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International death and dying – avoiding the pitfalls

By David Sunderland, Chair, Plenna

Franco-Brazilian international family lawyer Liza Sant'Ana Lima, a member of the bar in Geneva, as well as in São Paulo and Paris, spoke on 27 April 2026 to Brazilians about planning for death and dying. Her insights are relevant to anyone living and working internationally.

With over 15 years' experience as a lawyer in Switzerland, divorced and without children, and with her family all in Brazil, Liza set out many of the challenges and complications faced by people living and working across borders.

Fundamentally, she emphasized the importance of making a will and drawing up advance directives in case you lose the capacity to make decisions. This includes specifying funeral arrangements. For example, except in extraordinary circumstances, the Brazilian state is not responsible for repatriating a body – something that can cost up to 12,000 Euros (also worth considering when selecting travel insurance).

Liza also highlighted that, in the absence of clear written instructions, in Switzerland non-married partners risk being excluded from inheritance. In the case of a Brazilian resident in Switzerland who dies there, Swiss law will generally govern the estate. This means that, unless a couple is married, the surviving partner may not be recognized.

An additional factor is "digital assets": not just social media accounts, but also income-generating platforms and cryptocurrency holdings. With few exceptions, national legislation has not yet evolved to provide clear guidance in what remains a grey area. Liza cited a case in Germany in which an adolescent girl died in a train accident. Access to her social media accounts was initially barred, and her mother took the case to the Supreme Court to obtain access (and to help determine whether her death had been a suicide) – after lower courts had issued contradictory judgments.

Having one's last wishes in order is therefore essential in such cases. Increasingly, social media platforms provide options for "digital legacy" settings and instructions in the event of a user's death.

Disclosure: Liza and I divorced in 2024, but given my work with Plenna she kindly invited me to join her presentation. Notably, apart from me, all 20 participants were women – suggesting a significant gender skew in engagement with death planning.

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Translation disclaimer: Content originally written in English.