

## NATIONAL AND INTERNATIONAL COOPERATION IN INVESTIGATING CRIMES OF CHILD SEXUAL ABUSE OR SEXUAL EXPLOITATION COMMITTED BY USING INFORMATION TECHNOLOGIES

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***Abstract:** This article explores the relevance of national and international cooperation in investigating crimes of child sexual abuse and exploitation using information technology. It will look at the cooperation between prosecutors and forensic experts, which is essential to carry out accurate forensic examinations of the devices involved, thus facilitating the identification and proof of offences. It also discusses the involvement of specialised NGOs, which contribute significantly to the detection of crime and provide additional resources and expertise in the investigation process. The role of psychologists and psycho-educators in interacting with child victims to ensure a sensitive and appropriate approach, safeguarding their welfare and ensuring respect for the best interests of the child will be addressed. In terms of international cooperation, the article examines international legal assistance, in particular, the formation of joint investigation teams, essential for coordinating cross-border efforts in the context of globalised crime, and collaboration with organisations such as Interpol and NCMEC. Thus, the article stresses that these forms of cooperation create an integrated and comprehensive framework for tackling the crimes under consideration, ensuring the protection of victims and bringing offenders to justice.*

***Keywords:** sexual abuse, sexual exploitation, children, minors, information technology, cooperation, interaction, mutual legal assistance in criminal matters.*

### **Introduction**

Crimes related to the child sexual abuse or sexual exploitation committed using information and communication technologies are on the rise. This can be explained both by the development of technical means and communication technologies (platforms, software through which analysed offences can be committed) and by the decreasing age of users of information technologies, given that, in today's digitalised world, children are starting to use gadgets and access the internet at an ever younger age.

Given the complex nature of the analysed crimes, but also considering that the victims of these crimes are children, who are a vulnerable part of society, the investigation of crimes related to sexual abuse or exploitation of minors committed through information technologies requires inter-institutional and international cooperation.

Thus, in the following we will elucidate some essential aspects of inter-institutional cooperation, specific to the investigation of all offences related to online sexual abuse or

exploitation of minors, but also those concerning international cooperation, the need for which arises from the transnational nature of the analysed offences.

As far as inter-institutional cooperation is concerned, first of all we need to talk about the competence of law enforcement bodies in examining cases of online child sexual abuse or sexual exploitation.

There are several prosecution bodies in the Republic of Moldova, but only one currently has the specialist skills and technical equipment to proactively investigate cases of online child sexual abuse and exploitation. This is a specialised unit within the Cybercrime Centre of the National Investigation Inspectorate of the GPI. The Centre consists of 5 sections, one of which is dedicated to child protection. This unit, which is responsible for investigating offences against the sexual inviolability of minors committed with the use of information technologies, uses the Child Protection Software System (GRIDCOP) provided by the Child Rescue Coalition. This system identifies local peer-to-peer network users who trade images and/or videos of child sexual abuse. Prosecution is supervised by prosecutors, who ensure that prosecution files are properly compiled and that identified images are checked against Interpol's international child sexual exploitation database (ESIC/ICSE-English version).

The Prosecutor's Office for Combating Organised Crime and Special Cases (PCCOCS) is the only specialised unit within the prosecutor's office dealing with cybercrime cases and online sexual abuse and sexual exploitation offences against minors nationwide.

Thus, in this analysis we will not stop at describing the inter-institutional cooperation of the prosecution body with the public prosecutor's office, as well as describing the organisational and managerial interaction in the process of investigating a crime. In the following, by analysing national cooperation in the process of investigating crimes of online child sexual abuse or exploitation, we will elucidate specific aspects of this category of crimes.

### **1. Forms of national cooperation in the investigation of child sexual abuse or sexual exploitation**

In this context, the following forms of national cooperation in the investigation of the crimes under discussion, determined according to the subject of the cooperation, are important:

- Collaboration with expert institutions and specialists;
- Collaboration with civil society and NGOs whose work is relevant to the area of analysed crimes;
- Interaction with relevant specialists to ensure effective communication with minors (educators, teachers, psychologists, etc.).

Firstly, we will refer to the cooperation of the prosecuting body with the institutions carrying out the expertise. In this context, a beneficial interaction and cooperation between the prosecution body and the expertise institutions in the person of the head of these institutions or directly with the forensic experts is of paramount importance, given that the interaction between the authorising officer and the forensic expert is necessary for achieving truly valuable results through the forensic expertise process (*Dolea Igor, 2022*).

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„At the phase of carrying out the forensic expertise, as well as at the preparatory and commissioning phases, a permanent professional interaction between the originator and the expert is necessary. This would allow the originator to meet the expert's requests in good time, to provide information and explanations on certain circumstances of the case, to provide the expert with new data obtained in the course of the subsequent prosecution which are relevant to the research, to clarify the questions submitted or to ask additional questions. In some cases, in the process of carrying out the forensic expertise, new information becomes known which the originator must be informed of as a matter of urgency in order to take the necessary measures within a limited timeframe” (*Dolea Igor, 2022*).

Thus, taking into account the fact that in the investigation of offences related to online child sexual abuse or exploitation it is necessary in almost all cases to carry out computer forensics of the devices through which the offences were committed, it is absolutely obvious that such cooperation between forensic experts and the prosecution body is required. IT forensic examination is a specialised branch of forensic science that focuses on the identification, acquisition, processing, analysis and reporting of data stored on various digital devices and media. These activities are essential for investigating computer crime and obtaining electronic evidence.

Such expertise is most often carried out in the National Centre for Judicial Expertise under the Ministry of Justice and in the Technical-Criminal and Judicial Expertise Centre under the General Inspectorate of Police.

In addition to the need for the traditional IT expertise of technical means, cooperation with specialists in the field may be necessary when carrying out prosecution actions such as searches, examination of objects and documents, etc.

Another type of cooperation is with civil society, which is of particular importance in preventing and combating crime, especially when we are talking about child protection. Civil society subjects can denounce different cases when they are known to them. Specifically, there is online sexual abuse, where not only parents or close relatives can intervene in order to report it to the prosecution service, but also other people. The subject of child abuse, especially sexual abuse, is a particular disease and challenge for society.

In this regard, „it can be said that the Public Prosecutor's Office and civil society, as subjects of interaction, exist in a common legal space and, fulfilling various functions, perform a single task - serving public interests. At the same time, numerous points of contact, common and sometimes even contradictory interests may arise between the Prosecutor's Office and civil society institutions, which requires their cooperation. The Prosecutor's Office must seek the support of civil society institutions in resolving problems related to ensuring legality and the rule of law. In turn, civil society, represented by its institutions, in resolving its problems, establishes cooperative relations with the prosecution bodies” (*Guceac Ion, 2021*). Collaboration with NGOs in the field is indispensably linked to, but not limited to, the process of uncovering crimes related to online child sexual abuse or sexual exploitation. Specific to the Republic of Moldova are the referrals filed by the OA International Centre „La Strada”, which has a special area of work on the prevention of sexual exploitation of children and the promotion of children's safety online.

Therefore, in 2023 the OA International Centre „La Strada” launched the child sexual abuse reporting service where any person can anonymously report child sexual abuse material or the exposure of a minor to sexual abuse online using the form available on the platform [www.siguronline.md](http://www.siguronline.md). Through this, the Republic of Moldova joined the global network INHOPE - International Association of Internet Hotlines, establishing a way of cooperation between the General Police Inspectorate and other public or private entities in the field of information and communication technologies for the purpose of preventing and combating cases of online child sexual abuse.

Following the launch of this reporting mechanism, which is anonymous for persons reporting either online child sexual abuse or material that may contain child sexual abuse or sexual exploitation, the identification, referral, notification, removal and prevention of repeated distribution of child sexual abuse material is becoming increasingly effective and widespread. Thus, the number of reported cases is increasing, which means that the fight against this phenomenon is gaining momentum.

According to the information presented for the year 2023 by the OA International Centre „La Strada” an illustrative case may be the one where a teacher wrote on the platform [www.siguronline.md](http://www.siguronline.md) about the situation of a 14-year-old girl, who for some time had been in an online relationship with a person she had met on the Internet, thinking they were of an age. While they were in the relationship, the girl sent to the person several photos in her underwear. After a short time, the person asked her to send nude photos. When the girl refused, the person threatened to send her parents the photos she already had. Another illustrative case - of the abuse victim herself being approached on the platform - is the reported case of a 10-year-old girl who approached the counsellor on the platform [www.siguronline.md](http://www.siguronline.md) for help, reporting that she had met someone on a social network who had asked her to produce and send photos showing herself in sexual poses. Scared that the „virtual friend” might find her and hurt her, the child sent the photos. When the girl stopped responding to the abuser's insistence to send more photos and videos, they were distributed online. At the same time, within the International Centre „La Strada” there is the Child Assistance Team/EAC (created in 2010), made up of a lawyer and several psychologists, who assist child victims and witnesses of sexual abuse and sexual exploitation throughout the criminal process.

Interaction with relevant professionals for interaction with minors, in particular psychologists, psycho-educators, teachers and educators, is a necessity in the criminal process, dictated both by the aim of ensuring an effective investigation and by criminal procedure law, which emphasises the importance of ensuring the best interests of the child in the decision-making process concerning him or her, including when involved in criminal proceedings. In this respect, Art. 10 para. (6) of the Criminal Procedure Code guarantees respect for the interests of the child victim/witness at all stages of the criminal process.

The specific cooperation of the prosecution body is with the interviewer, who is the bridge of the special hearing of the minor in the order of Article 110<sup>1</sup> of the Code of Criminal Procedure, and who is a person trained for effective communication with the child. The role of the interviewer is to mediate the hearing of the minor victim/witness of the crime in the order of the procedural rule stated above.

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In these circumstances, „as interviewer it is necessary to train a person capable of establishing contact and a relationship of trust with the child-victim, to possess a range of skills and abilities, to master the special techniques of interviewing child victims of crime, and to maintain the confidentiality of what is reported. It is very important for the success of the interview that the interviewer discusses the truth/lie with the child and obtains a promise from the child that during the interview he/she will tell the truth”. Therefore, cooperation with the interviewer should be tactical, with well-planned questions, so that asking questions and giving answers are understood and objective.

Another form of cooperation is with psychologists, because during the criminal process child-victims of crime will benefit from the support services provided by Law No 137 on the rehabilitation of victims of crime. The rehabilitation of victims and their rights, according to Article 5 of Law No 137/2016, is achieved by providing four categories of support services, which directly address the needs of victims of crime, namely: informational counselling on their rights, psychological counselling, state-guaranteed legal assistance, financial compensation provided by the state. In this regard, under the provisions of Article 8 para. (1) of Law no.137/2016, the competent subjects for providing both categories of psychological counselling to victims of crime are psychologists from: territorial subdivisions of social assistance, non-commercial organizations, profit-making legal entities. At the same time, non-commercial organisations and profit-making legal persons may provide psychological counselling to victims of crime if they fulfil two conditions: they are active in the field of rehabilitation of victims of crime, they have been co-opted for this purpose by local public authorities or by the Ministry of Labour, Social Protection and Family.

Therefore, in view of the psychologists' powers, the cooperation of the prosecution with them adds value to the investigation at any stage of the investigation. The prosecuting body can provide specific information (circumstances of the abuse, characteristics of the minor and the abuser, other relevant data) that can be used in psychological counselling. At the same time, psychologists, in turn, can provide information to the prosecuting authority on the child's behaviour, the child's condition, and information on the circumstances of the abuse other than that given at the hearing. This information may be used for further planning of investigations, submission of statements or, in exceptional cases, repeat hearings.

This national cooperation in its described forms is used in the investigation of all offences of online sexual abuse or exploitation of minors, given the specific nature of the analysed offences.

**2. Forms of international cooperation in the investigation of child sexual abuse and sexual exploitation**

As regards international cooperation, this is essential in the investigation of online child sexual abuse and exploitation offences, as these offences often cross national borders and global coordination is needed to identify and bring offenders to justice. Collaboration between the prosecution body and similar bodies in other countries, international organisations and digital platforms facilitates the rapid exchange of information and resources, increasing the efficiency and impact of investigations.

In the analysis of international cooperation, we will also focus on the analysis of the specific forms of cooperation for the analysed category of crimes. Obviously, in the investigation of offences of online child sexual abuse or exploitation, if there is a need to carry out any prosecution actions outside the Republic of Moldova, recourse is made to the traditional forms of mutual legal assistance in criminal matters, such as: transmission of documents, data and information; communication of procedural documents; summoning of witnesses, experts and persons sought; rogatory commissions; extradition.

We can mention that in cases of investigating offences of online child sexual abuse or sexual exploitation, one of the most commonly used forms of mutual legal assistance in criminal matters is the request for rogatory commission. This request is made if the prosecuting authority or the prosecutor in the criminal case, in which the prosecution has been initiated on the basis of the elements of one of the offences provided for in the Criminal Code to which the actions in question can be classified, considers it necessary to carry out criminal prosecution actions on the territory of another State, usually in that State where the offender is located.

As an example, can be used a criminal case (*Criminal case no. 2020560023*) initiated on the fact that in the period of time from the beginning of February 2020 – until now, persons unknown to the prosecuting authority, through the social network Facebook and the application „Messenger” have conducted discussions of a sexual nature with the aim of inducing sexual intercourse and other actions of a sexual nature, requesting by threat, coercion and blackmail, nude, indecent photo images of the minor XXX. Given that it was established that the alleged offender’s home is in Bucharest, Romania, and that the evidence gathered gives rise to a reasonable assumption that the offender’s home may contain instruments that were used to commit the crime, which cannot be obtained through other evidentiary procedures, the competent Romanian authorities were requested to carry out a search at the home of the identified person, to carry out an information expert’s report on the objects seized during the search and to inform about the results, etc.

At the same time, given current trends in the prosecution of cases of online child sexual abuse or sexual exploitation, one form of mutual legal assistance that is increasingly being used is the formation of *Joint Investigation Teams (JIT)*.

Taking into account that since 01.12.2013 the Second Additional Protocol to the Council of Europe Convention on Mutual Assistance in Criminal Matters entered into force for the Republic of Moldova, the Criminal Procedure Code was completed with Article 540<sup>2</sup>, Section 1<sup>2</sup>, Chapter IX, by Law no.66 of 05.03.12, in force since 27.10.12, which constitutes the national legal basis for the formation of the JIT.

The Joint Investigation Team (JIT) is one of the most advanced instruments used in international cooperation in criminal matters, comprising a legal agreement between the competent authorities of two or more States for the purpose of conducting criminal investigations.

The concept of the „joint investigation team” was born out of the conviction that existing methods of international police and judicial cooperation were not sufficient to deal with serious cross-border organised crime. It was felt that a team made up of investigators and judicial authorities from two or more countries, acting together and on the basis of clear

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legal authority and legal certainty as to the rights, duties and obligations of the participants, would improve the fight against organised crime (*Rotundu Diana, 2014*).

Thus, according to the legal provisions, „the competent authorities of at least two States may set up a joint investigation team, by mutual agreement, with a specific objective and for a limited period of time, which may be extended with the agreement of all parties, with a view to conducting criminal proceedings in one or more of the States setting up the team”.

Joint investigation teams cannot be set up if the offence under investigation is of a strictly national nature with no foreign element, even if it is serious, particularly or exceptionally serious. If the offence is of a national nature and prosecution in one State or another is necessary, it must be requested by rogatory commission, in general order, within the framework of mutual legal assistance in criminal matters.

A JIT may be set up when: in the context of an ongoing criminal prosecution in the requesting State, it is necessary to conduct difficult criminal prosecutions involving the mobilisation of substantial resources involving other States; several States are conducting criminal prosecutions which require coordinated and concerted action in those States.

To form the JIT, it is necessary to follow the following procedure:

1. Defining the crime: A first step in setting up a JIT is to collect and analyse all available information on the cross-border crime in order to confirm that the investigation of the crime requires coordination in all States involved and therefore to take an informed decision on the setting up of a JIT.

2. Identifying an appropriate legal basis: JITs can be set up with and between countries both within and outside the European Union, provided there is a legal basis for setting up such JITs.

3. Contacting foreign authorities: The next step is to establish contact with the authorities of the other potential JIT members to exchange information about the case and explore the possibilities of establishing a JIT in the specific case. Europol and Eurojust can assist EU and non-EU Member States in these activities. It is advisable to informally exchange information on possibilities with other potential JIT members on the establishment of a JIT before sending a formal request.

4. Application for the establishment of a JIT: after obtaining an informal agreement on the establishment of a JIT from all countries involved, the prosecution prepares a formal application for its establishment.

5. Drafting and signing the formal agreement: Since a JIT is a „contract” between at least two or more states, with a specific objective, for a specific period of time, set up to carry out a joint investigation, it is necessary to draw up the formal agreement for a JIT. The essential elements of a JIT agreement are: purpose, legal possibilities and/or limitations, leader, members and participants of the JIT, funding and possible support from Europol and Eurojust. When the final draft of the agreement is agreed by all participating countries, the formal procedure for signing the agreement can take place.

6. Implementation of the agreement - Operational Action Plan (OAP): the OAP is a document that sets out how work will be carried out in a JIT.

The benefit of this form of international legal assistance is that it is a flexible prosecution tool, as it „allows direct collection and direct exchange of information and evidence without the need to use traditional means of mutual legal assistance” (*Dinu Ostavciuc, Tudor Osoianu, 2022*), and allows the prosecution to coordinate its efforts with direct exchanges of information. In addition, the JIT formation procedure and working process are less formalised, unlimited real-time exchange of information and/or evidence is possible, and procedures are parallel and coordinated (in terms of common operational objectives, agreement on prosecution strategies, etc.).

With regard to specific forms of international cooperation in the process of investigating crimes of online sexual abuse or sexual exploitation of minors, we refer to cooperation with INTERPOL and NCMEC (National Center for Missing & Exploited Children).

According to its Statute, Interpol ensures and develops mutual cooperation between law enforcement agencies within the limits of the legal framework in force in the respective countries, and creates and develops institutions that contribute to the fight against and prevention of crime. The basis of its work is the organisation of cooperation on specific criminal cases by receiving, analysing and transmitting information from and to the central national bureaus.

Today, Interpol is one of the main international bodies dealing with cross-border crime, focusing mainly on offences covered by international conventions in various forms of organised crime (drug trafficking, people trafficking, etc.). At the same time, Interpol is the main co-ordinator of the international search for criminals (*Alexandru Drăgulean, Cristina Anghel, 2018*).

In addition to the traditional cooperation with Interpol, databases containing interlinked online child sexual abuse material are used in the process of investigating online child sexual abuse or exploitation offences, facilitating the process of identifying victims. One example is the International Child Sexual Exploitation Database (ICSE), managed by Interpol and funded by the European Commission. It allows investigators to exchange information with colleagues around the world. The ICSE DB provides an online platform where police officers and some qualified civilians as national experts from member states work together to identify victims, suspects and crime scenes through the close examination of CSAM. Given its nature, this database can be classified as an international tool of the international cooperation mechanism (Kemal Veli Açar, 2023). According to the latest data provided by INTERPOL, in October 2020 the ICSE database held more than 2.7 million images and video sequences that helped identify more than 23,500 victims worldwide (*Russu S., Botezatu E., 2021*).

Similar to Interpol, but at a regional level, Europol, which is a European Union law enforcement organisation, contributes to preventing and combating cross-border crime, with the aim of improving effective cooperation between the competent police authorities of the Member States in preventing and combating cross-border crime (*Alexandru Drăgulean, Cristina Anghel, 2018*).

EUROPOL's Focal Point Twins Unit plays a crucial role in the identification of victims at EU level. Within this unit there is a Victim Identification Taskforce, involved in operations on online child sexual abuse cases. In the case of victims in third world countries,



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EUROPOL, in addition to its collaboration with INTERPOL, also maintains contact points with law enforcement agencies and NGOs in those countries.

The most common mechanism used is the cooperation mechanism manifested by the referral to the law enforcement authorities of the Republic of Moldova by the National Centre for Missing and Exploited Children (NCMEC), which is a private, non-profit organisation whose mission is to help find missing children, reduce the sexual exploitation of children and prevent the victimisation of children. NCMEC works with families, victims, private industry, law enforcement, and the public to help prevent child abductions, recover missing children, and provide services to deter and combat child sexual exploitation. The International Center for Missing and Exploited Children (ICMEC), having been created by the NCMEC International Board of Directors, is a related organization to NCMEC and works worldwide to promote child protection and to protect children from abduction, sexual abuse and exploitation. In 2022, over 32 million reports of suspected CSAM were detected. 8372 of these reports related to material hosted in Moldova (according to NCMEC).

An example of this interaction can serve the criminal case initiated based on the fact that during the period of time 21.12.2018 - 21.06.2020 the user of computer systems connected to the Internet, using file sharing software programs, copied, owned and distributed 157 electronic files, which were identified and classified by international police databases specializing in identifying victims of child pornography, child sexual abuse and exploitation, with child pornography content. The NCMEC referred the matter to the Moldovan prosecuting authorities, and the referral was the basis for the initiation of criminal proceedings (*Criminal case no. 2020560162*).

### **Conclusions**

In conclusion, national and international cooperation in investigating crimes of sexual abuse or exploitation of minors using information technology is essential for the effectiveness and success of such investigations. Cooperation of the prosecuting authority with expert bodies enables accurate and rapid analysis of the technical means involved, which is crucial for the identification and proof of offences.

The involvement of NGOs specialised in this field provides valuable support, both in detecting crimes and in assisting the investigation process, offering additional resources and expertise. Working with psychologists and psycho-educators in interacting with child victims ensures a sensitive and appropriate approach, safeguarding their well-being and facilitating accurate and complete testimonies.

Internationally, mutual legal assistance and joint investigation teams allow for the coordination of cross-border efforts, which is essential in the context of globalised crime. Cooperation with international organisations such as Interpol and NCMEC (National Center for Missing & Exploited Children) enhances responsiveness and effectiveness in combating this type of crime, facilitating the rapid exchange of essential information and resources.

Overall, these forms of cooperation, both nationally and internationally, create a comprehensive and integrated framework for tackling offences of sexual abuse and exploitation of minors, ensuring better protection of victims and prosecution of offenders.

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