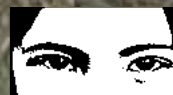


Guide to Wills

# Leave a legacy, and give children a brighter future



**Terre des hommes**

Helping children worldwide.

# Table of contents

Editorial	3
60 years of working to help children	4
Committed to working together for children	5
Make a difference through your bequest	6
Why write a will? How is it done?	7
Sample wills	9
Immediate assessment of your inheritance position	10
The key stages in writing a will	11
Inheritance law	12
Glossary	13
Your bequest in good hands	14
We look forward to hearing from you	15

“As long as one child remains hungry, sick, abandoned, in misery or in pain, whoever and wherever s/he may be, the movement Terre des hommes, created for this reason, will pledge itself to the child’s immediate and complete rescue.”

**Edmond Kaiser**, quoted in the Terre des hommes Charter, 1966

**Written and produced by:** Pascal Pittet, Louis Rötheli, Laurent Zbinden, Damien Huaux (Fundstory)

**Editors:** Pascal Pittet, Laurent Zbinden

**Layout and production:** Maude Bernardoni, Kathleen Morf

**Translation:** Charlie Bavington

**Proofreading:** Isabelle Chassé (lawyer LL.M. Tax), Isabel Zbinden

© Terre des hommes – 2024





# Create a lasting, meaningful impact

Dear donors,

Have you ever wondered how to leave a lasting impression, one that will remain after you have gone?

By making a bequest to Terre des hommes, you become more than just a supporter. You become the hope, the future, the smile of a child who, thanks to you, will be able to grow up in a fairer and more dignified world.

Our staff and local partners are building real success stories the world over. I regularly receive moving testimonials from parents telling me how their children's lives have been transformed through our work. Such stories are proof that your generosity really does change children's lives. But we cannot ignore the huge challenges confronting so many of them, including extreme poverty, lack of education, and malnutrition, to mention just a few of the realities they face that crush their potential.

The Terre des hommes Foundation in Lausanne has been working passionately for more than 60 years to build a world where every child can flourish, where all of their rights are respected. "Every child deserves to live in dignity, under all circumstances." This creed drives us, and we defend it with every ounce of our energy.

By choosing to make a bequest, you are not only writing your name in Terre des hommes' story. You are sowing a seed of hope for generations to come, leaving a legacy in the hearts of others, a legacy felt today, tomorrow and for many a long year.

Thank you, from the bottom of my heart, for believing in us and entrusting us with such an immense honour. We assure you we are totally committed to living up to the trust you place in us.

With all my gratitude,



©Tdh/E. Trezza

Barbara Hintermann  
Executive Director  
Terre des hommes Foundation

# 60 years of working to help children

For more than 60 years, children have been the reason why our organisation exists, and they are at the heart of our mission, vision and values. Children inspire us, guide us, and constantly amaze us. Their imagination is boundless, their adaptability incredible, their creativity overflowing and their resilience commands respect.

Children share their opinions with us, give us ideas, and sometimes even provide the boost we need to go yet further. Our objectives are always to afford them better protection, defend their rights and change their lives, permanently.

With children, for children, we are active in more than 30 countries, working in vital areas such as health, migration and access to justice.

## Vision

We aspire to a world where children's rights, as enshrined in the Convention on the Rights of the Child, are fully respected. A world where children can grow up protected from danger, and play a role in the changes they want to see in their lives.



## Mission

Terre des hommes is an independent Swiss organisation, neutral and impartial, founded in 1960, and dedicated to bringing about significant and lasting change in the lives of children and young people, in particular those most exposed to risks. We aim to ensure their well-being and the effective application of their rights, enshrined in the Convention on the Rights of the Child and in other instruments for the defence of human rights. To make this difference, we are focusing our efforts on maternal and child health, migrant children and young people, and access to justice. We encourage active participation by children and young people to boost their emancipation. We advocate for the full observance of their rights, and support them in expressing their needs and interests. We work in unpredictable situations and in conflict zones, as well as in more stable environments.

# Committed to working together for children



“I see the Terre des hommes Foundation as bringing hope for future generations, and by bequeathing my property to it, it is my wish that confidence in the future will continue for children facing so much misfortune in our world.”

**Anne Dafflon**, Terre des hommes Foundation legatee



“In Guinea, we are working in areas where needs are still enormous, despite the government’s efforts. Many children and young people are growing up there in difficult, sometimes extremely difficult, conditions.

When I visit communities, I am deeply moved by the positive impact of our work on the lives of children and young people. We are seeing a reduction in maternal and infant mortality, greater awareness of nutrition and hygiene, increased support for the survivors of violence, and reintegration opportunities for migrating young people. These outcomes make my commitment to and motivation towards humanitarian work all the more meaningful. And they are made possible thanks to financial support from our partners and donors, to whom we offer our boundless gratitude.”

**Levi Djiguemde**, head of the Tdh delegation in Guinea

“I play with my friends in the children’s play area. My favourite game is a building game. I like putting different pieces together and using the tools to do different things. I love coming here; we build towers and jump on balls. I’d like to come every day because it’s fun.”

**Yaroslav**, who uses a safe children’s area in a school in Mykolaiv oblast in Ukraine



# Make a difference through your bequest

## A positive, lasting change to children's lives

Children are the first victims of war, natural disasters and poverty, wherever they occur in the world. Appalled at this state of affairs, the Terre des hommes Foundation has been coming to children's aid since 1960.

We can promise you this: if you include a bequest to Terre des

hommes in your will, you will be helping to protect, support, and give a voice to the world's most disadvantaged children.

Guided by our values, day after day we pursue our objectives of protection, health, education and combating exploitation to protect children everywhere.

**Terre des hommes is Switzerland's largest children's rights defence organisation. Our health, protection and emergency programmes help more than 5 million children and members of their communities in more than 30 countries.**

## You give, we take action



**UKRAINE: CHF 10,000.-**  
Installation and maintenance of a learning centre with IT equipment and Internet access to enable children to take online courses.



**MYANMAR: CHF 50,000.-**  
Appropriate food aid for 1,000 children suffering from malnutrition.



**GUINEA: CHF 100,000.-**  
Annual medical care for 714 children in Guinea.

# Why write a will? How is it done?

Writing a will means you can organise the distribution of your estate with peace of mind, safe in the knowledge that your instructions will be followed in accordance with your wishes, and your assets shared out as you intend. A will simplifies the process and limits the potential for misunderstandings and disputes between beneficiaries.

Making a bequest to Terre des hommes can also send a bright message of hope for future generations in these painful times.

Before drawing up a will, it may be beneficial to consult a qualified professional who can advise you on the legal and tax aspects of your particular estate. Spouses do not pay inheritance tax in any Swiss canton, and children are exempt in the majority of cases. Charitable organisations such as the Terre des hommes Foundation are also exempt.

Those holding dual nationality, resident in Switzerland or abroad, should without fail seek professional advice before drawing up a will.

A number of types of wills exist under Swiss law: **holographic** (handwritten by the testator), **public**, an **inheritance agreement**, and an **oral** will.

## A HOLOGRAPHIC will:

This is the easiest way to make a will. A holographic will is one entirely written by hand, and includes the place and date it was written, and a signature. It may be written in English, or any other language, and will be accepted as such, though the competent authority will have it translated into an official language at the time of opening. If a previous will exists, it should state that the previous will is no longer valid, using, for example, the following wording: *"I hereby revoke all former wills and testamentary dispositions."*

⚠ Failure to comply with Switzerland's reserved portions of an estate does not render a will invalid. However, compulsory heirs affected may request that their reserved portions be recognised.

We recommend storing the will in a safe place, or entrusting it to a professional executor. You can also file it with a notary, or the competent official service (which varies from canton to canton).

However, this form of will does entail some risks. Using imprecise wording may result in your wishes not being followed, or leave too broad a scope for interpretation. A mistake in any mandatory terms may render the will null and void. In addition, your decision-making capacity may be called into question, as this type of will is written without witnesses.



**A PUBLIC will:**

A public will is written by a notary in the presence of two witnesses. Making use of an expert in the field ensures that your wishes are followed as closely as possible, and mistakes avoided. It should also mean, if the situation is complicated, that advice can be received on the best way to distribute the estate.

Furthermore, a notary can advise you on other aspects of your estate, such as tax and other considerations. They will also help you to overcome any technical difficulties involved in writing the will, including if you have health problems that prevent you from writing a will by hand, or if you have doubts about the wording of technical terms.

The notary will also keep your will in a safe place, which should reduce the possibility of conflict. Your will cannot be questioned because it is signed in the presence of two witnesses, which ensures that your wishes will be followed.

**An ORAL will:**

If death is imminent, a will can be made orally, with two witnesses present. The witnesses write the will down, sign it (adding the place and date) then hand it without delay to the legal authorities. This type of will is not very secure, and only possible under exceptional circumstances. The will ceases to be valid once the emergency circumstances are over.

**An INHERITANCE AGREEMENT:**

An inheritance agreement (or inheritance contract) means a number of parties organise the estate rather than one individual. It is only valid when ratified by a notary before two witnesses. A will of this type can serve to favour your chosen beneficiaries. It is very difficult to amend, or to render invalid, as it must be made before a notary and can only be modified unilaterally in exceptional circumstances.

If you so wish, Terre des hommes can put you in touch with a notary to write your will or answer your questions.



# Sample wills

## Sample wills

The names, address and figures below are all fictitious examples. You should obviously make your will personal to you. Options: you want to leave a bequest to the Terre des hommes Foundation as a:

## Sole heir

### *My will*

*I, the undersigned, Pascaline Sprunger, born 31 December 1941 in Nyon, residing at 2 St. Jakob Strasse, Basel (Switzerland) hereby make my last will and testament as follows:*

*I name “Fondation Terre des hommes – Aide à l'enfance”, of 55 route des Plaines-du-Loup, Lausanne (Switzerland) as my sole heir.*

*This version supersedes all previous wills and testamentary provisions.*

*Basel, 20 September 2024*

*Pascaline Sprunger*

## Legatee (one of multiple beneficiaries)

### *“My last will and testament”*

*I, the undersigned, François Muster, born 22 April 1962 in Thoune, currently residing at 12 rue des Condémines, Fribourg (Switzerland) make the following dispositions for the distribution of my estate:*

*1) I hereby revoke all former wills and testamentary dispositions. My descendants are to be my heirs, each to be given an equal share.*

*2) One bequest of CHF 50,000 is to be paid to “Fondation Terre des hommes – Aide à l'enfance”, of 55 route des Plaines-du-Loup, 1018 Lausanne (Switzerland).*

*3) I appoint the notary Marc Poyot, of 14 rue du Couvent, Fribourg to be the executor of my will.*

*Fribourg, 12 December 2023*

*François Muster*

## Joint heir

### *My will*

*I, Cassandre Schmidt, born in Bottens, residing at 20 Zürcherstrasse, Dietikon (Switzerland), make the following testamentary dispositions:*

*I hereby revoke all former wills and testamentary dispositions.*

*My two children, Chloé, born 28 March 1996, and Pierre, born 22 November 1992, are to receive the reserved portion of the estate.*

*I leave the available portion of my estate to “Fondation Terre des hommes – Aide à l'enfance”, of 55 route des Plaines-du-Loup, Lausanne (Switzerland).*

*Zurich, 25 September 2022*

*Cassandre Schmidt*

## Legatee of real estate

### *“My last will and testament”*

*I, the undersigned, Jeanne Millier, born 10 April 1965 in Olten, currently residing at 8 rue Jacques Gachoud, Fribourg (Switzerland), make the following dispositions to distribute my estate:*

*1) I hereby revoke all former wills and testamentary dispositions. My descendants are to be my heirs, each to be given an equal share.*

*2) I devise my apartment located at 11 Alderweg, Niderbipp to “Fondation Terre des hommes – Aide à l'enfance”, of 55 route des Plaines-du-Loup, Lausanne (Switzerland).*

*3) I appoint the notary Honoré Cruchon, in Lutry, to be the executor of my will.*

*Lausanne, 14 August 2023*

*Jeanne Millier*

# Immediate assessment of your inheritance position

Would you like to assess your personal situation?  
Terre des hommes provides a quick and easy assessment tool.

Our simulator can give you an immediate appraisal of your inheritance position. It takes just a few minutes to find out your situation, with or without a will, and the available portion of your estate.

Please click on the image below, or visit our website at [www.tdh.org/testament](http://www.tdh.org/testament), to assess your inheritance position in just a few clicks.

**Situation details** 1. Situation details 2. Result 3. Summary

**Situation details**

Please define your actual personal family situation. Which groups of people are present in your family environment? Click here to make your selection.

- Spouse or registered life partner
- Partner
- Children/grandchildren and their offspring
- Mother
- Father
- Brothers/sisters/nephews/nieces and their offspring
- Other relatives (grandparents, uncles, aunts, cousins and their offspring)

Please note: The following calculations exclude any contractually arranged agreements (marriage contract, inheritance contract etc.).

Existing heirs (marked in grey)

**NEXT**

© Terre des Hommes AG



# The key stages in writing a will

## 1. Choose an executor:

It is essential to designate an executor in your will. This person can be an heir, a friend or family member, or a professional person, e.g. lawyer, notary, banker or a trustee.

Choosing an executor avoids problems and disputes during the estate distribution process, and ensures that your last wishes are respected.

We recommend selecting a specialist for this demanding duty, so as to ensure unbiased and professional execution of the will.

## 2. Make provision for illness and accidents:

It is important to include instructions in advance and an authority to act in the event of incapacity. This ensures that your wishes are respected if you are no longer able to take decisions for yourself.

**3. Deposit the will:** To ensure that your will is found and your wishes followed, it is crucial to lodge it in a safe place. We recommend entrusting it to your executor, but you can also file it with a notary or the competent official service (which varies from canton to canton) and inform your

family of where it is held. In addition to keeping it in their possession, a notary will generally register your will with the Swiss Register of Testaments at <https://www.ztr.ch/en>.

## 4. Prepare arrangements for your death and instructions for the funeral:

Remember to write down your wishes regarding your funeral and any other instructions for after your death.

Ensure this information is written clearly and included with your will.



# Inheritance law

If you have not drawn up a will, the order of succession applies, and Swiss law determines the beneficiaries. In the first instance, this means your spouse (NB: in the remainder of this document, any reference to “spouse” is intended to also encompass registered partners) and your descendants. If there is no spouse and no dependants, the estate passes to parents and their descendants. If there are none of these either, the State inherits the entire estate.

As compulsory heirs, the spouse and descendants are always entitled to a minimum share of the estate known as the reserved portion. Such a reserved portion is not available to other members of the family. In regards to the portion of the assets outside this reserved portion (see diagram below), you are free to dispose of this as you see fit, whether in favour of family members or charitable organisations such as the Terre des hommes Foundation. Testators have had more flexibility since 1 January 2023, when the reserved portions of estates were reduced.

If you have no compulsory heirs, you can also leave your entire estate to an organisation or person of your choosing.

If you wish to change the statutory portions of an inheritance set by Swiss law, you will need to draw up a will or an inheritance agreement. Spouses, registered partners and descendants will always retain the right to a minimum portion reserved for them by law, and this can only be withdrawn in exceptional situations. Testators can distribute anything not included in the reserved portion as they wish.

The inheritance includes both assets and liabilities (mortgages, debts, fees payable in the event of death, etc.). There are a number of ways to include

persons who are not compulsory heirs in your inheritance planning.

## Designate a natural or legal person as a beneficiary

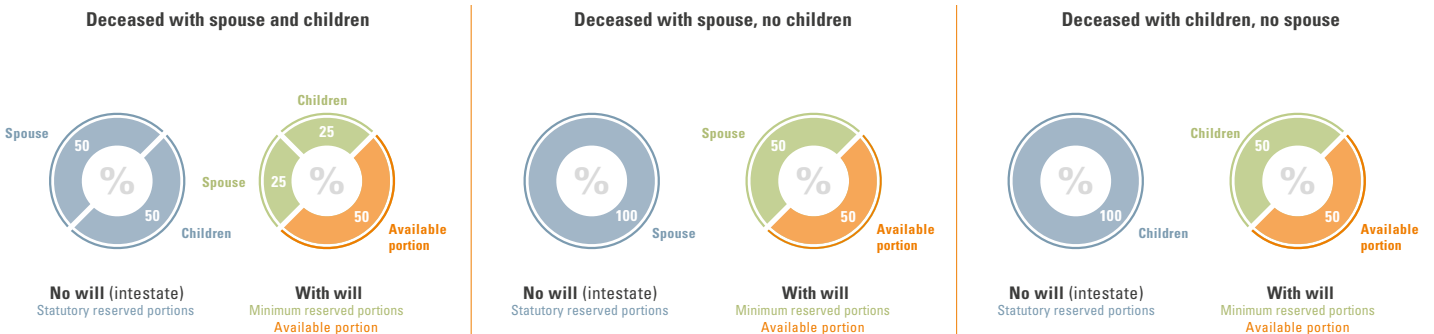
You can designate a natural or legal person as an heir in your will, and as a named beneficiary (or testamentary heir), such a person or organisation is included as an heir alongside your compulsory heirs. In such situations, it is advisable to appoint a professional as your executor, to settle any disputes and handle complicated situations in a professional and unbiased way. The heirs together share the estate’s net value once the reserved portions have been distributed, bearing in mind that this entails the heirs also share the estate’s liabilities.

## Including a bequest in your will

You can also include a specific bequest in your will, meaning a gift of money or property including real estate to an individual or an organisation. Any such bequest is capped at the available portion of the estate. Recipients of these bequests are called legatees rather than heirs; they do have a right to the property bequeathed in relation to the legal heirs. Legatees are not included in the “body of heirs” (see Glossary on the next page) and so they have no obligation to settle your liabilities. A bequest can better reflect your wishes, as everything you bequeath, provided the reserved portions are respected, will go to the cause or person of your choice.

When making a specific bequest, make the instructions as clear as possible (see example). If you have any questions, Terre des hommes can advise you, or recommend a professional to best answer your questions.

## Distributing an estate



Spouse means registered partner.



# Glossary

**To be clear about what we mean by certain terms, here are some definitions of key terms in the area of estates and inheritance:**

## **Body of heirs**

The body of heirs refers to all the compulsory heirs (those receiving at least the reserved portion) and any other testamentary heirs named by the deceased. It does not, however, include those persons (natural or legal) to which the testator has made a specific bequest of personal property or real estate (called “legatees”). All decisions regarding the estate must be taken collectively and unanimously by this body of heirs, which continues to exist until division of the estate is complete.

## **Executor**

This is the person named by the testator to execute their last wishes after their death. They must have full legal capacity. This person administers the estate and ensures it is distributed in accordance with the deceased’s wishes.

## **Heir**

This is a person who receives some or all of the assets left by a deceased person, following Swiss inheritance law or the wishes expressed in the deceased’s will. All assets and liabilities (debts) pass to the heirs by right.

## **Inheritance tax**

Inheritance tax, sometimes known as death duty, is a direct tax levied on the transfer of assets from one individual to another. In Switzerland, every canton levies an inheritance tax, except for Obwald and Schwyz. There is no inheritance tax imposed at a federal level. Tax rates, exemptions and rebates depend entirely on the canton in which the deceased resided or owned assets. Charitable organisations are generally exempt from taxes.

## **Bequest**

A bequest is a provision whereby a person bequeaths, in their will, one or more specific assets (for example, a sum of money, a property, a work of art, etc.) to one or more persons (called legatees) after their death. A bequest relates to particular designated assets, and in this way it differs from the estate as a whole. Legatees (those receiving specific bequests) are not liable for the deceased’s debts.

## **Net value of the estate**

This means all the property and rights owned by, and

the obligations incumbent on, a person at the time of their death, which will be passed on to their heirs or legatees. It constitutes the deceased’s entire estate and forms the basis for division of that estate, with the estate’s net value being equal to the value of the assets minus the value of the liabilities (the deceased’s debts).

## **Reserved or compulsory portion**

Swiss inheritance law stipulates that certain heirs are entitled to a given portion of the estate. Spouses and descendants are entitled to these reserved portions of the deceased’s estate. These reserved portions must be taken into account when writing a will. Once the reserved portions are dealt with, the remainder of the estate can be bequeathed in your will as you see fit.

## **Estate**

The name given to all the assets and liabilities that belonged to the deceased on the date of his or her death, the various components of which are inherited by the heirs.

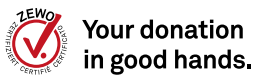
# Your bequest in good hands

Like you, we attach great importance to using bequests and legacies properly. As a result, we keep our administration costs to an absolute minimum.



Of the donations received by Terre des hommes in 2023, **80% was spent on our projects supporting children worldwide** through our health, migration and access to justice programmes. The other **20% covered the organisation's essential running costs** such as administration, communications and fund-raising, crucial expenditure to ensure top-quality, lasting work and monitoring. These proportions meet the standard set for efficient management of your donations by the ZEWO seal of approval for charitable organisations in Switzerland.

Certified by the ZEWO Foundation, Terre des hommes guarantees the conscientious, careful and honest use of the legacies and bequests you leave to us.



**Your donation  
in good hands.**

Terre des hommes is recognised as a charitable organisation by ZEWO, and Tdh endorses the good governance standards: <https://zewo.ch/en/the-21-zewo-standards>

**Terre des Hommes**  
International Federation

The Terre des hommes (Tdh) Foundation is a member of the Terre des Hommes International Federation, which covers all the similarly-named organisations in Switzerland and other countries. The Federation undertakes advocacy in Europe and internationally, including to various United Nations bodies.



Under the umbrella of the Terre des Hommes International Federation, Tdh has been certified Level 1 by Keeping Children Safe, an independent organisation that examines and audits the procedures NGOs put in place to ensure the safeguarding of the children with whom they work.

**As a recognised charitable organisation, the Terre des hommes Foundation pays no inheritance tax on any legacies or bequests made in any Swiss canton.**

# We look forward to hearing from you

Would you like to make a bequest or leave a part of your estate to help the children supported by Terre des hommes projects?

We will be pleased to advise you on how to do so.



**Laurent D. Zbinden**  
Legacies and  
bequests manager

Terre des hommes Fondation  
0041 58 611 06 81  
[bequest@tdh.org](mailto:bequest@tdh.org)  
[www.tdh.org](http://www.tdh.org)

*“Life is about sowing and harvesting. What applies in agriculture also applies in our lives – from one generation to the next. It’s not just about responsibility. What motivates me to engage on behalf of children is, above all, compassion.*

*A legacy or an inheritance is a gift, which is given to those who follow us.*

*Terre des hommes implements it for you – and it will bear fruit.*

*Thank you very much for your interest and for the trust you have placed in us.”*

We remain at your disposal to answer any questions you may have, in the strictest confidence, about making a bequest or legacy to Terre des hommes or to arrange a meeting at your convenience.

**Make a bequest and promise a future for children.**







**Every child in the world  
has the right to a childhood.  
It's that simple.**

©Tdh/Natalia Jidovanu



Siège | Hauptsitz | Sede | Headquarters  
Route des Plaines-du-Loup 55, 1018 Lausanne  
T +41 58 611 06 11, [donorcare@tdh.org](mailto:donorcare@tdh.org)  
[www.tdh.org](http://www.tdh.org), CH41 0900 0000 1001 1504 8

 [www.tdh.org/donate](http://www.tdh.org/donate)  
 [www.facebook.com/www.tdh.org](https://www.facebook.com/www.tdh.org)  
 [www.linkedin.com/company/tdh-org](https://www.linkedin.com/company/tdh-org)  
 [www.instagram.com/tdh\\_org](https://www.instagram.com/tdh_org)



**Terre des hommes**  
Helping children worldwide.