

European best practice recommendations for

Remote hearings in criminal court proceedings with adult parties

During and after the COVID-19 pandemic, the use of remote hearings in criminal proceedings increased significantly. A **remote hearing** in a trial is when a person participates in the procedure in real time via video link, rather than being physically present in the courtroom. This can include hearings where individuals join from different locations or from different rooms within the same building. In these recommendations, the term 'remote hearing' is used throughout. In other contexts, similar practices are commonly labelled, e.g., 'online hearings', 'virtual hearings' or 'video-link hearings'.

To date, there is little research-based knowledge from Europe on the effects of remote hearings. While some studies examine differences in credibility assessments between in-person and remote hearings, there is little empirical research on how remote hearings affect communication and interactional dynamics between professional (judges, prosecutors, lawyers) and non-professional participants (defendants and complainants/witnesses/victims). While it is generally acknowledged that the digitalisation of court communication has many potential (mostly practical) benefits, concerns have been raised about how it might affect courtroom communication and interaction and, consequently, both the experienced fairness of the proceedings and the normative quality of procedural justice. In other words, digitalisation may influence not only how fair, respectful and legitimate parties feel the proceedings to be, but also the extent to which the process actually meets the normative standards of fair trial and due process, regardless of the final outcome of the case. See the ['Background paper on the use of remote hearings and recorded pretrial interviews](#)

as evidence in court' for a more detailed literature review.

This policy brief presents best practice recommendations for remote hearings in Europe based on empirical research (see Annex 1 for a description of the data collection). It focuses specifically on how the digitalisation of criminal proceedings affects encounters with and hearings of participants (i.e., complainants and defendants) and how the capacity of criminal justice actors (judges, public prosecutors, lawyers) to operate in this context can be strengthened.

Prior to finalising the recommendations, feedback was collected from legal professionals and experts in the field. The recommendations are formulated especially for courts and judges but are also relevant for other professionals who participate in these procedures. The recommendations are written with a view to the substantive (court) hearing of a criminal case before a judge, but they are equally relevant to other formal contact moments or hearings, such as hearings relating to pre-trial detention or appearances and examinations before the investigating judge. The relevance, applicability and feasibility of these recommendations depend on the national (legal) context, the type and seriousness of the case or hearing, the procedural stage and the specific individual characteristics of the remote participant.



Prior to the court hearing

1. Assess the appropriateness of holding the hearing remotely

Remote participation can be deemed particularly suitable when participants express fear or do not feel safe attending court in person, for security reasons or for practical reasons such as extensive travel. Attending remotely can therefore reduce unnecessary delays or address potential practical, procedural or safety-related challenges and complications. When deciding whether to proceed remotely or not, the following factors should be taken into account, bearing in mind that pragmatic advantages must always be weighed against the personal interests of the participant and their ability to be meaningfully heard in a remote setting. In cases where the chosen format fails to ensure the proper conduct of the proceedings, it is recommended that the process be promptly suspended and transitioned to an in-person hearing.

Address stress, fear or nervousness regarding court attendance

Remote participation can serve as a solution when a participant feels unsafe or anxious about attending court in person, for example due to fear of the defendant or the courtroom environment. Participating from a remote location may help participants provide more accurate and complete testimony by reducing fear, nervousness and intimidation.

Manage threats and security risks

Remote proceedings may also be considered in cases involving significant security concerns, for instance when the defendant poses a high security risk if released from pre-trial detention, or where any of the participants have been

threatened or is at risk of harm if physically near the (co) defendant(s). In addition, it may be safer for participants whose identity is protected or who reside in a shelter to participate remotely.

Respond to practical challenges

Remote proceedings may prevent unnecessary delays, reduce costs and improve access to justice in cases where geographical distances are considerable (nationally as well as in cross-border cases). Legal professionals have described several situations in which remote participation in hearings has been recognised as a feasible solution for practical reasons for example when:

- Travel costs would be disproportionate to the importance of the hearing.
- Participants live far away from each other, making coordination difficult.
- Participants have family / caretaking responsibilities that cannot be transferred to others.
- Frequent in-person attendance would unreasonably disrupt employment.
- Transferring defendants from jail or prison to attend the hearing in court can be resource-intensive and may in itself be stressful or introduce risks to the dignity of that person.

Adapt to the needs of participants in vulnerable situations

Remote participation can be particularly beneficial when hearing participants who are in vulnerable positions. According to the Victims' Rights Directive (2012/29/EU), vulnerability is not defined as a separate legal term, but is a functional concept used when identifying appropriate legal protection and support measures. It is the responsibility of the State to identify situations in which victims are vulnerable to secondary or repeat victimisation and, where this is the case, to ensure that appropriate protection measures are applied. Remote hearings can be a way to provide

such protection, for instance, to persons with disabilities or other diagnoses (whether from a separate room in the court building where the proceedings are taking place or from another suitable location).

2. Preparing for the hearing

All participants must be properly **informed in advance** about how and from where they shall participate, and they must be given instructions on how to interact during the remote hearing. In addition, lawyers must be informed beforehand if the participants they are assisting / representing are to be heard remotely. It must be ensured before the hearing that participants have access to reliable remote connections of high quality and that there are **appropriate routines in place for remote participation**, i.e. that remote participants are appropriately shown to their video-link room, shown how to use the technology, and informed of what to do if they encounter technical difficulties. A suitable practice is to have specific staff members at the court and at the remote hearing locations who are responsible for the technology, both before (testing) and during the hearing.

It should be indicated clearly whether participants are **permitted to have someone with them** in the video-link room, i.e. a family member, friend, victim support worker or interpreter. Video-link rooms should be of a suitable size when multiple persons are participating from the same remote location (e.g. the defendant, the plaintiff, the counsel for the plaintiff, the crime victim support worker, the interpreter).

Video-link rooms should also be **soundproofed** so that people standing outside cannot hear what is being said and so that any external noise does not disturb the remote participant or interfere with the hearing. **In criminal cases, it is advised that the hearings be from dedicated rooms in court houses or other official venues, quiet and technically appropriate rooms in prisons, or in the offices of lawyers or the premises of the crime support organisation.**

The aim is to maintain the authority of the court, avoid possible influence or coercion by other persons, and ensure that the remote participant receives appropriate support to minimise stress and prevent stress related to the proceedings from being associated with the home environment.

A **waiting area** should be set up for remote participants, both **physical and virtual**. A virtual waiting room can be opened 5-10 minutes before remote participation to prepare participants for their entry into the remote courtroom. This waiting room can include courtroom symbols to reinforce the authority and formality of the proceedings and prepare participants for courtroom norms.

Lastly, it is important to **ensure that the schedule is planned with enough flexibility** to accommodate potential technical delays or to take breaks as needed.

Informing participants that they can be heard remotely

When contacting participants about the trial, they should be informed about the option of being heard remotely - when and where applicable according to national law - and how to proceed if they choose this option. Where the participants to be heard are victims, defendants or central witnesses in non-trivial criminal cases (e.g. interpersonal violence or serious offences) or where there are deemed to be risks to other persons that could affect the account of the person to be heard, it is recommended that remote hearings be held in courthouses or other professional environments (e.g. a lawyer's office).

Experts and other professionals, such as police officers, as well as participants in less serious cases, or where the risk of outside influences can be ruled out, may be heard by video link from a location of their choosing. They should, however, be instructed to ensure that they have a high-level internet connection, a quiet environment and properly functioning visual displays and sound.

Ensure remote participants understand the context of the hearing

Ensure beforehand that participants **understand the context of the hearing**, for instance, that this is a court hearing which will result in a legal decision. Measures should be taken for remote participations to be able to follow the remainder of proceedings online if they wish to do so. It is also important to ask them whether they want their **location to remain confidential**. For example, some victims may not want their place of residence to be known to the defendant. In such cases, measures should be taken to ensure that the location is kept secret, for example by removing any 'on-screen place tags' and choosing a neutral, non-identifiable setting for the hearing. Generic hearing rooms with no visible identifiers are one way to protect victims and witnesses in sensitive cases from having their location disclosed.

Ensure crime victims have access to support services when heard remotely

Crime victims must be informed about how to access **victim support services**. In some legal systems, such services are typically available in or near the courtroom, but participants joining remotely may not receive this information. Moreover, victim support services should receive information about remote participants in order to be able to offer on-site support

Preparations related to hearing locations and relevant professionals

Preparations related to the hearing locations and the professionals involved should ensure that arrangements are both **safe and well-coordinated**. If both the complainant and the defendant are to be heard remotely and the complainant has indicated that they do not wish to encounter the defendant, care must be taken to ensure that they **do not come across each other** in waiting areas or similar spaces (in cases where the defendant is not in prison), and that they are not heard remotely from the same space. A good practice is to provide separate

waiting areas or corridors for participants who wish to participate remotely.

The person attending in person should be informed in advance that when entering the courtroom, the remotely attending party's face may appear simultaneously on several screens in the courtroom. The sight may be unexpected and disturbing, and preparing for it in advance may help reduce stress.

Legal representatives deciding whether to attend in person or participate remotely should take the following into account. In general, it is advantageous for participants **to be physically in the same space as their lawyer**. If there are reasons for lawyers to be present in the courtroom while the participants they represent participate remotely, arrangements must be made to ensure that they can **communicate confidentially throughout the proceedings**, for instance in the form of a breakout room or other separate secure channels.

If an **interpretation** service is required, it should be organised in a way that best supports clear and smooth communication; **telephone interpretation, for example, has been experienced as problematic** and should preferably be avoided. **Enough time** needs to be allowed for hearings involving an interpreter, and all those present should be instructed to allow time for the interpreter to interpret. If the interpreter is not present in the courtroom, the judge should actively check that a **suitable pace of speech for translation** is being used, as this can be more difficult to notice if the interpreter is not physically present. Courts are strongly recommended to use trained professional interpreters – preferably specialised and experienced in court interpretation – given the additional complexity of remote communication. Finally, the personnel who will be **responsible for technical issues** (whether an appointed 'digi-clerk', a secretary or the judge themselves, depending on the facilities and training available) must be appointed in advance of the trial.

Checklist: Preparations before the hearing

Contact the participants beforehand to:

- ✓ Inform them about the hearing and, when appropriate, confirm how they wish to be heard (in person / remotely).
- ✓ Identify any special needs (for all participants).
- ✓ Ensure that they have access to a safe and suitable location with reliable technology.

Remote participation by non-professional parties in hearings other than minor hearings should primarily be organised from:

- ✓ Courthouses or other official venues.
- ✓ Secure and quiet rooms in prisons.
- ✓ Lawyer's offices or crime victim support agency premises, if a high-level internet connection is available.

Designate a person in charge of setting up and managing remote connections:

- ✓ This should preferably not be the presiding judge.
- ✓ Make sure to test remote connections beforehand!
- ✓ Ensure that the hearing is scheduled in such a way that the timetable is flexible.
- ✓ Check if remote participants wish to keep their location confidential.
- ✓ Take precautions: remove 'place tags', use neutral backgrounds or locations.
- ✓ Make sure that announcements made over loudspeakers in courthouses do not reveal the locations of the participants.
- ✓ Inform remote participants of their right to follow the remainder of the proceedings (when possible).

Protect victims' rights:

- ✓ Inform victims participating remotely about access to victim support services.
- ✓ Prevent that suspects and victims or witnesses do not meet at the same location to participate remotely.
- ✓ Ensure that the complainant and the defendant do not meet in waiting areas or similar spaces if either of them wishes to be heard remotely from the same premises.
- ✓ Victim support services should be informed about remote participants so that they are able to offer on-site support.

For consideration by legal representatives in remote hearings:

- ✓ Ensure that all representatives are notified in advance and can make an informed decision on whether to attend in person or remotely.
- ✓ When representatives and participants are not attending proceedings from the same location, plans should be made for how they can have confidential discussions, if needed.

Arrange for interpretation services to facilitate effective communication:

- ✓ Choose the method (on-site or remote) that best enables clear understanding between all participants.
- ✓ Avoid telephone interpretation where possible.
- ✓ Use trained and experienced court interpreters where possible.

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3. In court: active and inclusive management of court proceedings

The court should actively manage remote participation to support perceived fairness, ensuring clear communication and sustained engagement throughout the hearing. Concretely, this should be done through **clear introductions, structured speaking arrangements, and control of technical aspects** such as microphone muting and camera views to enhance interaction and immediacy. Muting participants should be treated as equivalent to restricting speech in the physical courtroom and used only on that basis. Participants should always be informed in advance that this measure may be applied.

At the start of the proceedings when opening the remote connection

Where possible, the remote connection should be **opened shortly before** the proceedings formally begin in order to verify the connection and to allow court personnel to briefly greet the participant. Verify the identity of participants as if they were physically attending the hearing. Remote participants should be given time to adjust to the remote courtroom setting, bearing in mind that remote participation is typically more abrupt than appearing in person.

Confirm that the remote participant can **see and hear properly**. Ensure that all participants in the courtroom can clearly see and hear the remote participant and request adjustments to the camera or audio where necessary. It should also be ensured that all documents, exhibits, images, video, and audio used during the hearing are accessible to remote participants, who should have the same opportunities to share media as those physically present in court. More specifically, remote participants should be able to view any **written evidence** referred to during the hearing in a way that

does not interfere with communication (for instance, by using a second screen to display documents).

When the proceedings begin, the judge should **greet the remote participant, introduce those present in the courtroom, and explain how the hearing will proceed**. This is particularly important for participants who are alone or without legal representation at their remote location. Remind participants joining remotely that there may be people present in the public gallery. Where feasible, **sweep the camera around the whole courtroom** to ensure that the remote participant has the same understanding of the situation as those present in court.

Instructing the remote participant

The instructions given to the remote participant will depend on their role and the applicable national legislation, and should be adapted accordingly. Generally, it is recommended that the judge **clearly instructs participants on the specific features of remote communication and emphasise that a remote hearing is a formal legal proceeding**. Courts are recommended to **actively verify whether any third persons are present** at the remote location.

Participants should be told they can request a break at any time and alert the judge to any difficulties – such as trouble hearing or seeing others in the courtroom. In addition, participants should be told **how they are to communicate** if they wish to do so (e.g., by raising their hand).

Before the hearing: Technical checklist

- ✓ Has the connection been tested to ensure proper sound, video, lighting, camera angle, and connection stability?
- ✓ Can everyone see and hear all participants and see/hear any evidence presented?
- ✓ Has it been agreed how the technical aspects will be managed and by whom (e.g. opening and closing connections, adjusting the camera, monitoring potential freezing of the video and ensuring that the connection remains uninterrupted)?
- ✓ Is there a backup plan / tech support / instructions for the remote participant in case the connection is inadequate or fails (e.g. a telephone line or alternative online platform)?

Improving interaction and communication in remote court proceedings

To ensure effective communication in remote proceedings, the court should **actively facilitate clear and inclusive interaction** and monitor both the courtroom and the remote feed for signs of confusion or fatigue, pausing the hearing if the sound or video quality deteriorates. At the beginning of the hearing, all participants should be **reminded to speak calmly and clearly into the microphone**.

All **legal professionals should be instructed to introduce themselves before speaking and to maintain eye contact with the camera** when addressing someone via video link. While it is natural to look at the screen when listening to others, it is advisable to look directly to the camera lens when speaking or making key points, as direct eye contact helps convey engagement and communicates attentiveness and presence.

It is important to **remain patient**, as connection or audio issues may occasionally require repetition or clarification. When participating remotely, attention should

be paid to **how one appears on screen to ensure a professional appearance**, and **whether your audio is active** to prevent private comments from being overheard in the courtroom. When both the participant and their lawyer are participating remotely, efforts should be made to ensure that they are both visible on screen simultaneously.

When addressing remote participants, the judge should **face the camera and maintain regular visual contact to foster engagement**. **Speaking turns** should be **clearly distributed**, ensuring that those participating remotely have equal opportunities to contribute to the discussion. Professionals should **allow a short pause** after a participant appears to have finished speaking before moving on or responding. This helps to ensure that the participant has had the opportunity to express themselves fully and that their contribution has not been cut short due to audio lag, connectivity issues or hesitations caused by the remote format. Judges need to ensure that remote participants understand what is happening at all stages.

Because nonverbal cues are less noticeable online, verbal feedback should be used instead of relying solely on facial expressions

or gestures. Judges need to bear in mind that their visual cues may not be seen or may be distorted, and the same is true for other participants. Moreover, judges should also **describe** other important **non-visible and non-verbal elements** of the proceedings to remote participants.

It is also important that the **people who are speaking** are visible to those connecting remotely. There are technical features which make this easy, for instance, using camera angles ('prosecution', 'defence', etc) which have been pre-set by the judge, secretary or a designated technical support person who actively directs the camera towards the speaker.

Any **inappropriate behaviour or disruptions** – whether in the courtroom or on the part of those attending remotely – should be addressed promptly and consistently, and



only one person should speak at a time to maintain clarity. If a participant is muted due to disruptive behaviour, care must be taken to ensure their legal representative can still fully follow the proceedings and that the participant's rights are protected, even when they are in the same remote location as their representative.

Subject to national law, remote participants should be reminded that **video recording, photographing or publication of any part of the hearing may be prohibited** and subject to legal sanctions, and that permission must be obtained from the court. They should also be informed that phones or other communication devices may not be used during the hearing, except with the court's permission.

Remote participants should be treated with respect, including with regard to their time allocation. Courts should strive to keep to the given schedule and to inform remote participants of any delays affecting their participation.

Courts should treat remote and in-person participants equally. Judges and court staff must make sure that those attending remotely are included in discussions and that what is happening in the courtroom is clearly explained to them.

Do not proceed 'at all costs'. It is the responsibility of the court to ensure that the proceedings are safe and fair for all, including remote participants. If there are technical issues affecting the quality of communication, or if it emerges that the participant is in a situation which raises concern about their safety or ability to focus on the proceedings (e.g., if there are other people in the participant's environment who are unidentifiable to the court, or the participant is driving a car or on a bus), **the hearing should be paused and rearranged** so that safety and technical functionality can be ensured.

Checklist for remote participation in court

- ✔ Introduce yourself before speaking and explain your role in simple language that an average person can easily understand.
- ✔ Ensure that remote participants understand that they are being heard in a formal court hearing.
- ✔ Verify the identity of the person(s) present in the remote room.
- ✔ Inform remote participants how they can request a break if they need one.
- ✔ Maintain eye contact with the camera (not just the screen) when addressing someone.
- ✔ Be patient. You may need to repeat yourself or have difficulty understanding the other person if the connection or audio quality is poor, or if there is lagging.
- ✔ Use verbal feedback rather than visual signs to communicate.
- ✔ Be aware of the location of the microphone. Remind remote participants to speak clearly into theirs and wait a little longer than usual before replying to avoid overlapping.
- ✔ Participants should adjust their camera so that their face/upper body is visible.
- ✔ When participating via video link, be aware when the audio is turned on to prevent the courtroom from inadvertently overhearing private comments.
- ✔ When the participant and their lawyer are appearing via video link, try to ensure that both are visible on the screen.
- ✔ If there are communication issues, do not proceed 'at all costs', but rather reschedule the hearing.
- ✔ At the conclusion of the hearing, inform remote participants that the session is ending, explain the next steps, and thank them for their participation.

4. Conclusion of the court proceedings

When a remote hearing concludes, courts should ensure that all participants **clearly understand the next procedural steps**, including how and when they will receive the decision or further instructions. Participants should be informed whom to contact in case they have follow-up questions related to the hearing or procedures.

At the conclusion of the hearing, the court should **inform remote participants that the proceedings are coming to an end**, summarise what has happened and explain the next steps, and thank them for their participation. Participants who

are attending remotely should be offered compensation for loss of earnings or travel expenses, when applicable.

Particular attention should be paid to victims and other vulnerable participants, who should be reminded of available support services and provided with contact details if needed. If the hearing has been emotionally demanding for the participant, it is advisable to offer them a brief opportunity to debrief – for example with their lawyer – or to refer them to appropriate aftercare or support resources.

Finally, the court should explain that the hearing **has ended and that the connection will be terminated**.

Annex 1: Data collection for the drafting of the recommendations

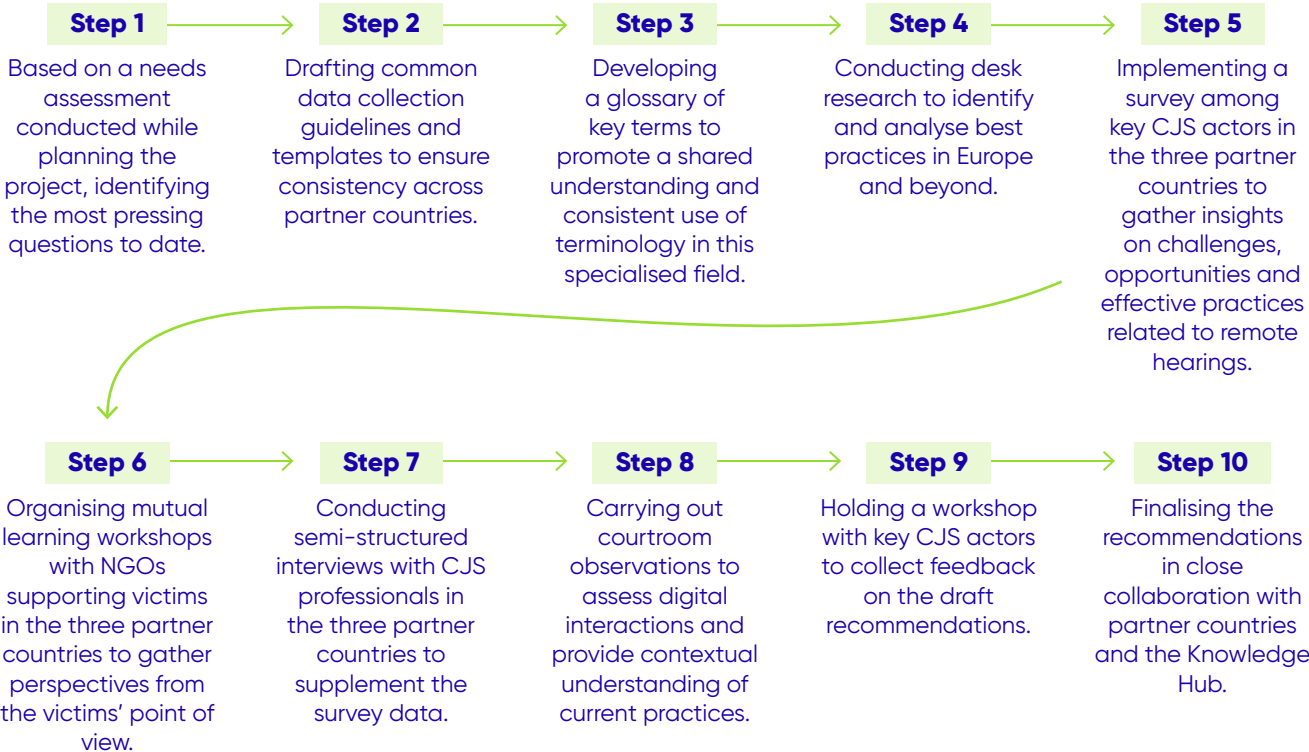
The E-ViVi project is grounded in a rights-based and victim-centred approach, combined with a firm commitment to evidence-based practices that reflect the practical needs of justice professionals. This approach was chosen to ensure that the rights of all participants (victims, defendants and witnesses) are respected throughout the judicial process.

Due to the current lack of systematically collected information on the practical experiences of digitalised justice among criminal justice system (CJS) professionals, the project undertook a comprehensive data collection using multiple methods.

The objective of the data collection was to develop a thorough understanding of how digital technologies affect interaction in the courtroom, to identify potential pitfalls and opportunities, and to highlight promising practices for the purpose of drafting recommendations, while ensuring that these are grounded in practical realities.

To ensure that diverse perspectives were represented, data was gathered from CJS professionals (judges, prosecutors and lawyers) working in the Netherlands, Finland and Sweden between May and December 2025. Non-governmental organisations (NGOs) working with both victims and perpetrators were also involved in the data collection. An international 'E-ViVi Knowledge Hub', consisting of international experts in the field, was also involved in supporting the data collection activities and commenting on the draft recommendations.

The creation of a shared knowledge base and the drafting of the recommendations included the following data collection steps:



Information on respondents:

- Survey: Tilburg, the Netherlands (N = 50), Finland (N = 89) and Sweden (N = 128), resulting in a total of 267 responses.
- Interviews: Finland (16), Sweden (9) and the Netherlands (11).
- Court observations: Finland (6), Sweden (12) and the Netherlands (5).
- NGOs/victim support providers:
Finland: Setlementti Tampere, Vuolle Setlementti, the Finnish Refugee Council, the Finnish Refugee Advice Centre, Amnesty Finland and Victim Support Finland. Sweden: Victim Support Sweden from different regional offices, in particular those in Southern Stockholm, Umeå and Stockholm–Gotland. The Netherlands: input from different victim lawyers and a Dutch victim support service.

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Their experiences and feedback were instrumental in shaping the proposed recommendations. The views expressed here do not necessarily reflect those of the contributors.

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Your notes

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