their citizenship experiences through participative practices is likely to enrich the general evaluations and proposals on youth and participation. As a result, legal, structural, cultural, and social indicators and variables affecting the limits and the use of the freedoms of association and expression which are the prerequisites for participation and active citizenship, and their effects have been tried to be highlighted throughout the paper.

The findings of several studies presented in the paper has indicated that university students experience serious problems in expressing themselves, voicing their issues and opinions in both the cities they live in and the universities they attend.

University clubs and associations, as well as student representatives appear to be the main bodies for students to engage in organizations within universities. The paper has described the legal ground and the legislation based on this ground which surrounds the universities and determines the extent of students' freedom of expression. It also analyzed in detail the experiences of students who struggle for enhancing their space for participation and activity in different channels of participation like expressing themselves in an academic environment and establishing student clubs and taking part in their activities. As a result of this analysis, proposals made for changes that should be made in legislation and implementation in order to increase student participation and enhance their space for using the freedoms of expression and association by creating a legal framework and practices for universities. The most important regulations within this legal framework are Council of Higher Education and Regulation on Student Representative Councils which were also the main focus in this paper.

In order to expand the freedom of associations in universities, proposals for demanding and using the freedom of association as a right and the following actions to be taken in accordance with those proposals should be built up on a legal base and should involve steps for removing and/or changing the laws and regulations that contain adverse clauses for ensuring the freedom of association and make use of it as a right. Moreover, under the light of the students' and organizations' daily practices, needs, and demands, an important point is to monitor and improve the services included in the legal framework which appear to be insufficient or problematic. The efforts for monitoring and improving should ensure active participation of students to decision making processes.

It is observed that variables regarding students' socio-economic statuses and indicators showing how effectively the students can access to their social rights and to what extent they feel themselves autonomous and experience autonomy encourage them to expand the limited space for the freedoms of expression and association and affect their participation levels in a positive way. At that point, it will be useful to emphasize the importance and priority that should be attached to the empowerment of young people through increasing their access to social rights and to the development of policies, strategies, and services supporting their autonomy.

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