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The requirement of consent to DNA testing: Case for reform in Nigeria

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The requirement of consent is a sine qua non to DNA testing generally. It is in the main premised on the need to uphold the right to privacy as well as the right to bodily self determination. The importance of DNA testing cannot be over emphasized as its use over the years has metamorphosed. With advancing technology, its use as a means of procuring evidence to establish paternity of a child, resolving some immigration issues, solving crime or indeed any other form of research has however been hindered by the requirement of consent. In Nigeria, there are increasing cases of absconding fathers who avoid parental responsibility by denying paternity and refusing consent to DNA testing. This calls to question the issue of the child's right to information about his/her parentage for whatever reason may be advanced and the "Parents" right to privacy and bodily self determination exercised by withholding consent to DNA testing. This paper weighs the contrasting rights vis-a-vis the principle of "Best Interest of the Child" enshrined in the Nigerian Child's Rights Act and concludes that it has become imperative in Nigeria to enact legislation compelling any or all parties involved in such a scenario or any other to subject themselves to mandatory DNA testing in protection of the child and finally suggests reform in the form of a proposed Bill for consideration by either the Edo State government or the Nigerian National Assembly.

Biography

Elizabeth Aiwekhoe Iyamu-Ojo is a Lecturer at the University of Benin, Benin City, Edo State and is currently undergoing her PhD in the same institution with her thesis title as "Forensic Science as an Intervening Mechanism in the Nigerian Criminal Justice System". She is the Director of Community Services of the Forensic Research and Development Committee (FORDEC), University of Benin and has published several papers in reputed journals.

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