

Juveniles in Traffic Accidents – An Analysis of the Media in Serbia

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Abstract

Road traffic is increasingly more intense worldwide. With the increase in the quality of life in some countries, the volume of traffic has also increased. Consequently, the risks are increasing for all traffic participants, and especially for the vulnerable categories such as children and minors. The media can play a great role in increasing traffic safety awareness - all kinds of media outlets and on all levels in a wide variety of ways by pointing to specific problems, to black spots on the roads, the importance of the proper use of seat belts, the suitable use of mobile phones, and a number of other situations that can endanger the lives of traffic participants. Nowadays, the media are an integral part of almost every family through various forms of use, and therefore media outlets can contribute to the increased safety of all traffic participants, especially minors.

Key words: *crimes, juveniles, minors, traffic accidents, the media.*

1. Introduction

Throughout the world, juveniles are traffic participants on a daily basis and in the most diverse roles, as pedestrians, passengers, drivers of particular vehicles or different categories of means of transport. In the capacity of traffic participants, when minors breach regulations, it is most commonly a matter of a traffic violation. In fact, their roles are not given much thought as traffic participants until they are involved in traffic accidents in any of the given roles - as drivers or as the injured party (casualty). Traffic accidents are one of five most common causes of juvenile mortality in the world. The consequences of child mortality are unimaginable for any given society, in demographic, social, and economic terms.

In this paper, which is of a limited scope, we tried to present the extent to which minors or children appear as perpetrators of certain criminal offenses from the group against public transport safety, but also as casualties of traffic accidents in Serbia. Also, we wished to present how the media - printed or electronic - reports on traffic accidents involving minors, and to what extent privacy is respected, or in other words, the identity of the minors or casualties from this group of criminal offenses. This is due to the fact that in today's times it is impossible to disregard the influence of the media, especially on young people, children or minors who participate daily in traffic. The impact

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(positive - negative) is particularly noticeable when it concerns well-known public figures.

We are not making a claim that we can construct a comprehensive analysis in a paper with a limited scope, but the most important analyses can be carried out to some extent. We will also briefly look at the provisions of some applicable child-related regulations, under which the age category in focus are considered to be all persons under 18 years of age within the meaning of the provisions of the UN Convention on the Rights of the Child (hereinafter: UNCRC).⁽²⁾ When it concerns domestic regulations, these are the provisions of the Law on Juvenile Offenders and Criminal Protection of Juveniles (hereinafter: JL),⁽³⁾ as well as the regulations regulating the media of importance for this paper.

2. A summary of the issue of juveniles in the criminal law in force

By adopting the JL, the Republic of Serbia has made an important step in harmonizing the national legislation with the UNCRC, as well as with other relevant European and international standards in the field of juvenile justice in conflict with the law, as well as children and minors who are crime victims.

According to the JL provisions, a juvenile is a person who at the time of committing the criminal offense was between the ages of 14 and 18 years old. There is a difference within this age range, and a minor is considered to be a person who reached 14 at the time of committing the criminal offense, but not the age of 16, while an older minor is a person who has reached 16 at the time of committing the criminal offense but was younger than 18.

JL excludes the possibility of pronouncing criminal sanctions against minors who at the time of committing the unlawful act foreseen in the law as a criminal offense were younger than 14. Other measures prescribed by the JL cannot be applied to this category of persons.

Minors do not appear often as perpetrators of criminal offenses from the public transport safety group. However, children and minors appear regularly as victims of criminal offenses against public transport safety.

3. Data on perpetrators against road traffic safety

Police officers are typically the first to arrive at a crime scene after a traffic accident, while public prosecutors do so less often. In the pre-investigative procedure, in accordance with the provisions of the Criminal Procedure Code⁽⁴⁾ (hereinafter: CPC), appropriate evidence is collected and a decision is made whether to launch legal proceedings and which kind, misdemeanor or criminal. This is carried out most often

² Law on the ratification of the UN Convention on the Rights of the Child, Off. Gazette of the SFRY – International contracts, no. 15/90; Off. Gazette of the SRY – International Contracts, no. 4/96 and 2/97.

³ Law on Juvenile Offenders and Criminal Protection of Juveniles (Off. Gazette of the RS, no. 85/05 started with its implementation on Jan. 1, 2006).

⁴ Criminal Procedure Code, Off. Gazette of the Republic of Serbia, nos. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014.

against the driver, regardless of whether the perpetrator of the offense is an adult or a minor. Most often, these offenses are criminal offense of endangering road traffic from Art. 289 CC and a grave criminal offense against the safety of road traffic referred to in Art. 297, CC. Another reason for this view is the official data in continuity, both older and newer, whether this involves the basic or qualifying forms of one of these criminal acts in court practice.⁵

In regard to reports for criminal offenses against road traffic safety committed by minors in 2014, 70 criminal reports were filed in total on the territory of the Republic of Serbia, of which 61 for the criminal offense of endangering road traffic (in a basic or qualitative form – Art. 299 or 297, CC) and 9 criminal reports were submitted for the criminal offense of endangering traffic safety by dangerous acts and means (Art. 290, CC). After the preparatory procedure which was conducted in 40 cases, the public prosecutors submitted proposals to the panel for enforcing criminal sanctions against minors, and a total of 33 criminal sanctions were enforced, 31 for the criminal offense of endangering road traffic (in the basic or qualifying form – Art. 289 or 297, CC) and 2 criminal sanctions were enforced for the criminal act for endangering traffic by dangerous acts and means (Art. 290, CC).

The downward trend in the number of criminal charges filed for crimes from the group against road traffic safety committed by minors continued throughout 2016. In the territory of the Republic of Serbia, only 58 criminal reports were filed for certain crimes in this group.⁶ Of that number, 56 were for the criminal offense of endangering road traffic (in the basic or qualifying form - Art. 289 or 297, CC), and only 2 criminal reports were filed for the criminal offense of endangering traffic by dangerous acts and means (Article 290, CC). After conducting a preparatory procedure in 18 cases, the competent public prosecutors submitted proposals to the panel for enforcing criminal sanctions against minors, but only for the criminal offense of endangering road traffic.

Whether the criminal offenders were minors or children who are victims of crimes committed by adult drivers, for years the media outlets have quoted the following as the most common causes of traffic accidents for both driver categories: breaking the speed limit (speeding); disregard of traffic regulations in terms of turning, rotating and moving, failure to keep a distance; driving under the influence of alcohol, and for certain categories of victims, a failure to wear a protective helmet, not wearing a seat belt, and

⁵ Statistics of the judiciary, adult offenders no. 194 dated July 1, 2010, Republic Institute for Statistics and Informatics of the Republic of Serbia for the period 2005-2009: of the total of 8,140 criminal reports filed for all criminal offenses in this group – 8,076 criminal reports referred to three criminal offenses - the threat to public transport in a basic or qualified form, endangering traffic by dangerous acts and means and not offering aid to injured persons in a traffic accident. Of a total of 6,552 indictments issued for all criminal offenses in this group, 6,502 indictments were related to these three offenses. Of a total of 6,035 convicted persons during 2009 for all criminal offenses in this group, 5,997 persons were convicted of these three crimes. Statement by the Statistical Office of the Republic of Serbia no. 192 dated July 15, 2015, Judicial Statistics: adult Criminal offenders in the Republic of Serbia, 2014: of 7,439 criminal charges filed for all criminal offenses in this group, 7,330 criminal charges related to the criminal offense of endangering public traffic safety in a basic or qualitative form. Report of the Republic Statistical Office no. 194 dated July 14, 2017, Judicial Statistics: perpetrators of criminal offenses in the Republic of Serbia, 2016: of the total of 7,805 criminal charges filed for all criminal offenses in this group, 7,691 criminal charges related to the criminal offense of endangering public traffic safety in a basic or qualitative form.

⁶ *Bulletin: Minor criminal offenders in the Republic of Serbia in 2016 – Reports, accusations and indictments*, the Statistical Office of the Republic of Serbia, no. 630, 2017, p. 13.

not using child safety equipment.⁷ In this respect, the situation has not changed significantly to date.

The low number of criminal offenses against road traffic safety carried out by minors is, in our opinion, one of the reasons why these crimes, unlike other offenses from various groups committed by minors, are not a subject of media attention.

4. Data on juvenile casualties of criminal offenses against road traffic safety

The situation regarding children, that is, minors as casualties of traffic accidents, is somewhat different.

In our country, the number of traffic accidents is decreasing. In the period up to 2010, on average, there were more than 60,000 traffic accidents annually in which 800 persons lost their lives, most of them aged 18 to 25, while children were the most vulnerable category and accounted for 10 percent of all traffic casualties. In the period 2006-2010, 151 children were killed in traffic in the Republic of Serbia, and as many as 9,044 were injured. As pedestrians, 62 children were killed and 3,647 children were injured.⁸ However, in the 2010-2014 period, the number of children killed in traffic accidents was in a continuous decline (2010 – 25, 2011 – 20, 2012 – 16, 2013 – 11). In 2014, 10 children lost their lives in the roads and lanes of the Republic of Serbia in traffic accidents – the lowest number of deaths from the systematic following of traffic accident statistics.⁹

According to the recommendations of the World Health Organization, children are all persons aged up to 14 years, this being one of the most vulnerable categories of participants in traffic, primarily due to their limited psycho-physical abilities.¹⁰

The latest official data shows that in the period 2014-2016, 36 children were killed and another 4,575 children were injured in traffic accidents on the roads in the Republic of Serbia (2014-2016). Observed by the features of traffic participation, child passengers make up 58%, child pedestrians 36%, and child cyclists 6% of the total number of child mortalities. In the case of injured children, passengers make up 53%, pedestrians 34%, bikers 12%, and drivers of motor vehicles 1% of the total number of injured children (2014-2016).¹¹

Bearing in mind the given data, it is clear that it is incomplete regarding the mortality of children in terms of age in accordance with the UNCRC, or that there is a lack of data on juvenile victims aged 14-18 years but there are other statistics which the Agency for Traffic Safety conducts in regard to casualties in the 15-30 age group.

⁷ Blic, June 22, 2009 godine, Panorama Blic, June 28, 2009.

⁸ Agency for Traffic Safety, Bulletin 3-4, Topic no. 4: *Pedestrians, increased mortality, analyses, legal duties, appeals, advice, etc.* and topic no. 3: *Children in traffic*; downloaded from http://www.abs.gov.rs/doc/Bilten_No.3-4. on Oct. 24, 2012.

⁹ Agency for Traffic Safety, *Statistical report on the state of traffic safety in the Republic of Serbia in 2014*, downloaded from <http://www.abs.gov.rs/doc/>, dated Jan. 5, 2016.

¹⁰ *Statistical report on the state of traffic safety in the Republic of Serbia in 2016* dated Dec. 19, 2017; downloaded from http://www.abs.gov.rs/admin/upload/documents/20171219074756-statisticki_izvestaj_2016.pdf dated May 26, 2018.

¹¹ Agency for Traffic Safety, August 2017 Review, *Analysis of child mortality in the 2014-2016 period on the territory of the RS*, 2016.

However, such incomplete statistics are nevertheless important for the subject of this paper, because the media more often write about children as victims of traffic accidents than about juvenile perpetrators of criminal offenses against road traffic safety.

5. A summary of juveniles in certain valid media regulations

When it comes to minors and the possibility of endangering their development, it is important to mention the Law on Public Information and Media.¹²

For the purposes of this text, the media are construed in terms of Art. 29 of the Law on Public Information and Media: daily and periodical newspapers, news agency services, radio and TV programs and the electronic editions of these media, as well as independent electronic editions (editorial design websites or Internet portals), which are registered in the Media Register, in accordance with this Law. The provision of Art. 77 of the aforementioned Law regulates the Protection of Juveniles: "In order to protect the free development of the personality of minors, particular care must be taken that the content of the media and the manner of media distribution does no harm to the moral, intellectual, emotional or social development of the minor." The provisions of Art. 80, Para. 2 of this Law explicitly state the following: "The juvenile shall not identify him or herself with the information that may violate his or her rights or interests."

One of the by-laws in this field deserves special attention - the Rulebook on the Protection of Juvenile Rights in the Field of Media Services, which was adopted on the basis of the Law on Electronic Media.¹³ This ordinance stipulates that a minor is a person younger than 18.

6. Media coverage of juvenile traffic accident participants

When it comes to juvenile participants in traffic accidents, we tried to determine, through media articles, how the media, either printed or electronic, reports on minors and protects their privacy, regardless of whether they appear as perpetrators of crimes or as victims.

We have noticed that the juvenile perpetrators of criminal offenses from the group against road traffic safety are practically not even mentioned in the media, because this is not a topic of interest to the media in contrast to the violence that is being written about daily. Violence in the media means references in both the traditional media and in new media outlets such as the Internet, websites, blogs, mobile phones, social networking networks, and video games.¹⁴

In regard to juveniles as victims of crimes from the group against road traffic safety, the media refers to them much more frequently. Their deaths are reported, as well as the traffic accident-related injuries. However, it is important that the privacy of these categories of minors is for the most part protected by the media, their names or initials not revealed and their faces not shown, as occurs quite often in regards to

¹² The Law on Public Information and Media, Off. Gazette of the Republic of Serbia, nos. 83/2014, 58/2015, 12/2016 – authentic interpretation.

¹³ Law on Electronic Media, Off. Gazette of the Republic of Serbia, nos. 83/2014, 6/2016.

¹⁴ Glomazić, H, Pavičević, O., *Media and violence: violence in the media or the violent media*, Collection of the Institute for Criminal and Sociological Research, 2016, 3, pp. 77-93.

various forms of violence in which minors were the casualties. The media must take heed of the protection of the right to the privacy and dignity of minors, and it is the duty of the journalist to respect the code of behavior, as discussed in recent media articles.¹⁵

We draw attention to some intermittent headlines from the media which mention the initials of deceased minors – traffic accident casualties.¹⁶

Much more often, the media mentions the minors killed only by mentioning their age, the gender of the deceased and the circumstances under which they were killed.¹⁷

7. The role of the media in improving the safety of minors in traffic

In the last few decades, the international community has been paying special attention to establishing an effective protection of minors, especially considering the necessity of taking legislative and other measures to prevent all forms of sexual exploitation and abuse of children, as well as the need for their protection, taking into account that the best interests of the minor and the right of the minor for his or her opinion to be heard are the basic principles in the implementing, respect and protection of their rights.¹⁸ We consider that juveniles who participate in various ways, as perpetrators or as victims of criminal offenses against road traffic safety are unjustly neglected in this regard.

¹⁵<https://www.bebac.com/vesti/deca-i-mediji-pravo-na-privatnost-deteta-se-mora-postovati?ema=aktuelno>, *The privacy and dignity of a child must be protected, and the duty of the journalist is to respect the code of behavior*, April 27, 2018/Source: Dnevnik.rs.

¹⁶<http://www.vesti-online.com/Vesti/Hronika/675478/Stravicna-nesreca-u-S-Palanci-Poginuli-tinejdzeri>, Saturday, Nov. 18, 2017, A horrible accident in S. Palanka: Deceased teenagers: In a serious traffic accident that occurred on Saturday in the early morning, at around 4 am in Kralja Petra Prvog Street in Smederevska Palanka, two sixteen-year-olds, P. O. and M. Š., lost their lives. The ill-fated young men died on the spot.

<http://www.kurir.rs/crna-hronika/2943103/uzasna-tragedija-kod-uba-vracali-se-sa-slave-pa-presli-u-suprotnu-traku-poginula-devojcica-7>, A TERRIBLE TRAGEDY NEAR UB: They were returning from a slava celebration and they steered into the wrong lane, girl (7) killed, CRIME CHRONICLE NOV. 18, 2017: Dejan N., the father of the deceased N. N. (7), crashed with his Skoda into an Audi with 6 passengers, among which were 4 children; the daughter did not survive, and the other passengers sustained injuries. VALJEVO – 7-year-old N.N. from the village of Sovljak near Ub passed away yesterday afternoon at the University Children's Clinic in Tiršova Street in Belgrade due to serious injuries sustained in a traffic accident which occurred in the night between Thursday and Friday.

¹⁷<http://pink.rs/crna-hronika/41044/saobraćajna-nesreca-u-beogradu-kamion-udario-u-nadv-oznjak-povreeno-petoro-dece>, TRAFFIC ACCIDENT IN BELGRADE! Van crashes into an overpass. FIVE CHILDREN INJURED. In Dobropoljska Street in Belgrade, this morning around 8 o'clock, there was a traffic accident when a van transporting children with special needs crashed into an overpass. The emergency services reacted quickly and provided aid for the injured.

<http://mondo.rs/a1101412/Info/Crna-Hronika/Nesreca-na-putu-Ljig-Preljina-poginulo-dete.html>, Tragedy: Child dies! A child dies, and three persons injured in a traffic accident on the Ljig-Preljina freeway, Belgrade media reports, May 3, 2018: The accident happened around 5.30 pm when a car ran off the road and tipped over. Even though the emergency services reacted quickly, an underage passenger in the vehicle died after being taken to the Čačak hospital. The child was 12 years old, according to RTS.

<http://mondo.rs/a1106982/Info/Crna-Hronika/Tramvaj-udario-motociklistu-u-Nemanjinoj-ulici.html>, Minors sustain serious injuries in the center of Belgrade. Two minors sustained serious injuries when a tram crashed into a motorcyclist in Nemanjina Street in Belgrade, May 26, 2018.

¹⁸ Stevanović, I., *Special protective measures of children in criminal proceedings*, Collection of the Institute for Criminal and Sociological Research, 2017, 3, pp. 77-93.

This is due to the fact that more than 8,500 drivers aged 15-24 years die in traffic accidents every year in only 30 OECD member states. In fact, the mortality rate of young drivers up to 25 years is twice as high as for older drivers. Young drivers, along with the danger they cause and by which they themselves are endangered, also put at risk the passengers in their vehicle as well as other participants in traffic.¹⁹ In the meantime, overall activity of all competent authorities is necessary, above all the family in order to properly instruct children in traffic safety. In particular, the role of the media is very significant, which, in addition to the family and educational institutions, has or should have a very important role in the field of educating children and minors in order to increase their safety in traffic. This is valid for all media - printed, electronic, etc., on the national, regional and local levels!

The responsibility of the media could and should be taken up through various thematic annexes related to the education and upbringing of these categories of traffic participants, in cooperation with educational institutions, the Transport Safety Agency, the State Road Safety Coordination Body, or the local Transport Safety Councils in the territory of each municipality in the Republic of Serbia. In particular, peer education in traffic safety, which is currently absent, should be encouraged.²⁰

In addition to this, the media have an extremely important role in changing the attitudes of young people, above all, in different segments of social life, even when it comes to traffic safety. After all, a certain mind-set is developed by the family during childhood, as well as by the environment, the media, education, followed by driving schools.²¹

One of the most important factors for increasing safety is the use of seatbelts in vehicles, not only in the front but also in the back seats. Celebrities in the areas of sports, culture, and politics can certainly contribute to encouraging the use of seat belts by all traffic participants, passengers in vehicles, especially children or minors. After all, it is still common today to hear that children or minors suffered injuries or death due to not using seat belts.

Therefore, the importance of celebrities raising awareness for increasing traffic safety is significant. After all, public figures are those who can positively or negatively affect the behavior of children and minors in traffic with their own examples.²²

This is also corroborated by recent texts in electronic media that refer to not using a seat belt in the back seat.²³

¹⁹ http://ec.europa.eu/transport/road_safety/pdf/statistics, Jan. 25, 2015.

²⁰ Madžovski, M., Savić, Đ., *The possibility of peer education in traffic safety*, Collection of papers from the Fourth International Conference, "The safety of traffic in the local community", 2015, pp. 407-415.

²¹ Milanović, I., Ristić, I., Nešović, B., *The impact of education of youth on the increase of traffic safety*, Collection of papers of the Tenth International Conference, "Traffic safety in the local community", 2015, 1, pp. 65-173.

²² Živojinović, S., *The impact of celebrities highlighting the fact of an increased lack of safety of minors in traffic*. Collection of papers of the Tenth International Conference, "Traffic safety in the local community", 2015, pp. 175-183.

²³ <http://www.telegraf.rs/vesti/hronika/2957368-stravicna-saobracajka-na-auto-putu-poginu-lo-dete-kada-je-automobil-naleteo-na-vozaca-koji-je-zbog-kvara-izasao-iz-kombija>, May 10, 2018, "Horrible traffic accident on the highway: Child dies when a car crashed into a driver who left his van due to a mechanical breakdown." This morning, there was a horrible traffic accident on the Niš highway in the direction towards Belgrade in which a child died in a passenger vehicle which had previously run over a van driver who had stopped to check his broken-down vehicle. The driver of the van died on the spot from the force of the impact, as he was standing next to his vehicle. The child

8. Conclusion

Children are among the most vulnerable categories of traffic participants.

Since they participate in traffic on a daily basis in various roles, they are also participants in traffic accidents in the Republic of Serbia, as perpetrators of criminal acts (in a smaller number), and more often as the casualties in traffic accidents.

In addition to family and educational institutions, the media is a very important factor that influences the appropriate behavior of children in traffic, increases their safety, and consequently reduces the number of children killed in road traffic in the Republic of Serbia.

We have used specific examples to point out one of the major problems in road traffic safety when it comes to passengers sitting in the rear seats in vehicles and their obligation to use a seat belt in order to prevent horrible consequences, even the most dire. In this regard, much more cooperation is needed between all types of media outlets and all competent authorities, services and institutions in order to promote a positive influence through the media on the increase of traffic safety in general. This in particular refers to children as the most vulnerable category of traffic participants.

The number of children in the Republic of Serbia is small, and thus, even one child who dies in a traffic accident is an enormous loss.

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in the back seat of the Seat car also died. Both persons from the passenger car, the driver and the passenger, had their seat belts buckled. One of them sustained serious injuries, the other one sustained light injuries.

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