

## International divorce in Switzerland

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When an international couple separates, the first questions are where proceedings can be brought and which law will govern them. Swiss courts frequently have jurisdiction over couples living in Switzerland, and they generally apply Swiss divorce law. Maintenance, pensions and property are, however, governed by partly separate rules.

### 1 Jurisdiction of Swiss courts

Under the PILA, Swiss courts at the domicile of the defendant spouse are competent for divorce proceedings. The courts at the claimant's domicile are also competent under certain conditions, for instance where the claimant has lived in Switzerland for a minimum period or is a Swiss national. Where proceedings are already pending in another country, questions of priority and the later recognition of the foreign decision need to be considered at an early stage.

### 2 Applicable law and grounds for divorce

Swiss courts generally apply Swiss law to the divorce itself. Swiss law knows divorce on joint request, where both spouses agree, and divorce on the request of one spouse, which as a rule presupposes a period of separation of two years. Fault plays no role in deciding whether a divorce is granted.

### 3 Maintenance and matrimonial property

The law applicable to post-divorce maintenance is determined under the PILA by reference to international conventions to which Switzerland is party, and jurisdiction over maintenance claims in relation to certain European states follows the Lugano Convention. The division of assets follows the law governing the matrimonial property regime, which may be

a foreign law if the spouses chose one. In complex cases, these strands are decided in the same proceedings but under different legal standards.

## 4 Splitting of occupational pensions

Entitlements in the Swiss occupational pension system acquired during the marriage are, as a rule, divided between the spouses. Deviations from an equal split are possible only under specific conditions and are subject to the court's approval. Swiss courts are generally regarded as having exclusive jurisdiction over the division of Swiss occupational pension assets, which may require supplementary proceedings in Switzerland where a divorce was granted abroad.

## 5 Recognition of foreign divorces

A divorce granted abroad can be recognised in Switzerland under the conditions of the PILA, which look in particular at the connection of the spouses to the state of the decision and at fundamental procedural guarantees. Divorces by private act, such as certain religious forms, raise particular questions and are assessed carefully. Recognition is necessary, among other things, for entries in the Swiss civil status register.

## 6 What pays off in practice

- **Assess the forum early.** The choice of where to file can influence the applicable rules and the outcome.
- **Secure financial information.** A clear overview of assets, income and pension entitlements in all countries is essential.
- **Plan for recognition.** A decree should be enforceable in every country where it matters, including for property and children.

## 7 How Ressos Legal helps

I advise spouses on cross-border divorces in Switzerland, from the choice of forum to the settlement of property, maintenance and pension claims, and coordinate with counsel abroad. [Contact me](#) for a first conversation.

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